

HEMPSTEAD HARBOR PROTECTION COMMITTEE

FINAL

MEETING MINUTES

Meeting of March 16, 2011
Sea Cliff Village Hall – 7:00 pm

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

Present: Bill Clemency (Flower Hill - Chair); Eric Swenson (Director); Jim Moriarty (Oyster Bay); Fred Pollack (North Hempstead); Tom Powell (Sea Cliff); Kevin Braun (North Hempstead); Megan Loeb (North Hempstead); Len Shaw (Roslyn); Dan Maddock (Sea Cliff); John Mirando (Sea Cliff); Pasqua Dziadul (Sands Point); Joel Ziev (North Hempstead); Carol DiPaolo (Coalition to Save Hempstead Harbor); Rob Crafa (Oyster Bay / Cold Spring Harbor Protection Committee); Patricia Aitken (Friends of the Bay)

Call to Order

Bill Clemency called the meeting to order shortly after 7:00 pm.

Welcome to Rob Crafa who is the new Coordinator of the Oyster Bay / Cold Spring Harbor Protection Committee. Patricia Aitken, Executive Director of Friends of the Bay joined the meeting a little later.

Review and Approval of Draft Minutes of Meeting of January 12, 2011

Kevin Braun provided a minor correction to the minutes and then moved to accept the meeting minutes of January 12th. Dan Maddock seconded the motion. The minutes were approved unanimously.

Announcements, Reports, Reminders, & Upcoming Events

Eric announced the following:

Dan Maddock's Retirement – In recognition of Dan's pending retirement from the Village of Sea Cliff in April, the Committee took up a collection and presented Dan with a card, a cake, gift "coins" to Pirandello restaurant and a booklet with reproductions of old original Sea Cliff post cards. Eric pointed out that since the Village of Sea Cliff serves as the host for most of the Committee's grants, he and Dan have worked on an almost daily basis for many years and that Dan's retirement will be a real loss to the Committee. Dan thanked the Committee and remarked that over the years he has worked with many committees and that he is proud that the HHPC is one that achieves its goals. He mentioned that Village Trustee Tom Powell will replace him as the official representative to the Committee and that DPW Director John Mirando will be assuming many of his day-to-day administrative responsibilities, including those that involve the Committee. Thank you again Dan!

Oyster Bay / Cold Spring Harbor Protection Committee - the Oyster Bay / Cold Spring Harbor Protection Committee has hired Rob Crafa to serve as its first Coordinator under a Long Island Sound Futures Fund grant administered by the Town of Oyster Bay. Rob has extensive experience, having served as Executive Director of both Friends of the Bay and The Waterfront Center (both Oyster Bay not-for-profits). He has also served as a Coastal Resource Specialist with the NYS Department of State and currently serves as the Director of Waterfront Programs for SUNY Maritime College. Eric has been elected as Chair of the Committee and Pat Aitken as Vice Chair.

Hempstead Harbor Shellfish Opening - the NYS DEC has published its notice that it intends to re-classify approximately 2,500 acres of Hempstead Harbor as open to shellfish harvesting. Public comments will be accepted through April 25th. If comments are received, the DEC will then have to respond to those comments. The date of the actual opening will depend on the number and types of comments DEC receives and how long it takes them to respond to the comments. The DEC's best guess at the opening date is June 15th. Eric stated that this is an historic milestone for the harbor and should be celebrated appropriately. Bill Clemency suggested that a subcommittee be formed. Kevin Braun

volunteered to serve with Eric on the subcommittee [note - after the meeting Jim Moriarty also volunteered]. Eric mentioned that he has been in touch with Jennifer Smith, Newsday's environmental writer and has suggested that she do a story on how much the harbor has improved since Newsday's six page article in October 1971 entitled "Who's Killing Hempstead Harbor".

NYS DEC Stormwater Design Manual Workshop – Eric, Kevin Braun and John Mirando all attended this all-day workshop on March 1st. The purpose was to explain the new green infrastructure requirements that have been added to the state's stormwater design manual and to give attendees hands-on experience designing a site with green infrastructure. The event was in such demand that the DEC had to hold two sessions to accommodate everyone.

Center for Watershed Protection Webinar – Earlier that day, Kevin Braun and Eric attended a screening of the two hour webinar held at Cornell Cooperative Extension in Riverhead. The seminar focused on various types of constructed wetlands – the pros and cons and costs of each. There were about 20 in attendance at this location.

