

HEMPSTEAD HARBOR PROTECTION COMMITTEE

FINAL

MEETING MINUTES

Meeting of January 11, 2012
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); Joel Ziev (North Hempstead); Len Shaw (Roslyn); Pasqua Dziadul (Sands Point); Catherine Chester (Sands Point); Tom Powell (Sea Cliff); Jaime Van Dyke (Oyster Bay); Victor Mora (Roslyn Harbor) 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

Len Shaw moved to approve both the draft minutes of the November 30, 2011 meeting. Tom Powell seconded the motion. They were approved unanimously.

Announcements, Reports, Reminders, & Upcoming Events

A Change at the Helm - Bill Clemency began by announcing that after serving for 18 years as a Village Trustee for the Village of Flower Hill (part of that time as Deputy Mayor), he has decided not to run for re-election when his term expires on May 31st. As he will no longer hold an elected position with the village, he has chosen to step down as Chairperson of the Hempstead Harbor Protection Committee, a post that he has held for so long that he could not recall offhand how many years. He would remain as Chair until the end of May in order to help ensure an orderly succession to a new Chair. He further mentioned that he had spoken with Village of Sea Cliff Trustee Tom Powell and that Tom was willing to serve as the new Chair if the Committee saw fit to elect him. Bill pointed out that he has been with the Committee since its inception in 1995 and was elected as its Chair when the Committee's first Chair, former Sea Cliff Mayor Ted Blackburn retired from office and felt that it is important to have an elected official serve as Chair as that gives comfort to the elected officials of the nine member municipalities.

The Committee expressed its heartfelt thanks to Bill for his many years of service to the Committee and his thoughtful guidance through many projects and accomplishments. Bill stated that he has been involved with many organizations over the years but that he particularly enjoyed his involvement with the Committee because of its cohesiveness and ability to get things done.

A Change among the Crew – Pasqua Dziadul announced that she has decided to relinquish her position as the Committee's representative from the Village of Sands Point but wishes to remain on our email list to keep up with our projects. Pasqua has served on both our Committee as well as the Manhasset Bay Protection Committee and has decided that she would prefer to scale back and only remain on the Manhasset Bay Protection Committee. She also introduced Catherine Chester as the Village's replacement representative. Ms. Chester has lived her entire life within the Hempstead Harbor watershed and has been a long time Sands Point resident. Her father worked in the sand mines and she spent a lot of time on the harbor as a youngster. The Committee thanked Pasqua for her many years of service (which

were preceded by her husband Ed). The Committee also welcomed Catherine and looks forward to working with her.

Eric then announced the following:

Joint Septic Education (“CESSPOOL Project”) grant - the grant application (previously described in the October minutes) was submitted to the NYS Department of State by the Town of Oyster Bay on October 31st and awarded in full on December 8th by Governor Cuomo. The partners on the application are the Town, the three protection committees and Friends of the Bay. The project team is still awaiting the grant agreement but the project has already generated some press including a December 20th *Newsday* article and a January 4th article in the *Locust Valley Leader*. In addition, the National Fish and Wildlife Foundation had requested information in order to forward it to share it with another Foundation.

Joint Meeting of 3 Protection Committees – the first-ever joint meeting of the Manhasset Bay, Hempstead Harbor and Oyster Bay / Cold Spring Harbor Protection Committees will take place on February 27th from 7:00 to 9:00 pm at Bryant Library in Roslyn. Eileen Keenan from NY Sea Grant / DEC will be the keynote speaker who will address recent developments in the state’s stormwater permit requirements.

Glenwood Power Station Demolition – LIPA , on behalf of itself and National Grid have prepared an Environmental Assessment Form for the demolition of Plants 2 and 3 of the Glenwood Power Station and the relocation of the high voltage overhead transmission lines. The large brick building will be removed along with the two generators immediately to the south of the building. A substation, a fuel oil tank and the two older gas turbines at the southern end of the property will remain. They state that there are no future plans for the site at this point. The project is expected to start in April and take two years to complete.

