

# HEMPSTEAD HARBOR PROTECTION COMMITTEE

## FINAL MEETING MINUTES

Meeting of January 13, 2010  
Sea Cliff Village Hall – 7:00 pm

**NOTES:** Items Requiring Action are ***Italicized and underlined in Bold.***

**Present:** Bill Clemency (Flower Hill and Chair); Eric Swenson (Director); Pasqua Dziadul (Sands Point); Victor Mora (Roslyn Harbor); Dan Maddock (Sea Cliff); Aldona Lawson (Oyster Bay); Kevin Braun (North Hempstead); Jeff Ziev (North Hempstead), Ken Arnold (Nassau County); and Carol DiPaolo (Coalition to Save Hempstead Harbor)

### Call to Order

Eric Swenson called the meeting to order shortly after 7:00 pm and explained that Bill Clemency would be arriving a little late due to other conflicting meetings (note: Bill arrived about 15 minutes later).

### Approval of Minutes of November 18<sup>th</sup> and December 10<sup>th</sup>

The minutes of the November 18<sup>th</sup> and December 10<sup>th</sup> meetings were approved at this meeting. Kevin Braun made the motion and Aldona Lawson seconded it. They were approved unanimously.

### Announcements, Reminders, & Upcoming Events

2010 Meeting Dates – Eric distributed additional copies of the following 2010 meeting schedule (subject to change):

DATE	DAY	PLACE
January 13	Wednesday	Sea Cliff
February 24	Wednesday	Sea Cliff
March 17	Wednesday	Sea Cliff
April 14	Wednesday	Sea Cliff
May 26	Wednesday	Sea Cliff
June 16	Wednesday	Sea Cliff
July 14	Wednesday	Sea Cliff
September 22	Wednesday	Sea Cliff
October 20	Wednesday	Sea Cliff
November 17	Wednesday	Sea Cliff

Comments on DEC Phase II Stormwater Permit Requirements – Eric reminded the Committee that January 15<sup>th</sup> is the deadline for comments to DEC. He also distributed copies of the joint comments prepared by the Hempstead Harbor Protection Committee and the Manhasset Bay Protection Committee on behalf of the 18 local governments that are represented by the two Committees. Dan Maddock complimented the two Committees on the quality of the comments.

Kickoff Meeting of the Proposed Oyster Bay / Cold Spring Harbor Protection Committee – Aldona mentioned that on January 19<sup>th</sup> the Town of Oyster Bay will hold a kickoff meeting for a proposed Oyster Bay / Cold Spring Harbor Protection Committee at 7:00 pm at Oyster Bay Town Hall. Elected officials from 18 local governments have been invited to attend and speakers will include Eric Swenson from the HHPC, Jennifer Wilson-Pines from the MBPC, Dennis Mildner from NYS DOS, Karen Chytalo and Sarah Deonarine from NYS DEC, Tim Kelly and Loretta Dionisio from Nassau County, Louise Harrison from U.S. Fish and Wildlife Service; Pat Aitken and Barry Lamb from Friends of the Bay; and Lisa Ott and Jane Jackson from the North Shore Land Alliance.

Meeting with NC's Bond Act consultants on Scudder's Pond Improvements – Eric noted that on January 21<sup>st</sup>, he and Dan Maddock will be meeting with Nassau County's bond act consultants to discuss progress and payment procedures for the Scudder's Pond project.

Meeting with North Shore Country Club regarding Scudder's Pond improvements – Eric also noted that on January 22<sup>nd</sup>, he, Dan Maddock and Mayor Kennedy will be meeting with the new owner of the North Shore Country Club (Donald Zucker) and his staff to discuss the current alternatives for the Scudder's Pond improvements.

Blueway Trail from Hempstead Harbor to Oyster Bay and Cold Spring Harbors – Eric announced that the Town of Oyster Bay has been awarded a NYS EPF grant for creation of a Blueway trail from Hempstead Harbor to Oyster Bay and Cold Spring Harbor. This will tie in with the Town of North Hempstead's blueway trail from Hempstead Harbor to Manhasset Bay.

Close out of DiNapoli member item grant (website) – Eric announced that he will be closing out one of the DiNapoli member item grants for the website.

Articles in the December Village Bulletin – Eric mentioned that in December, the (Sea Cliff) Village Bulletin included two articles – one on water monitoring grant and one on “5 Simple Things You Can Do to Save Hempstead Harbor”. He thanked Dan Maddock for his efforts and encouraged other villages to follow suit.

