# **HEMPSTEAD HARBOR PROTECTION COMMITTEE**

# FINAL MEETING MINUTES Sea Cliff Village Hall January 7, 2015

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

<u>Attendees</u>: Tom Powell (Chair – Sea Cliff); Kevin Braun (North Hempstead); Mal Nathan (North Hempstead); Erin Reilley (North Hempstead); Eric Swenson (Executive Director); Abby Kurlender (Roslyn Harbor); Karen Reichenbach (Flower Hill); Sean Jordan (Oyster Bay); Dan Fucci (Nassau County); Peedee Shaw (Roslyn); Jim Moriarty (Oyster Bay); Catherine Chester (Sands Point); Carol DiPaolo (Coalition to Save Hempstead Harbor) ; and Jennifer Wilson Pines (Nassau County Legislator DeRiggi Whitton).

### Call to Order

Eric Swenson called the meeting to order at approximately 7:10 pm. The Committee welcomed the Village of Roslyn's new representative, Peedee Shaw.

## Review and Approval of Draft Minutes of Meeting of November 19<sup>th</sup>, 2014

Kevin Braun moved to approve the minutes of the November 19<sup>th</sup> meeting minutes. Dan Fucci seconded the motion and the Committee unanimously approved them.

### **Administrative Matters**

<u>Status of filling vacancy of HHPC Representative from Glen Cove</u> – Eric mentioned that he had met with Myralee Machol from the City and had updated her on the Committee's activities. She advised him that the City was close to hiring a replacement for Erin Reilley and that it was likely that that person would be designated as the City's representative to the Committee.

<u>Change in North Hempstead's Designated Representative</u> – Erin Reilley, who was recently hired by the Town of North Hempstead as its Chief Sustainability Officer, advised the Committee that the Town Board appointed her as the Town's official representative to the Committee at its January 6<sup>th</sup> meeting. Kevin Braun and Mal Nathan expected to continue their activities with the Committee.

<u>HHPC's 20<sup>th</sup> Anniversary</u> - Eric reminded that Committee that 2015 marks the Committee's 20<sup>th</sup> anniversary. He stated that this milestone presents an opportunity to not only look back but to look ahead and plan for the next 20 years. Toward that end, he stated that he felt that it would be wise to update our <u>Water Quality</u> <u>Improvement Plan</u> which was completed and adopted by all nine municipalities in 1998. In order to assess the costs involved, he obtained an estimate from Cashin Associates (who produced our <u>Harbor Management Plan</u>) and the estimate was for \$125,000.00. The Committee questioned why an update to an existing plan should cost that much. Eric stated that Cashin's estimate indicated the need for considerable re-working and that he would provide those details. <u>NOTE</u>: those reasons are shown here:

The main items that would require considerable work for the update are outlined below.

1) Watershed areas - Although the watershed area delineations probably have not changed much over the time period, certain conditions in the watersheds may have changed and will need to be updated. For example, the extent of wetlands, coastal erosion hazard areas, flood hazard areas, and important habitats may need to be updated.

2 Water Quality - Trends in water quality need to be included. There are extensive additional data sets that should be evaluated and incorporated into the plan.

3 Non-Point Sources - Much work has been accomplished relating to non-point source loading over the past 18 years. Factors affecting non-point source loadings have also changed in some areas (e.g. land use, septic system use, non-point source controls, etc.). The increased importance of non-point source pollution and abatement strategies will need to be incorporated into the plan.

4) Existing Laws - There have been important changes in the regulatory field since the plan was prepared, such as the SPDES provisions relating to NPS controls. The regulatory sections of the plan will require extensive update.

5) NPS Controls - Technological improvements have led to applications of new technologies that should be reflected in the plan.

6) Hempstead Harbor Improvements - Water quality in the harbor is improving largely due to multiple initiatives over the past 18 years. These improvements will need to be documented and discussed, and continuation/expansion of the programs will need to be developed.

7) Multiple Jurisdictions - Information will need to be collected from all municipalities included in the Plan, requiring extensive coordination and data collection and analysis.

8) Updated Document - The update will consist of a new document which will rely on relevant sections of the 1998 plan but with substantial updating to reflect current conditions and future planning objectives and strategies.

The Committee determined that we do not currently have the funding to proceed at this point and it was suggested that **Committee members take a look at the existing document to see whether any could be done "in house" by the Committee members themselves**. <u>NOTE</u>: the link to the document can be found here: <u>http://www.hempsteadharbor.org/applications/DocumentLibraryManager/HHPCupload/Final%20Plan.pdf</u>

Eric also suggested that the Committee hold a celebration during the summer at Cedarmere similar to what was done at the 10<sup>th</sup> Anniversary. The Committee concurred. <u>Eric will begin working on the event</u>.