Copies of the EAF and joint comments provided by the Town of Oyster Bay and the HHPG can be found on the Hempstead Harbor website. Comments provided by the HHPG include relocation of the existing Peregrine falcon nest on the stacks of the brick building, the impacts of noise on the nearby nest sites for osprey, the timing of the temporary closing of the waterway under the transmission lines so as not to interfere with water sampling and boating and the future use of the cooling system, among others.

SUNY Maritime Safety At Sea Seminar – On April 14, SUNY Maritime College will be holding a “Hands On Safety At Sea” seminar. Details can be found at:
<http://www.sunymaritime.edu/documents/2012/1/4/SASseminar2012.pdf?mid=56>

Federal Funding for L.I. Sound – In late December, Congress approved \$3.962 million in funding for the Long Island Sound Study in FY12. Though lower than the \$5.3 million received in FY11, this is \$1.3 million more than originally proposed by the House and will keep the water quality and habitat restoration work of the Study moving forward. A total of 60 organizations and municipalities signed onto the letter of support including 8 or the 9 Hempstead Harbor municipalities. Of the 60, 24 were from the jurisdiction of the three protection committees. These letters definitely help.

Also in late December, the long-awaited Long Island Sound Restoration and Stewardship Act was introduced in both the Senate and House. A streamlined version of our original enabling legislation, this bill contains retains authorized funding levels for both the Restoration and Stewardship Acts (up to \$40M and \$24M respectively) and adds other improvements that will allow us to do an even better job protecting the Sound in the future. We may need to send letters to see this bill passed in 2012!

With respect to FY13 funding, the Long Island Sound Study CAC and the NY and CT Audubon Societies been working with the Congressional LIS Caucus to urge President Obama to include \$7 million in funding for LIS in his FY13 Budget Request expected in early 2012. Our lawmakers have drafted a letter to the Administrators of Office of Management and Budget and EPA and are working to get the entire LIS Caucus signed on in support of this request.

Brown Pelican spotted at Execution Rocks – On December 30th, *Newsday* reported that a brown pelican was spotted at Execution Rocks off Sands Point. The article included a photo of it at this location. Maybe he came to see the osprey, Peregrine falcons, diamondback terrapins, Bald Eagle and South Polar skua which have also been spotted in our harbor!

Save the Sound 2011 State of the Sound Report – the Connecticut-based organization Save the Sound published its 2011 State of the Sound Report on December 28th. It gave the states of New York and Connecticut a “C+” for their efforts at protecting Long Island Sound. The full report can be found here: http://www.ctenvironment.org/PDFs/State_of_the_Sound_Report.pdf

Sewage Spills in the Harbor – Nassau County Department of Public Works reported raw sewage spills in Glen Cove occurring on December 16th (10 – 15 gallons), December 18th (40 – 50 gallons) and January 11th (30 – 40 gallons). The first two were reportedly due to grease clogs in the sewer line. The latest report cited “grease, paper and roots” as the cause.

Dishwasher Detergent and Nutrient Runoff Law – On January 1st, a provision of this New York State law took effect which, among other things, prohibits fertilizer use between December 1st and April 1st and limits application near waterbodies. It is primarily designed to protect upstate freshwater lakes from excess phosphorus but will also help our coastal waters to some extent. The law can be found here: www.dec.ny.gov/chemical/67239.html.

L.I. Sound Futures Fund 2012 Grant Announcement – the 2012 round of grants is expected to be announced in late January or early February with applications due in early to mid-April. The National Fish and Wildlife Foundation, which administers these grants for the Long Island Sound Study, is expected to include on-site septic system education as one of its priorities.

EPA Green Infrastructure Forum – the US EPA will be holding this forum at the Marriott Marquis in NYC on February 7th in conjunction with the New York Water Environment Association’s 84th Annual Meeting. To attend, please RSVP to Ms. Delores Wilson at Wilson.delores@epa.gov or call (212) 637-3882.