Letter of Support sent for North Shore Land Alliance EPA grant application – Eric mentioned that the Committee had sent a letter in support of the grant application for watershed education along Cedar Swamp Creek. This project was approved by the Committee last year.

### **Long Island Sound Study CAC and Watershed Work Group**

Eric, Aldona and Carol attended the quarterly meeting of the Long Island Sound Study Citizen's Advisory Committee (CAC) on December 10<sup>th</sup> in Stamford, CT and reported that there was much excitement regarding the significant increase in Congressional funding for Long Island Sound for the coming year (over \$7 million as compared to about \$3 million this year). Eric reported that the amount of funding could have gone either way – the House bill earmarked \$15 million while the Senate bill called for \$3 million. Special thanks was given to those municipalities that sent letters urging the Senators from New York and Connecticut to match the House. From the list presented at the CAC meeting, it appears that all of the letters were from HHPC members. This may well have been “the straw that broke the camel's back” in terms of the outcome! Carol DiPaolo mentioned that she raised the issue again with the Policy Committee of trying to develop a consistent annual source of funding for water quality monitoring programs rather than continually having to be subject to competitive grants. She pointed out that the EPA had recently conducted a Program Evaluation of the Long Island Sound Study and its programs and among its findings was a statement that EPA encourages the continuation of water quality monitoring programs as a core support program for the Clean Water Act. Eric noted that he had written to Mark Tedesco, Director of the Long Island Sound Study Office to reiterate the need for regular funding of these programs separate from the grant process.

### **Nassau County Soil & Water Conservation District**

Kevin Braun reported that a Board meeting was held on December 18<sup>th</sup> and that Nassau County had approved funding for 2009 in the amount of \$50,000.00. Ken Arnold raised the question as to why the county should solely bear these expenses and not the Towns or villages that also benefit from the District. Kevin pointed out that Soil and Water Conservation Districts exist in all counties in the state and that historically, Nassau's funding has come from the county. Eric reported that he and Aldona attended a

planning subcommittee meeting on January 8<sup>th</sup> and that when the subcommittee reviewed all of the work anticipated for the District over the next year, it became obvious that priority should be given to hiring at least a part time Conservation Technician to assist the District Manager. Kevin indicated that the District would need to review its funding before making such a commitment.

### **2010 Member Dues Proposal**

Eric reminded the Committee that pursuant to the Inter-Municipal Agreement (IMA) that the Committee is governed by, the proposed annual member contributions (dues) are required to be introduced each January and each municipality be given at least 60 days to review the proposal before finalizing them. He distributed the following three documents:

- Proposed Year 2010 Local Dues Contribution
- HHPC Budget Status Report (as of January 13, 2010)
- HHPC Current Activities Update (dated January, 2010)

He pointed out that the level of dues would remain the same as for the past three years. The City of Glen Cove's contribution would be \$7,425; the Towns would each contribute \$9,900; the Villages would each contribute \$4,950 and the County would contribute \$30,525. The Committee will adopt dues at its March 17<sup>th</sup> meeting. Eric noted that with respect to the Budget Status report, it should be noted that not all projects may be completed during 2010 and thus the grant revenues and expenses associated with those projects will be realized during 2010. The Committee agreed that the proposal was sufficient to be released and distributed to the municipalities for their review.

### **Municipal Updates**

Town of North Hempstead – Kevin Braun reported that the Town is working to complete the last section of wetland restoration between the winter and spring. They are also awaiting permits to complete 2 miles of shoreline trail. It has been over 8 months since they submitted their permit applications. The Town will be meeting on January 22<sup>nd</sup> with its consultant on the blueway trail (Nelson and Pope). The next step will be to have the advisory committee meet. Finally, the Town plans to install about 100 storm drain inserts this year – some of which will be in the Hempstead Harbor watershed.

Village of Sea Cliff – Dan Maddock reported that the village has put in a new parking lot at the Village Beach and is expanding the beach pavilion including the kitchen service area and providing more seating under the pavilion. There will also be an Arts Gazebo which could include art shows. Security cameras have been added at the Boardwalk and the beach. The Board of Trustees also approved the Buildout Analysis Plan and the Mayor will be reaching out to the Town of Oyster Bay to coordinate on strategy to implement it.

Town of Oyster Bay – Aldona Lawson reported that the Glenwood Landing Amenities study is being moved to a higher priority, although the consultant, Cashin Associates, has been working all along on it. The next step is the formation of an advisory committee.

