

HEMPSTEAD HARBOR PROTECTION COMMITTEE

FINAL

MEETING MINUTES

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

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

Present: *Bill Clemency (Chair / Flower Hill); Eric Swenson (Director); Kevin Braun (North Hempstead); Megan Loeb (North Hempstead); Len Shaw (Roslyn); Pasqua Dziadul (Sands Point); Jim Moriarty (Oyster Bay); Tom Powell (Sea Cliff); Bill Archambault (Glen Cove); John Mirando (Sea Cliff); Victor Mora (Roslyn Harbor); Joel Ziev (North Hempstead) and Carol DiPaolo (Coalition to Save Hempstead Harbor)*

Call to Order

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

Approval of Minutes

Kevin Braun moved to approve both the draft minutes of the June 29, 2011 meeting. Bill Clemency seconded the motion. They were approved unanimously.

Announcements, Reports, Reminders, & Upcoming Events

Eric announced the following:

SoundWaters Visit – due to Hurricane Irene, the visit of the schooner SoundWaters to Hempstead Harbor that was scheduled for August 30th had to be postponed. The new date will have not yet been determined. The event was organized to publicize the recently-adopted *Sound Vision Plan* for the Long Island Sound. The 41 seats on the boat filled quickly and a press conference and 10 educational displays were planned for August 30th. The agenda for the rescheduled event is still being discussed. Eric distributed copies of the Sound Vision brochure and requested that members assist in distributing them. Elected officials that had signed up for the sail included New York State Senator Jack Martins, Nassau County Legislator Robert Troiano, Sands Point Mayor Edward Adler, Glen Cove Mayor Ralph Suozzi, Sea Cliff Mayor Bruce Kennedy, Sea Cliff Trustee Tom Powell and Bill Clemency.

Long Island Sound No Discharge Zone Designation – on September 6th, the U.S. EPA and the NYS DEC announced that a 760 square-mile area of Long Island Sound is now a “no discharge zone,” which means that boats are completely banned from discharging sewage into the water. EPA reviewed DEC’s proposal to establish a no discharge zone for New York areas of the Long Island Sound and determined that there are adequate facilities in the Sound for boats to pump out their sewage. Boaters must now dispose of their sewage at these specially-designated pump-out stations. This action is part of a joint EPA and New York State strategy to eliminate the discharge of sewage from boats into the state’s waterways. Discharges of sewage from boats can contain harmful levels of pathogens and chemicals such as formaldehyde, phenols and chlorine, which have a negative impact on water quality, pose a risk to people’s health and impair marine life. EPA reviewed numerous public comments on its tentative determination for the establishment of a no discharge zone, which was proposed in April 2011.

The no discharge zone for the Long Island Sound includes the open waters, harbors, bays and navigable tributaries of the Sound and a portion of the East River from the Hell Gate Bridge in the west to the northern bounds of Block Island Sound in the east. The waters of Mamaroneck Harbor, Huntington-Northport Bay Complex, Port Jefferson Complex, Hempstead Harbor and Oyster Bay/Cold Spring Harbor Complex have been previously designated as no discharge zones. To read EPA's final determination or for more information about no discharge zones, go to <http://www.epa.gov/region02/water/ndz/index.html>.

Public Hearing on RXR / Glen Isle Waterfront Development FEIS – on September 20th, the City of Glen Cove Planning Board will hold a public hearing on the Final Environmental Impact Statement for the proposed RXR / Glen Isle Waterfront Development project along the north side of Glen Cove Creek. The hearing will begin at 8:00 pm. Unless the deadline is extended, written comments on the document will be accepted until September 30th, 2011, or 10 days following the close of the public hearing, whichever is later. Eric has a copy of the FEIS and is reviewing it to determine if prior comments submitted by the Committee have been adequately addressed. Bill Archambault reported that the applicant has scaled back the size of the project (including the height of the buildings) but has kept nearly the same amount of open space which far exceeds the amount that is required. He noted that at least the initial building or buildings will be wood frame construction which limits the height itself. He noted that unless the applicant funds infrastructure improvements that the city's water district currently only has the capacity to accommodate the smallest workforce housing component.