13th Annual Organic Turf and Tree Show – the Neighborhood Network will be holding this event on Wednesday, February 29th at SUNY Farmingdale. For more information or to register, go to: http://neighborhood-network.org/events/trade_show_register.htm.

Bring Back the Natives Grant Opportunity – the National Fish and Wildlife Foundation has announced a grant opportunity to restore, protect and enhance the populations of certain native fish species. They prefer proposals that address certain listed species and which are located adjacent to or within federal lands. More information can be found here: <http://www.nfwf.org/AM/Template.cfm?Section=Search&CONTENTID=22406&TEMPLATE=/CM/ContentDisplay.cfm>.

2010 and 2012 Water-Quality Monitoring Programs

Carol DiPaolo reported that an addendum would be prepared for the 2010 annual report which will include the nitrate and nitrite data. Somehow, it did not make it into the report.

For the 2012 program, Carol mentioned that she has had discussions with Eric and with Pat Aitken from Friends of the Bay in order to explore ways in which to enhance the current monitoring program so as to qualify for 2012 Long Island Sound Futures Fund funding. An initial thought was to try to collect samples that would help identify problems associated with onsite septic systems and thus tie-in with the C.E.S.S.P.O.O.L. Project. Unfortunately we have been unable to identify any testing methods that fall within our approved QAPP which could give us definitive results regarding septic system contamination. In addition, this has also proven to be difficult given the uncertainty over the status of the Nassau County Department of Health Laboratory which processes the bacteria samples that are collected. Some of the staff at the lab were laid off in December due to the county's fiscal problems and another round of layoffs is expected in February. It is unknown at this point if the February layoffs will affect the lab. If they don't, it is likely that the county will be able to continue to run our samples as they have in the past. Given these circumstances, it appears unrealistic to expect the lab to provide additional services to us. Carol feels that the best option would be for the Committee and Friends of the Bay to each request funds (over and above the usual request for the monitoring effort) that would allow both Carol and Pat to provide input to the consultant that is expected to be hired shortly to design the overall framework for citizen monitoring around Long Island Sound. Since our two programs are among the longest-established in the Long Island Sound estuary, their input could greatly benefit the development of the overall program.

Tom Powell asked if samples could be taken in streams further inland within the watershed to help quantify any problems with onsite septic systems. Eric pointed out that our QAPP (EPA-approved protocols) do not address this type of sampling and therefore the grant could not fund them unless we first modified our QAPP.

Kevin Braun also suggested that perhaps additional samples could be taken in the area of the re-opened shellfish beds. Carol pointed out that these would need to be run by the Nassau County Health Department and that asking them for additional lab time at this time would be difficult. Further, since we already know where the bacterial problems in this area lie, collecting additional samples would be of limited value.

A four-way conference call has been scheduled for Friday, January 13th with Lynn Dwyer of the National Fish and Wildlife Foundation to discuss the 2012 program and our situation and ideas.

Kevin Braun stressed the need to collect more data on the shellfish harvesting in order to help ensure that we can maintain a sustainable shellfish population and suggested that we keep our eyes out for potential grant sources. He also mentioned that following the Committee's request, the DEC was able to provide some harvest data from the June 1st opening up to October 2011. Those data are here:

TOTAL SHELLFISH LANDINGS REPORTED* FOR HEMPSTEAD HARBOR (NS1) as of 10/12/11

JUNE 2011

| little neck | top neck | cherry | chowder | big | steamers | oysters | mussels |
|-------------|----------|--------|---------|-------|----------|---------|---------|
| 475705 | 26363 | 270280 | 4475 | 15597 | 3020 | 380 | 465 |

JULY 2011

| little neck | top neck | cherry | chowder | big | steamers | oysters | mussels |
|-------------|----------|--------|---------|--------|----------|---------|---------|
| 550490 | 103519 | 117600 | 5430 | 115880 | 375 | 300 | 650 |

AUGUST 2011

| little neck | top neck | cherry | chowder | big | steamers | oysters | mussels |
|-------------|----------|--------|---------|------|----------|---------|---------|
| 275220 | 9597 | 70460 | 2000 | 4713 | 0 | 2960 | 0 |