Long Island Sound Futures Fund Grants – Eric stated that the deadline for grant submissions is March 18th and that he had inquired as to whether water-monitoring grants would be eligible. The National Fish and Wildlife Foundation (which administers the grants) and the EPA Long Island Sound Study Office (which provides the funding) both replied that such grants are eligible and encouraged the Committee to apply. Since the deadline is only two days from the meeting, Eric took the liberty of preparing an application. The application covers the basic annual monitoring that was performed last year (without the QAPP revision component). For further discussion, see *Water Quality and Monitoring Programs* below.

Long Island Sound Day – This first time event will be held on April 2nd from 10:00 to 4:00 (with a rain date of April 3rd). The event is being sponsored by the Theodore Roosevelt Sanctuary in Oyster Bay under a grant through the Long Island Sound Futures Fund. The idea behind the day is to have many different organizations sponsor many different events all on the same day and all geared around Long Island Sound and its embayments. At present, 13 organizations are participating. The Committee will have a booth along with the Manhasset Bay Protection Committee, the Town of Oyster Bay and others.

Small Farm Conference – This event is also a first-time event and will be held on April 15th at SUNY Old Westbury from 8:30 to 4:30. It is sponsored by North Shore Land Alliance with help from the Nassau County Soil and Water Conservation District.

Long Island Envirothon – this annual event sponsored by Canon and run on Long Island by the Nassau and Suffolk County Soil and Water Conservation Districts will take place on April 26th from 8:00 to 2:00 at the Old Bethpage Village Restoration. Eric will serve as a presentation judge again this year.

Town of North Hempstead EcoFest – will take place on May 14th & 15th at Clark Gardens from 10:00 to 4:00. The committee will have a booth. Len Shaw volunteered. **Additional volunteers are needed for one or both days.**

Port Washington HarborFest – will be held on June 5th. The Committee will have a booth. Set up times are 6:00 to 10:00 and the public hours are 10:00 to 5:00. **Volunteers are needed.**

HHPC Meeting Schedule – the Committee's October meeting has been changed to October 12th.

NWEA / DEC Wastewater Treatment Poster Contest – a local high school student from Glenwood Landing, James Butt, has won first prize in a statewide poster contest sponsored by the New York Water Environment Association and the NYS DEC. The contest revolved around wastewater treatment. James decided before he even entered the contest that if he won, he would donate the winnings (\$50.00) to the Committee. His poster will hang in every sewage treatment plant in the state. Congratulations and thank you James!

Roslyn Viaduct – the southern portion (eastbound) lanes opened in November and the gantry crane has been removed. Traffic is still confined to two lanes in each direction while work continues to connect the two halves of the bridge and construction continues on the median divider and pedestrian sidewalk.

NYS DEC Phase II Annual Report Forms – The new annual reporting forms can be found at: <http://www.dec.ny.gov/chemical/43150.html#Forms>. Very little change has been made from the 2010 forms but the new forms must be used. Reports due June 1st. **Eric will prepare the Committee's annual report to its member municipalities.**

2010 Member Dues Status

Eric mentioned that all members have now paid their 2010 dues. Nassau County's check for 2010 was received by the Village of Sea Cliff earlier that day.

Proposal to Partner with SoundWaters for Public Engagement Sails in 2012



Eric received a request from SoundWaters to partner with them for “public engagement sails” in 2012 in the event that the organization receives a Long Island Sound Futures Fund grant that they are applying for. This Stamford-based not-for-profit operates a schooner tall ship by the same name. They hope to conduct sails for persons of all ages and would like to include one or more stops in Hempstead Harbor. As a partner, we would work to publicize the sails (for which the public would pay a fee to be determined) and would be given a number of free spots on the boat and the opportunity to give a part of the presentation. The Committee unanimously endorsed the proposal. **Eric will provide a letter of support (intent to partner) to SoundWaters.**

2011 Member Dues and Budget Discussion

Eric mentioned that the Committee had received a letter from Nassau County DPW Commissioner Sheila Shah-Gavnoudias dated February 23rd advising that the County's fiscal situation prevents them from paying dues to the Committee this year and that they hope to be able to resume payments in 2012. The letter did not state an intent to withdraw from the Committee. In anticipation of such a letter, several representatives from the Committee as well as the Manhasset Bay Protection Committee met on January 24th with Nassau County Legislators Wayne Wink and Judi Bosworth in Legislator Diane Yatauro's office. The Legislators all expressed their support for the Committees and the county's continued funding. Eric then requested a meeting with the Legislature's Majority Leader Peter Schmitt and was turned down due to the funding situation. The Committee felt the need to convey the importance of this situation to Legislator Schmitt and to Deputy County Executive Rob Walker. **Eric will continue his efforts to obtain a meeting with Legislator Schmitt and will also seek a meeting with Deputy County Executive Rob Walker.**