Sea Cliff Mini Mart – the event will be held, rain or shine, on Sunday October 2nd. The Committee will have a double booth across from Village Hall. Eric will be away at a conference but Jim Moriarty and Tom Ryan from Oyster Bay will staff the booth. Others are encouraged to also help out.

Disk Cleanup Report – Nick Acampora of NYS DEC provided Eric with a report on the status of cleanup of the 21 million+ plastic disks that escaped from a Westchester County sewage treatment plant in Mamaroneck in the spring. Eric passed around a summary sheet that shows that the county's contractor (Veolia) removed 183,645 disks between April 15th and May 25th from Long Island beaches. Of these, about a third (62,500) were from Hempstead Harbor which was the most affected waterbody. Mr. Acampora is checking with Westchester officials to determine if additional cleanups will be undertaken. Eric requested that any washed up disks continue to be reported to him so that he can relay the information to NYS DEC.

Tropical Storm Irene Reports

Carol DiPaolo and Jim Moriarty reported that they found surprisingly little debris in the water or damage along the waterfront. The worst they found were two floating plastic Adirondack chairs. Victor Mora reported that Silver Lake in Roslyn had overflowed into the municipal parking lot and that workers were pumping the water into a nearby manhole. Carol also reported that the Sea Isle site at the mouth of Glen Cove Creek was under water and that Shore Road by Tappen Beach was flooded. She expected that Scudder's Pond became a salt water pond during the storm event. She noted that just prior to the storm, dissolved oxygen levels at some of the stations in the harbor were "crashing" but that the storm resulted in oxygen levels returning to normal.

2011 Member Dues Status

Eric reported that all members have paid their 2011 dues with the exception of Nassau County. The Deputy County Executive has, however, reportedly agreed to contribute toward capital improvement projects costs that are not currently covered by grants. The amount of that

contribution is roughly equal to the amount of dues that the county owes pursuant to its HHPC Inter-municipal agreement. Eric has prepared a voucher and is awaiting approval to submit it. He had spoken to Dan Fucci earlier in the day and was assured that the payment was still working its way through the county's approval process. **Eric will follow up with Nassau County.**

Nassau County Soil & Water Conservation District

Kevin Braun reported that the District will be holding another workshop on Phase II sediment and erosion control on October 25th from 9:00 to 1:00 at the Old Bethpage Village Restoration. Kevin stressed that contractors, inspectors and municipal officials should undergo this training. Eric distributed flyers for the training. Kevin also reported that the District will be holding a rain barrel sale this fall but needed to check on the details. **Kevin will find out the details and send them to the Committee.**

Long Island Sound Study Citizens Advisory Committee

Eric reported that although the CAC has not met since the Committee's last meeting, the CAC will be meeting tomorrow (September 8th) in New York City. Carol DiPaolo has been asked to open up the meeting with a discussion of her observations while on the water this summer and on the impacts of Tropical Storm Irene.

There will be a proposal to convene a meeting of the CACs from all six of the National Estuary Programs within EPA Region 2. It is recommended that a three hour facilitated strategy session focusing on communications be held in NYC. The overall theme would be "communications" with emphasis on examples that would include 1) responsible lawn care to reduce nutrient pollution, 2) estuary economic valuation, and 3) how to best coordinate a communications strategy. Phone and video conference options will be offered.

Also the Long Island Sound Study Nonpoint Source Work Group, of which Eric and Jennifer Wilson Pines are representatives, has prepared a list of five items that require funding and need to be prioritized. Eric responded to the work group that he thought that the development and funding of a coordinated water monitoring program was a priority but didn't find it listed. He pointed out that there is little sense pursuing the other priorities unless there is a mechanism to monitor their effectiveness. Jennifer also expressed a similar opinion.

Carol reported that the Interstate Environmental Commission has hired a person to fill part of Pete Sattler's position.

Eric, Carol, Jim and Joel will be attending the NYC meeting.

Municipal Updates

Roslyn - Len Shaw reported that the village is preparing bids for the replacement bulkhead behind the gristmill. He also reported that the George Washington Manor has been sold and that the new owners have changed its name to Hendrik's (after the original owner Hendrik Onderdonck) and have been restoring the building with a new roof and new exterior paint color (beige).