<u>Discussion of 2015 Dues Proposal</u> – Eric reminded the Committee of the procedures set forth in the Inter-Municipal Agreement for establishing annual member "dues" including the option for member municipalities to review the proposed dues and to withdraw from the Committee if so desired. Once the dues are adopted at the March meeting, any municipalities remaining in the Committee will be obligated to those dues for the calendar year. He explained that this is the first time in the past 9 years that the Committee is seriously considering a dues increase.

This consideration was prompted by the Committee's unavoidable additional expenses incurred in conjunction with the Scudder's Pond watershed improvements project coupled with increasing costs for water quality monitoring and the Committee's potential share of costs for production of a "Report Card" for Hempstead Harbor in 2015. Eric pointed out that the Committee recognizes the need for its members to keep costs down and long gone out of its way to keep dues level. However, the Committee's current fiscal situation is such that every penny has to be watched and the timely flow of income (dues and grant reimbursements) are necessary

in order to meet cash flow projections. He also pointed out that in the absence of additional cash reserves, it will be difficult to consider applying for grants as they often necessitate cash outlays. He also pointed out that the current dues levels do not even currently cover the Committee's two main expenses – water monitoring and the salary of the part time Executive Director. The Committee has been successful in obtaining grants for 100% of water monitoring costs for nearly all years but that these are not guaranteed and that due to the grant cycle, the Committee must be prepared to meet its costs on its own.

To that extent, prior to the meeting Eric had sent the Committee's representatives the following chart which depicted the 2014 dues along with estimated impacts for various increase levels:

MUNICIPAL LEVEL	2014 DUES	2015 DUES WITH 5% INCREASE	2015 DUES WITH 10% INCREASE	2015 DUES WITH 15% INCREASE
Villages (5)	\$ 4,950	\$ 5,198 (+\$248)	\$ 5,445 (+\$495)	\$ 5,693 (+\$743)
City (1)	\$ 7,425	\$ 7,796 (+\$371)	\$ 8,168 (+\$743)	\$ 8,539 (+\$1,114)
Towns (2)	\$ 9 <i>,</i> 900	\$ 10,395 (+\$495)	\$ 10,890 (+\$990)	\$ 11,385 (+\$1,485)
County (1)	\$ 30,525	\$32,051 (+\$1,526)	\$ 33,578 (+\$3,053)	\$ 35,104 (+\$4,579)
TOTALS:	\$ 82,500	\$ 86,625 (+\$4,125)	\$ 90,750 (+\$8,250)	\$ 94,875 (+\$12,375)

\* note that the above figures were rounded off for the actual proposed 2015 dues

Carol DiPaolo pointed out that the anticipated cost increase for the 2015 water monitoring program will be \$6,200 (from \$55,000 to \$61,200). This increase is due primarily to the costs for collecting samples at two proposed new stations in the outer harbor (needed because this area which includes the shellfish beds only has one monitoring station at present); for increases in costs for a consulting firm to analyze and include these data as well as data from two additional beaches (Morgan Beach and Crescent Beach) and to add an additional analysis for total inorganic nitrogen. She pointed out that the additional monitoring should help us meet the requirement for obtaining as much as \$60,000 in grant funding and that without these additions, our chances of grant funding are greatly diminished.

After considering these factors and further discussions among the representatives, Tom Powell made a motion to increase the dues for 2015 by 10%. Erin Reilley seconded the motion. The motion passed unanimously. <u>Eric</u> <u>will send out letters to each municipality with the proposed 2015 dues</u>.

# Announcements, Reports, Reminders, & Upcoming Events

<u>Report on Water Quality Messaging meeting</u> - on December 10, 2014, Eric attended (along with Carol DiPaolo) a meeting held at the Nature Conservancy in Cold Spring Harbor. This meeting was to update L.I. Clean Water Partnership members on the new messaging strategy. Eric's summary of the meeting is attached to these minutes.

<u>Meeting in Glen Cove on Possible Green Roof Project</u> – On December 12, 2014, Eric met with a Glen Cove business owner (Joe Lapadula of Martino Auto Concepts at 108 Glen Cove Avenue), Corey Humphrey of the Nassau County Soil & Water Conservation District, and Nassau County Legislator Delia DeRiggi-Whitton and her aide, Jennifer Wilson Pines to explore the possibility of installing a green roof on one of his buildings. Mr.