Discussion then shifted to approval of the proposed 2011 Committee dues structure as proposed at the January meeting. After discussion, a motion was made by Kevin Braun to adopt the 2011 dues as proposed at the January 12th meeting. Len Shaw seconded the motion and it was passed unanimously. **Eric will send out invoices to the member municipalities.**

Nassau County Soil & Water Conservation District

Kevin Braun reported that the District held another Phase II sediment and erosion training session on March 8th at Old Bethpage Village Restoration. The District is also producing a video on stormwater management which will include a You Tube video. They are also assisting the North Shore Land Alliance

with developing the Small Farm Conference and helping to organize the upcoming Long Island Envirothon. The District will also be participating in Long Island Sound Day.

L.I. Sound Study CAC Update

Eric, Carol, Joel and Jim attended the CAC's quarterly meeting in New York City on March 10th. It was held at the offices of the Interstate Environmental Commission. Most of the meeting was devoted to a review of the nearly-completed Sound Vision framework and 2-year action plan that are being completed for Citizen's Advisory Committee of the Long Island Sound Study by Save the Sound. Carol DiPaolo stated that the plan is an attempt to review and update the priorities established under the 1994 LISS Comprehensive Conservation and Management Plan (CCMP). The Sound Vision framework will result in a plan that takes a thematic approach to addressing priority areas and setting action agendas

The Sound Vision framework has 7 focuses:

- Protect and restore water quality
- Protect and restore wildlife and biodiversity
- Assure public access and acquire open space
- Foster and maintain navigability and multiple uses of public waters
- Protect and restore vital habitats
- Maintain healthy watersheds
- Foster public engagements

After a description of the plan and its concepts, the CAC voted to support conceptually both the Sound Vision framework and the CAC Action Agenda.

Carol reported that in response to the CAC's recommendation that citizen monitoring programs be made a priority for base funding (rather than being subjected to annual competitive grants), the Long Island Sound Study's Management Committee set up a task force to develop the mechanism for the ongoing funding of such programs. The task force is being spearheaded by Pete Sattler of the Interstate Environmental Commission. Pete and the task force prepared an outline of a proposal that would be submitted to the management committee for developing the program over the next year and sought input from Carol DiPaolo (who has been advocating for this for many years). Carol then arranged a conference call on February 16th between her and the Committee (Eric), MBPC (Jennifer Wilson Pines) and Friends of the Bay (Pat Aitken) to discuss and provide comments on the outline that Pete prepared. Carol then compiled the comments and sent them to Pete. At the CAC meeting, Pete distributed his recommendations but it appears that several of the comments made as a result of the conference call were not included. The proposal requests \$100,000 - \$150,000 and would develop the framework over a one-year period from October 1, 2011, to September 30, 2012, or beyond as appropriate. One particular comment that was unchanged but prevalent throughout the proposal was the reference to funding "volunteer" monitoring programs. Carol pointed out that many programs started out as strictly volunteer programs spearheaded by not-for-profit organizations but have evolved out of necessity to be more than simply volunteer-based. She and the others on the conference call feel that funding should not be limited to strictly volunteer programs but rather should be focused to support programs that work to achieve the goal of monitoring the local bays around Long Island Sound.

Federal funding for the Long Island Sound Study (and the grants administered through the Long Island Sound Study Futures Fund) continue to be largely unresolved. The only federal funding (for anything in the nation) at present is through temporary continuing resolutions. The current resolution provides funding through March 18th. The most recent budget proposal from the House (H.R. 1) cut funding for Long Island Sound from \$7 million to \$3 million (approximate figures). Yesterday, the Senate voted down all budgets. Sean Mahar from New York Audubon is in Washington at present advocating for such funding. The Long Island Sound Restoration Act expired at the end of last year and has not yet been reauthorized. The Long Island Sound Stewardship Act expires this year. Last year the Long Island Sound Futures Fund was funded at \$3 million. It is possible that it could go as low as \$500,000 this year.

Another CAC Action Agenda item this year was to provide funding for dredging projects. Joel Ziev co-chairs the committee. The Management Committee will be meeting on the budget on April 21st.