Oyster Bay – Jim Moriarty reported that the Town has hired the firm of Nelson, Pope and Voorhis to develop the Hempstead Harbor to Oyster Bay / Cold Spring Harbor Blueway Trail. Eric mentioned that Billy Joel even showed up at the Town Board hearing to voice his support

for the trail. Jim also mentioned that the Town will be holding a beach cleanup in Oyster Bay at Theodore Roosevelt Park on September 17th.

North Hempstead – Kevin Braun mentioned that the Town’s consultant was putting the finishing touches on the Blueway Trail map and that it should be completed within the next few weeks. He also stated that another meeting of the Blueway Trail Steering Committee may be held even though it is not required under the grant. He stated that the input from the steering committee was invaluable and suggested that anyone putting together a contract for such design in the future consider having multiple meetings.

Nassau County – no one present.

Sands Point – Pasqua Dziadul announced that about a third of the village (500 homes) lost power during Tropical Storm Irene and that a lot of big old trees came down. She heard that the Harbor Acres portion of the village was particularly impacted. It was unknown at this point what the impact to the private beach was – which is heavily impacted during “normal” storm events.

Sea Cliff – Tom Powell stated that the village is considering installing some catch basin inserts at the request of Mayor Kennedy. The Mayor suggested that they be installed near his home so that he could personally monitor them! This prompted a discussion on the effectiveness of the catch basin inserts. Bill Archambault stated that they installed a number on East Island (a/k/a Morgan Island) which had pathogen filters and found that they clogged after the first major storm and then ceased to function. Once these were converted to ordinary sediment filters, they have performed without incident. Bill Clemency noted that Flower Hill installed hundreds of them and that they perform well as long as they are maintained (i.e. sediment removed on a regular basis). Kevin Braun noted that Nassau County and the Village of Freeport have also installed many and that they are working fine. It was pointed out that all have built-in overflows to prevent flooding.

Roslyn Harbor – Victor Mora reported that the village is rebuilding many of its catch basins.

Glen Cove – Bill Archambault mentioned that the city installed another 52 catch basin inserts a couple months ago and that they will soon be dredging Mill Pond and installing a forebay to prevent it from silting in again. They will also be restoring a section of Cedar Swamp Creek. All of this is being done with Nassau County Environmental Bond Act funding.

Flower Hill – Bill Clemency reported that the village also had a lot of old trees come down but is pretty much back to normal.

Shellfish Opening

Eric reported that following the meeting of all marine enforcement agencies on June 20th, buoys were placed around Crescent Beach in order to better define the closure area. Eric is checking with the enforcement agencies to determine whether these survived the tropical storm and are still on their locations.

Carol DiPaolo and Jim Moriarty stated that on their weekly monitoring surveys they have observed that commercial shellfish harvesters are still working the beds but in fewer numbers than observed in the first weeks following the opening of the shellfish beds.

Eric reported that the state has no numbers of the commercially-harvested shellfish from the harbor. Due to short staffing, the state has not even compiled the 2010 levels yet.

Concern had been expressed at the June meeting about over-harvesting in light of the fact that the state diggers permit does not have any restriction on harvest quantity. State officials felt that their hands were pretty much tied since their regulations are state-wide and cannot be applied to individual bays. Kevin felt that there must be a way that the state can prevent this. At the June meeting Eric mentioned that the Committee had an intern, Daniel Corda, who was working on collecting more hard data on the shellfish situation and that he would have him research other states to see if any of them have a mechanism for preventing over-harvesting. Unfortunately, Mr. Corda found a job in the Albany area soon after beginning his work with the Committee.

Eric reported that he researched the approach taken in other states and found that nearly all follow the same approach as New York – that commercial harvesters are allowed unlimited catches as long as they are legal size and taken within certain hours of the day. Most of the areas which regulate the number of shellfish harvested are local Towns, especially in Massachusetts. Eric has spoken to Bill Hastback who stated his belief that the state would never give up its jurisdiction to Towns to regulate shellfish harvesting in state waters. He did point out that in the past the state had established limits on the take of surf clams and that the only way to do this is to do a population survey in order to reasonably assess the sustainable harvest level.