Village of Roslyn Harbor – Victor Mora stated that the village is considering the idea of creating a village park. They do not have the land at present but are looking at the various options. In addition, he reported that there is an abandoned boat that floated down by the viaduct.

Village of Sands Point – Pasqua Dziadul reported that the Village is celebrating its centennial this year. They will be holding a wine and cheese event on January 22<sup>nd</sup> at the Village Club. There will be a parade on Memorial Day. At some point there will be an historic house tour. There is no new news on the Land's End development. The property has been put back on the market for \$ 30 million and that an adjoining parcel is also up for sale. Together, these parcels comprise about 20 acres.

Nassau County – Ken Arnold reported that the Bond Acts are moving along and that information is available on the county's website under the DPW section. He reported that their offices have moved to the Cedar Creek Sewage Treatment Plant in Wantagh and that just three days before the move, Dan Fucci's office trailer caught fire due to a faulty heating unit. Ecology and Environment, the county's consultants, will be conducting an outfall reconnaissance in Hempstead Harbor to verify the outfall information on the county's GIS system (which was the product of an earlier HHPC grant). Ken also brought up the issue of proposed municipal inspection of septic systems under the draft stormwater permit requirements. He stated that under the state's Property Maintenance Code, if a municipality

inspects a septic system, it also must ensure that the system is maintained. He pointed out that since there are currently no standards for maintenance, it is unclear as to how a municipality can enforce this.

City of Glen Cove – no one present this month.

Village of Flower Hill – nothing to report this month.

Village of Roslyn – no report this month.

### **Water Quality and Monitoring Programs**

Carol DiPaolo reported that 2009 Program is nearing completion. She is gathering the information for Fuss and O'Neill for the Annual Report and it will be the same format as the 2008 Annual Report. She noted that the additional bacteria sampling in the lower and mid harbors produced some unexpectedly negative results. It is unclear yet as to whether these bacteria are primarily of human or animal origin. They were consistent enough, however, to pretty much rule out any shellfish openings in these areas in the near future. Nassau County Health Department has a grant to use a new type of RNA testing which tests for bacteroids (which make up most of the flora in a human gut) which can help shed some light on whether the bacteria are human or animal in origin. This may prove helpful in Scudder's Pond. Since it even picks up dead cells, it would not be too useful around a sewage treatment plant outfall. The Health Department may be able to take some samples in or around Hempstead Harbor as part of this grant. For the 2010 program, she is proposing to verify the location of outfalls in the harbor. She estimates the cost of the program to be \$55,000 and suggests that we apply for a Long Island Sound Futures Fund grant in that amount. This would represent an increase of \$10,000 over the 2009 amount. Eric stated that in the past, the Committee agreed to be responsible for the costs in the event that a grant is not obtained. Carol pointed out that the grant awards are normally made in September or October and that if we were not to be awarded, she could scale back the program at that time. A proposal was then made to apply for a grant in the amount of \$55,000 but that the Committee would only be liable for up to \$45,000 if a grant is not obtained. A motion was made by Aldona and seconded by Dan. All were in favor.

### **Scudder's Pond Subwatershed improvements**

Eric reported that the Village's agreements with Cashin for Scudder's I and II were extended by the Village until March 2011 and that we are still awaiting the agreement with the state for Scudder's III. He also mentioned that the only thing preventing the closeout of the original Scudder's grant is the one component that called for installing a number of different types of storm drain retrofits and then sampling the influent and effluent of each during six rain events. This component has never gotten far because of logistical problems with being able to sample from the effluent points within the storm drains. Eric discussed conceptually with the NYS DOS about re-directing the funds for that component (about \$14,000) toward one or more unfunded or un-matched components of the Scudder's I, II and III grants or toward the water monitoring program. DOS was initially receptive but would need to obtain higher approval. The Committee supported the concept.

Eric passed around a set of drawings showing the alternatives being proposed by Cashin as part of the final design. These will be discussed with the new owners of the North Shore Country Club on January 22<sup>nd</sup>. If the club has no objections, we will then seek to meet with DEC before scheduling a public meeting.

### **Powerhouse Drain Subwatershed Plan**

Eric mentioned that Cashin is continuing its work on the plan.

### **Other Items**

None.

The meeting adjourned at about 9:30 pm

**NEXT MEETING:** Wednesday, February 24<sup>th</sup> at 7:00 pm at Sea Cliff Village Hall