Municipal Updates

Roslyn – Len Shaw reported that the Village has submitted an application to the NYS DEC for a permit to repair the bulkhead at the Lumber Road municipal parking lot. The bulkhead along the rear of the Gristmill will not be included since the Gristmill is owned by the County. The project includes a storm water retention area for capturing sediment as well as a landscaped public walkway and benches along the edge of the bulkhead.

Sea Cliff – Dan Maddock mentioned that construction is about to begin on a 20 foot expansion of the Village Beach pavilion. The kitchen will be expanded and an arts gazebo will be added where musical events, poetry readings and similar events can be held. In addition, construction is also about to begin on the exterior of Village Hall. The NYS Department of State has given the go-ahead to file for permits for the Scudder's Pond restoration work and the Village Attorney is working on the necessary easements between the Village and the North Shore Country Club as well as with adjacent homeowners.

North Hempstead – Kevin Braun reported that the Town has received a permit from the Army Corps of Engineers for the extension of the shoreline trail and that the Town expects to go to bid in the next few months. They are also conducting the surveys necessary for the installation of storm drain inserts which are being funded by the Nassau County Environmental Bond Act. The Town is also considering sponsoring a local event to celebrate the pending shellfish opening of the harbor. Kevin stated that the Town strongly feels that the shellfish opening should be available to recreational shellfishing and not just commercial shellfishing and that he has been unable to learn whether they will be able to do so. The Committee concurred with the need for the area to be open to all shellfishers. Since the waters in question are over state-owned underwater land, only NYS DEC has jurisdiction to regulate shellfishing.

Eric will check with NYS DEC and advise the Committee. [note: subsequent to the meeting, Eric was advised that recreational shellfishing will be allowed and that no state permit is required. Recreational shellfish harvesters will be held to the same limits as commercial shellfish harvesters. See the following section of these minutes for further discussion.

Oyster Bay – Jim Moriarty mentioned that the Town will be holding its annual dune planting at Tobay Beach on Saturday, March 19th at 10:00 am. Volunteers are welcome. In addition, he noted that the NYS DEC is once again entertaining the possibility of winter conditional shellfish openings. In order to be able to do so, a sufficient number of samples must be taken. The Town is assisting the NYS DEC in Oyster Bay Harbor by collecting these samples.

Sands Point – Pasqua Dziadul reported that demolition has begun at the Lands End property in order to make way for the construction of six homes. At present the garages have been demolished.

Flower Hill – Bill Clemency noted that he had nothing to report.

Glen Cove – no representative present. [note – Bill Archambault sent a note indicating that he had just been released from the hospital and was unable to attend].

Nassau County – no representative present.

Roslyn Harbor – no representative present.

Shellfish Opening update

The NYS DEC published a notice in the State Register on March 9th (<http://www.dos.state.ny.us/info/register/2011.html>) of its intent to re-classify approximately 2,500 acres of Hempstead Harbor as open to shellfish harvesting and seeking public comments. The public comment period will remain open until April 25th. If any comments are received (negative or positive), the NYS DEC will then address them and then publish the opening date. At this time, the best guess as to an opening date is June 15th. As previously stated in these minutes, a subcommittee consisting of Eric,

Kevin and Jim will work on an appropriate event to commemorate the opening. Eric mentioned that the City of Glen Cove has sent a letter to the DEC praising the opening but questioning whether bacteria levels at Crescent Beach were included in the calculations of the open area. Crescent Beach has been closed since June of 2009 due to high bacteria levels. Note that the standards and methods used for testing for beach closures and shellfish closures are different and are handled by different agencies. **Eric, Kevin and Jim will work on an event to commemorate the shellfish opening.**

Glen Cove Creek Sewage Spill

On the evening of March 10th, a power failure at the Glen Cove Wastewater Treatment Facility led to a spill of untreated sewage into Glen Cove Creek. The circumstances appeared similar to the spill that occurred on June 26, 2010, although the quantities were considerably less this time. It appears that the plant operator notified the NYS DEC, the Nassau County Department of Health and the Glen Cove Harbormaster but as with the last spill, no notification went to the Village of Sea Cliff or to the Glen Cove Mayor's office. Note that since the meeting, the Committee has been advised by the NYS DEC that the plant operator estimated that 89,373 gallons of untreated sewage overflowed into Glen Cove Creek during the event. The county, which operates the plant, has offered to send the Committee a copy of the spill report although no copy has been received as of the writing of these minutes.

Water Quality and Monitoring Programs

Carol DiPaolo stated that she is still working on completing the 2010 program. Working with Fuss & O'Neill, she is close to completing the revisions to the Quality Assurance Project Plan (QAPP) which will then be sent to US EPA for review and approval. She is also working on completing the annual report.