At this point, Mr. Hastback stated that the state does not have the resources to conduct a population survey but that the state could utilize a population study done by others (such as that done by the Town of Oyster Bay in the past) if it were designed correctly. Mr. Hastback cautioned however, that he would need to first determine whether the state even has the regulatory authority to establish such limits.

Discussion then ensued on what role the Committee could play in protecting these populations. Carol suggested that harvesting be limited to a particular season. Other suggestions were to have a portion of the state permit fees go toward re-seeding shellfish beds and to have each municipality take turns monitoring the harvest activity. Kevin expressed his opinion that it would be difficult for municipalities to justify spending Town funds to seed state shellfish beds. After considerable discussion, it was decided that **Eric will compile a list of issues which can be sent to state elected officials**

2010 and 2011 Water-Quality Monitoring Programs

Carol DiPaolo reported that she is still working on the 2010 report. She apologized for it being late this year and stated that it was due to the work on revising the QAPP and some personal issues that needed to be resolved. She reported that conditions have returned to normal following Tropical Storm Irene. Over the summer, she did note some unusual events including a visit to the harbor by the Half Moon (replica of Henry Hudson's ship) on July 21st. Also, three more osprey eggs were observed on May 26 in the nest built in the sailboat in the lower harbor. Two eggs hatched and one of the young did not look like it was healthy but the parents kept feeding it and a month later it fledged. She also noted the return of a pod of 50 – 100 dolphins to the harbor in August and the appearance of an Antarctic bird, a South Polar Skua following Tropical Storm Irene. She noted that she continues to occasionally see a white milky discharge from a storm pipe in Glen Cove Creek by monitoring station # 10. Investigations so far have continued to find a source. She also noted increased activity at Nassau Redi Mix and that soil and buildings have been removed from the Glen Harbor Partners (Hin Fin) site in Glenwood Landing. Joel Ziev stated that he did not believe that the Town and the developer have closed on the site and that a one year extension was granted. Carol also noted that the DiNapoli barge operation has been moved across the harbor to the north end of North Hempstead Beach Park. Carol stated that she had contacted the town of North Hempstead to try to learn when another

meeting would be scheduled as--promised at the site-plan review meeting in August 2009 but was not given a response. Kevin Braun noted that the developer is under no obligation to hold another meeting.

Coastal Signage Project

Kevin Braun reported that the 3 replacement signs have been installed in their original locations. They were set in concrete.

Eric reported that in late July, the Town of North Hempstead received a grant agreement for the Committee's third signage grant and that the Committee needs to decide whether or not to proceed with the grant.

The grant, which would fund 4 or 5 signs, was applied for in 2007 and approved in 2008 but the state did not finalize the grant agreement until July. The grant is a \$28,000 grant, of which the state is funding \$14,000 and the Committee is matching it with \$14,000 as follows: \$4,514 with in-kind services, \$1,100 in supplies and materials, \$1,296 in volunteer labor and \$7,090 in cash. Of the \$7,090 in cash, \$3,840 would be attributable to the Director's salary expended on the project. Therefore, the cost commitment to the Committee besides the Director's salary would be \$4,940.

The Committee discussed the pros and cons of proceeding with this new grant. It was decided that the Committee wishes not to proceed with a new grant at least until the current grant is completed and payment is obtained. **Eric will advise the Department of State of this.**

Phase II Stormwater Compliance Plan

Eric reported that, as time allows, he is continuing to revise the plan to address the comments provided by Eileen Keenan of New York Sea Grant / NYS DEC .

Scudder's Pond Subwatershed Improvements

Eric reported that the current focus is on submitting the permit applications to NYS DEC so that we can obtain permits and then go to bid.

In order to file for permits, we needed to identify a spot where the dredged material would be temporarily stored and de-watered. On July 21st, we met with the North Shore Country Club (NSCC) and identified the best spot - which was the same spot used 30 years ago. However, over the last 30 years, NSCC has used that spot to dump all of its branches, tree trunks, etc. - to the point where it is a pile at least 20 feet tall. NSCC attempted to find someone to remove the pile at little or no cost and was unable to do so.