SEPTEMBER 2011

| little neck | top neck | cherry | chowder | big | steamers | oysters | mussels |
|-------------|----------|--------|---------|------|----------|---------|---------|
| 182562 | 12360 | 46200 | 750 | 6068 | 0 | 515 | 0 |

TOTALS (individual clams, oysters or mussels)

| little neck | top neck | cherry | chowder | big | steamers | oysters | mussels |
|-------------|----------|---------|---------|---------|----------|---------|---------|
| 1,483,977 | 151,839 | 504,540 | 12,655 | 142,258 | 3,395 | 4,155 | 1,115 |

BUSHELs (based on NMFS conversions)

| little neck | top neck | cherry | chowder | big | steamers | oysters | mussels |
|-------------|----------|--------|---------|-------|----------|---------|---------|
| 2,473 | 759 | 3,363 | 126 | 1,185 | 67 | 20 | 20 |

TOTAL BUSHELs OF HARD CLAMS = 7,906

*reported to DEC by shellfish shippers

Eric mentioned that the last time that the Town of Oyster Bay conducted a shellfish density survey of the harbor was in 2008 and that the Town generally re-surveys its bays every few years. He will look into possibly doing a re-survey in 2012, possibly connecting that effort to a 2012 Long Island Sound Futures Fund grant that would also collect the data that could help gain a better understanding of the shellfish situation.

Eric stated that in order to retain the Coalition to Save Hempstead Harbor (Coalition) to carry out the 2012 water monitoring program, it is necessary for the Committee to pass a resolution so that an agreement can be drawn up between the Village of Sea Cliff and the Coalition. He suggested that, as in the past, that the Committee approve an appropriation of up to \$40,000.00 for this program which would only be used in the event and to the extent that grant funding is not secured. He also suggested that the resolution include the authorization to apply for grant funding in excess of the \$40,000.00 provided that the funds for the excess amount be met by the grant with no additional financial liability to the Committee.

Kevin Braun stated that in order for the Committee to approve an authorization to apply for a grant that we would need to know the total amount of the grant (including the Committee's in-kind match). Since those figures are not known at this point and since the Committee will be meeting again before the grants are due, he suggested limiting the resolution at this point to the retaining of the Coalition for the water monitoring and holding off on any resolution regarding the grant application. The Committee agreed by consensus with this approach.

MOTION: Tom Powell moved that the Committee authorize the expenditure of up to \$40,000 for retaining the Coalition to Save Hempstead Harbor for the 2012 Water-Quality Monitoring Program on the condition that the funds only be used to the extent that grant funding is not obtained. Len Shaw seconded the motion and the resolution was unanimously approved

2012 Member Dues

Eric mentioned that he and Bill had reviewed the Committee's financial situation and recommended that the 2012 dues levels remain at the same level that they have been since 2006. These are as follows:

City - \$7,425
Towns - \$9,900 each
Villages - \$4,950 each
County - \$30,525

TOTAL 2012 DUES: \$82,500

Eric reminded the Committee that under the terms of the inter-municipal agreement, dues are proposed in January and each member municipality has 60 days to review them and decide whether or not to pay them and remain a member or withdraw from the Committee. Following

the 60 day period, the Committee will then vote to adopt the dues. That vote will take place at the Committee meeting on March 14, 2012. He also reminded the members that the Committee will work with any municipality that operates on a fiscal year other than a calendar year. In those cases, payment can be made following the beginning of the fiscal year.

MOTION: Kevin Braun moved that the Committee adopt the proposed dues as suggested. Bill Clemency seconded the motion and the resolution was unanimously approved

SoundWaters Visit

Eric reported that SoundWaters has proposed to bring their schooner to Hempstead Harbor on June 22, 2012

They proposed to arrive on the morning of June 22 and stay through June 23 if they have enough sails scheduled. Their 2012 shipboard program will focus on the current conditions of habitats and water quality of Long Island Sound. The passengers will have an opportunity to examine the animals aboard and participate in hands-on activities associated with understanding the effects of floatables and hypoxia. They hope the participants will enjoy their time on the Sound while embracing some stewardship actions that they can take at home, at work, in school and in the community to protect species, habitats and water quality of the Sound.