In accordance with the approval given at the January meeting, she is preparing for the 2011 program which will be virtually the same as the 2010 program without the QAPP revision component. As mentioned earlier in these minutes, this program is eligible for funding under the Long Island Sound Futures Fund and Eric prepared a grant application which must be submitted by March 18th. The application reflects the 2011 program and requests \$40,000 in funding. The Committee approved the filing of the grant application. **Eric will file the grant application.**

Coastal Signage Project

Eric brought one of the original coastal interpretive signs to the meeting that Kevin Braun had recently found in a storm drain pipe along the harbor. It was one of two that had apparently washed away during a storm over a year earlier. A third had been stolen. The recovered sign was scratched and Eric cleaned it up as best as he could. He did some research on replacing the signs and asked the Committee for direction. The options are:

- Replacement of the sign(s) with new signs. The estimated cost for each new sign from Fossil Industries is \$399.00. This includes the mounting hardware and new 12 color high definition sign but not the sign post(s). Fossil has the original artwork on file.
- Re-use the old sign with new mounting hardware. The estimated cost is \$117.00. This would only apply to the sign that was recovered.

Eric suggested that this might be a good use for the \$2,355.61 that was contributed to the Committee from the North Shore Environmental Network when they dissolved or for the \$50.00 gift from James Butt. After discussion, Kevin Braun made a motion that we should replace all three signs with new signs and that we should use the Committee's regular funds for doing so. Bill Clemency seconded the motion. The motion carried with one person opposed. That person felt that we should not entertain this until our funding situation improves. The Committee felt that the contribution funding might better be spent on our celebration event for the shellfish opening.

In a related matter, Eric mentioned that he has received an offer from Paul Singer of Paul Singer Design to re-design the 8 signs that the Committee submitted to NYS DOS for approval in March of 2008 so that we could fabricate these on our own and install the signs. He is willing to do this for the \$1,200.00 that we are required to withhold until the NYS DOS gives final approval. The Committee questioned what this would mean in terms of our grant funding. Eric replied that it would likely mean that the state would not reimburse us for its 50% share of the project costs. Eric could not recall at the time the total amount of the grant *[note: it is \$50,000]*. Bill questioned how much the Committee has vouchered for to date. Eric indicated that he had not submitted any vouchers at this point. The Committee suggested that Eric submit a voucher to be reimbursed for our expenses to date. **Eric will submit a voucher for reimbursement.** *[note: the voucher was submitted on March 22nd]*

Phase II Stormwater Compliance Plan

Eric reported that he has met with Eileen Keenan of New York Sea Grant / NYS DEC and received her comments on the draft Phase II Stormwater Compliance Plan. She provided many comments and Eric is revising the draft based on those comments.

Scudder's Pond Subwatershed Improvements

Eric mentioned that the NYS DOS has approved the revised designs (alternate #4) for the project and given the go-ahead to file for permits. The Committee, the Village of Sea Cliff and Cashin Associates met with the North Shore Country Club on March 2nd to discuss the status of the project, the anticipated construction schedule, logistics for the construction (staging area, dewatering area, access, etc.) and any temporary and permanent easements needed. The largest need is for an area to dewater the dredge material. The most likely location is the same location that was used in the 1980s although this area is now used for storage of brush and logs. The club is looking into this. Both the Committee and the club prefer that all work be done between the fall and the spring. The Village Attorney is working on the easement issues. Cashin is continuing its finalization of the construction drawings and the permit process.

Powerhouse Drain Subwatershed Plan

Cashin Associates is addressing the comments provided on January 7 by Carol DiPaolo and the Committee on the 2nd draft submission. They are awaiting any comments (if any) from NYS DOS. Cashin will be contacting them. For the coordinated ordinances component they are continuing work on the last three first-draft reports; reviewing comments received for the Sea Cliff and Flower Hill reports. They will revise and resubmit updated draft reports. Cashin is still awaiting comments from Sands Point and Roslyn Harbor. Pasqua Dziadul believed that the Village Attorney was asked to review the document. **Pasqua will check with Village Hall on the status of their comments.** Eric has requested the status from Roslyn Harbor but has not received a response. **Eric will follow-up with Roslyn Harbor** to see if they have any comments.

Other Items

There were no other items.

The meeting adjourned at approximately 9:15 pm

NEXT MEETING: April 20, 2011 at Sea Cliff Village Hall