The Committee then asked whether the two Towns and the village would be willing to chip in and each remove part of the pile and incorporate it into their respective yard waste programs. North Hempstead wanted us to get assurance from the state that if there were any grant funds left at the end of the project that the state would consider amending the agreements to allow for reimbursement to the two Towns. That was done.

After discussion with the village, it was determined that the cost to the village (due to its current rate structure) would be prohibitive. The two Towns have given their OK to each take half of the yard waste and their respective Highway foremen have worked out a gameplan.

The NSCC wants to have an agreement signed to protect the club from liability. The club's attorneys have been given contacts to speak to in the two Town's Attorneys offices. Those conversations had no yet taken place.

Once all of that paperwork is in place, the two Towns can then remove the yardwaste. North Hempstead us hoping to be able to do this in early October. It is estimated to take a day or two. The village has said that it would offer a payloader and operator if they could be spared.

Once we have permits in hand, we can then go to bid on the project and begin actual work.

Both we and the NSCC prefer that this work be done between the fall and the spring. If we do not make the window this fall (which is almost certain to be the case), the construction will need to be put off until next fall.

We still need to work out temporary easements between the village and the NSCC and between the village and the adjoining homeowners.

Powerhouse Drain Subwatershed Plan

Eric reported that Cashin is nearly finished incorporating the various comments into the subwatershed plan. A hard copy final draft will be circulated to the review team and DOS for final review and comment. On the coordinated ordinances component, Cashin Associates is 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. Following the last meeting, Eric sent another copy of the report to the Village of Sands Point. To date, comments have not been received back from Roslyn Harbor or Sands Point. **Victor Mora and Pasqua Dziadul will follow-up on the reports.**

Septic System Maintenance

Eric mentioned that the Village of Sea Cliff published an article in its Village Bulletin that he wrote on septic system maintenance and encouraged other villages and municipalities to also publish it. He also reported that Friends of the Bay in Oyster Bay is interested in reviving its septic waste education program and is seeking to possibly do this as a joint effort with this Committee and the Manhasset Bay Protection Committee. Eric asked how the Committee felt about this. The Committee felt that this was a good idea. Bill Archambault requested a copy of the article as it may help the city deal with residents in the un-sewered northern portion of the city. **Eric will advise Friends of the Bay and the MBPC and will also e-mail the article to all the municipal members of the Committee.**

Discussion of Options for Poster Contest Winner

Eric mentioned that student James Butt from Glenwood Landing won first prize in the NYS DEC / NY Water Environment Association poster contest. Eric circulated his poster, entitled "The Importance of Wastewater Treatment" which features Hempstead Harbor and the Glenwood Power Station. Before James found out if he won, he decided that he would like to donate his prize money (\$50) to the Committee. Eric had sent e-mails to Nassau County DPW (which operates the Glen Cove Wastewater Treatment Facility and to Steve Fangmann, incoming president of the NY WEA to ascertain their interest in a press event but has not received responses. He asked the Committee what their preference was. The Committee decided that a

press release would be the most appropriate way to get the word out and that if there is space on the SoundWaters boat when it is re-scheduled, that James should be invited. Kevin Braun even offered to give up his seat if necessary. **Eric will advise Mr. Butt and make the necessary arrangements.**

Other Items

Joel Ziev indicated that he would be undertaking his annual flyover of the harbor and asked if anyone had any requests for photos. Eric requested that shots be taken all around Scudder's Pond so that we can properly document the conditions before construction. Carol asked for photos of the lower harbor. **Joel will take the photos requested.**

Joel also mentioned that in response to Tropical Storm Irene, the DEC and the Army Corps of Engineers are relaxing their usual permit requirements in order to assist landowners with their recovery efforts. He expressed his fear that some people may seek to take advantage of this and make major modifications to their shorelines. He suggested that **all Committee members be on the lookout for abuse and that "if you see something, say something"**.

The meeting adjourned at approximately 9:45 pm

NEXT MEETING: October 12, 2011 (location to be determined)