They offer these sails at a discounted price of \$20 per person (thanks to a NFWF grant subsidy) and can take up to 40 passengers on board (no children under 5 years old) per sail. In addition they are offering 5 free spots to the Committee to address the passengers on a sail with a message about Long Island Sound.

They also would like to offer a sail to the junior sailing team of the Yacht club that will be focused on nautical experience, fun and animals. It is a big hit with our local junior sailing teams. Their standard charge for Junior Sailing team program is \$1,095.00. They would like to sail during the day and in the evening each day that they are in the harbor. If necessary, they can have one week-end day with three sails: morning, daytime and evening.

Regarding last year's planned CAC event, they regretted that Tropical Storm Irene prevented them from coming to Hempstead Harbor and appreciated all of the Committee's efforts. As a result, they have offered one free of charge sail on June 22 as a token of their gratitude. We will have to discuss the details with them.

Eric mentioned that in order to make this happen, the yacht club would have to agree with the use of their facility and the Village would have to allow use of the beach parking lot for parking. The Committee expressed its interest in pursuing this. Tom stated that he believed the parking could be accommodated. **Eric will follow up with SoundWaters, the Sea Cliff Yacht Club and the Village.**

Municipal Updates

Roslyn - nothing to report.

North Hempstead – Kevin Braun reported that the Town has received permits to construct the next phase of the shoreline trail and that he is optimistic that the Town will go to bid, award a contract and complete construction prior to July 15th. On the Blueway Trail, the consultant has

been incorporating public comments and the Town is expected to release a final revised plan in the next couple weeks.

Sands Point – nothing to report.

Sea Cliff – Tom Powell noted that the Village is in the process of purchasing a used recycling vehicle to assist in the Village's recyclable collection.

Flower Hill – nothing to report.

Roslyn Harbor – nothing to report.

Oyster Bay – nothing to report,

Coastal Signage III Project

Kevin mentioned he has been in touch with Laurissa Parent of the NYS Department of State (DOS) and had reiterated to her that that the HHPC met and decided that financially and administratively, that we will not be in a position to move forward on the third signage grant until our current coastal signage grant (C006554) is completed and the funds due us are paid. Ms. Parent had previously offered to speak to others in the department regarding the lack of action on the part of DOS on our grant but has not had the opportunity to do so at this point.

Phase II Stormwater Compliance Plan

Eric reported that he completed the revisions to the plan on December 23rd to address the comments provided by Eileen Keenan of New York Sea Grant / NYS DEC and has submitted to Ms. Keenan for her further review. Assuming that she is comfortable with the revised document, it will then be sent to DOS for their final approval.

Scudder's Pond Subwatershed Improvements

Eric reported that a draft agreement between the two Towns and the North Shore Country Club has been prepared by the Town of Oyster Bay Town Attorney's Office and he has provided some recommended changes. He expects to have a draft agreement soon for review by all other parties. Once the agreement is signed, the two Towns can then remove the yardwaste. It is estimated to take a day or two. The removal will then allow for the filing of permits and bidding of the project. 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 Associates has completed the third draft of the Pollution Abatement Plan, which is the bulk of the grant. Eric has posted a link to Cashin's FTP site along with the user name and password so that review team members can view this version. It will be sent in the next couple days to DOS for their approval. Once they approve it, that component will be completed.

He also stated that he is still awaiting comments of the draft reviews of municipal ordinances from Sands Point and Roslyn Harbor.

Other Items

There were no other items.

The meeting adjourned at approximately 9:10 pm

**NEXT MEETING: March 14, 2012 (Sea Cliff). MUNICIPAL MEMBERS MUST ATTEND AS
2012 DUES WILL BE ADOPTED**