Martino owns three buildings on the site, one of which has a flat roof which is reinforced with steel I-beams. It appeared to the Soil & Water Conservation District that this could be a good candidate for a green roof and they were willing to provide guidance. The building is not far from Glen Cove Creek and this project could serve as a demonstration project for properly utilizing stormwater.

<u>MS4 Erosion & Sediment Control Training Course</u> – On February 4, 2015, the Nassau County Soil & Water Conservation District will hold a 4 hour NYS DEC-endorsed training course at the Old Bethpage Village Restoration. Participants will receive 3 year NYS DEC certifications in erosion and sediment control. The course is designed for contractors and municipal officials who need training in order to satisfy the state's stormwater permit requirements. Registration is on a first come – first served basis. Those interested should contact the Soil & Water Conservation District at (516) 364-5860.

<u>L.I. Envirothon</u> April 28, 2015 – the next Long Island Envirothon will be held on April 28<sup>th</sup>, 2015 at the Old Bethpage Village Restoration. Volunteers are needed to serve as judges. Erin Reilley and Bill Karavasilis from North Hempstead have volunteered. If anyone else is willing to serve, please let Eric know.

<u>Job Opportunities</u> – the N.C. Soil & Water Conservation District looking for part time Conservation Technician and the Peconic Estuary Protection Committee looking for part time Coordinator. Eric can provide further details if anyone is interested.

<u>Oyster Bay / Cold Spring Harbor Protection Committee</u> - Eric Swenson announced that he now represents the Village of Mill Neck on the OB / CSH PC and will be serving on their C.E.S.S.P.O.O.L. Project Steering Committee.

# Possible Coordinated Pet Waste Campaign with OB / CSH PC

Eric mentioned that he was contacted by Rob Crafa, Coordinator of the Oyster Bay / Cold Spring Harbor Protection Committee about possibly joining them on a joint campaign on pet waste management. The OB / CSH PC has developed a <u>Draft Pet Waste Management Action Plan</u> which is multi-faceted. The Committee members asked that a copy of this plan be circulated so that they could look it over before committing. <u>Eric</u> <u>will e-mail the draft plan to each representative</u>. [Note that this was done on January 8<sup>th</sup>].

### Scudder's Pond Subwatershed Improvements – Update

Eric noted that all 5 grants have been completed and payment requests sent. Carol DiPaolo asked about the status of the Shore Road weir. Eric stated that he has heard nothing new in this regard. To his knowledge, the Village is still awaiting the relocation of the natural gas line by National Grid. At this point, any further improvements to the weir and associated drainage infrastructure is in the hands of the Village.

# Water Quality and Monitoring Programs

Carol DiPaolo noted that she has begun the winter bacteria monitoring at Scudder's Pond and (when feasible), the Powerhouse Drain. She noted that Canada Geese are back in large numbers at Scudder's Pond but they do not appear to be encroaching on the new plantings. Kevin Braun cautioned that the plants need to be protected in the Spring when the new shoots emerge.

### Long Island Sound Study Report Card Project Update

Carol and Eric mentioned that final edits were provided to the University of Maryland for the 2013 Hempstead Harbor Report Card and that they were awaiting word on when and how it will be released. Apparently the release is being coordinated with the release of the Sound-wide report card.

#### Long Island Sound Study Citizen's Advisory Committee

A meeting held on December 11<sup>th</sup> in Bridgeport with Eric and Carol attending. Eric gave a detailed summary of the meeting. A copy of his summary is attached to these minutes.

#### Nassau County Soil & Water Conservation District

Eric mentioned that the District is planning its 3<sup>rd</sup> Annual Native Tree and Shrub Sale while will take place on April 17<sup>th</sup> and 18<sup>th</sup> at the Malcolm House (5 Old Jericho Turnpike in Jericho). Flyers will be going out shortly and orders must be placed by March 13<sup>th</sup>. Tom Powell asked if it were possible to purchase rhododendron and/or mountain laurel seedlings under this program. *Eric will check with the District and have them order them if possible*. The District is also working on the Cedarmere invasives removal project; a DVD on stormwater; the erosion and sediment control training course; and the aftore-mentioned green roof project.

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

Eric reported that phase 3 of the NYS DOS grant is underway. 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 are pursuing a possible \$20,000 grant from the L.I. Community Foundation to conduct additional septic system inspection trainings. If this grant is received, it is anticipated that any match will be in the form of in-kind services of the participants (including Eric). This is similar to the approach taken with the other C.E.S.S.P.O.O.L. Project grants.

#### **Municipal Updates**

<u>Nassau County</u> – Dan Fucci stated that at the beginning of the month, the operation of the County's sewer system was privatized, with United Water taking over the operation of the plants. Eric stated that he had read that United Water had also taken over the Glen Cove plant and that it was his understanding that Severn Trent would continue to run that plant until it's contract ended in 2016. Dan suggested that <u>Eric contact Joe</u> <u>Davenport from NCDPW for clarification</u>. [Note: Eric contacted Mr. Davenport and while United Water now has responsibility for all the plants including Glen Cove, Severn Trent will still operate the plant for the remainder of their contract ]. Dan also mentioned that proposals are due for the sewer feasibility study in the Hempstead Harbor eastern watershed on January 9<sup>th</sup>. <u>Town of Oyster Bay</u> – Sean Jordan reported that the Town has assisted in the development of the sediment and erosion control course being offered through the Soil & Water Conservation District and that Tappen Marina is being completely re-built and that construction is expected to be completed by April.

<u>Town of North Hempstead</u> – Erin Reilley noted that a Request For Proposals has been issued for a restaurant at North Hempstead Beach Park and that the Town has a new Parks Commissioner – Jill Weber. Mal Nathan stated that one of the three crew teams that uses Hempstead Harbor's lower harbor (the Port Washington Crew Team) is building a building at it's own cost at North Hempstead Beach Park and that the Town is considering installing a crew course in the lower harbor and would like the Committee to issue a letter stating that such use is in compliance with the <u>Harbor Management Plan</u>. The installation of the 1,500 x 60 meter course with 4 feet of depth would involve dredging. The Town hopes to use the dredge material as beach nourishment but that will need to be determined by sediment sampling. There is also the possibility of adding a pier to accommodate the launching of the boats. Eric pointed out that this issue had arisen a couple years ago and that he checked the plan and it specifically endorsed such use. The Committee had no objection to *Eric writing a letter to North Hempstead 's Andrew DeMartin explaining this*. Finally, Kevin Braun noted that the approximate 1 mile extension of the Shoreline Train has been completed and that the Town is moving forward with the installation of hundreds of storm drain inserts to capture sediment. Fabco is the company that will be installing them under a \$150,000 grant that the Town had previously obtained.

### Sands Point – nothing to report.

<u>Roslyn Harbor</u> – Abby Kurlender noted that during a recent heavy rainstorm, she observed "mud rivers" in the village – the result of sediment washouts from a construction site. She had spoken with the Village's building inspector about it. It was agreed that the upcoming Erosion and Sediment Control training course could be beneficial for local Villages to know what to require to prevent these incidents.

<u>Roslyn</u> – Peedee Shaw stated that the village of Roslyn has engaged National Water Main Co. to clean and repair its sanitary sewers. For years there has been considerable infiltration of ground water into cracked clay pipes. They are videotaping the lines and freeing up some clogged sections . They are relining some sections with a kind of epoxy (which has an odor but is harmless according to the material data safety sheets) which they insert in liquid form which then dries and hardens. They are also raising many manhole covers which had been concealed by dirt and weeds. The Village hopes to offset some of the cost of the repairs by eliminating the ground water which is unnecessarily being pumped off to the county treatment plant. The village will float a \$3 million bond to cover this project. The county has worked on the outfall pipe from silver lake in Gerry Park which drains into the harbor alongside the old Grist Mill. This re-engineering is apparently problematic and the subject of continuing discussions between the village and the county. The BITI project of 78 condos abutting the harbor will break ground in the spring. They are currently erecting a model home/sales office on Old Northern Blvd. The project on the site of the former Nassau Suffolk Lumber Yard will have shops with apartments above and will include the public amenity of a walkway along their stretch of the Harbor.

<u>Sea Cliff</u> – Tom Powell stated that the equipment is now on site to begin excavating for the new sewer line through the business district along Sea Cliff Avenue. Jennifer Wilson Pines stated that Glen Harbor Partners is close to obtaining permits from Nassau County in order to run the sewer line from their proposed site in Glenwood Landing to the Glen Cove Wastewater Treatment Plant. That is the line that the Sea Cliff sewer main will eventually connect to.

<u>Flower Hill</u> – Karen Reichenbach pointed out that the Committee has been helpful to the Village in dealing with the Village's review of it's ordinance provisions regarding septic systems. The Village is considering such items as requiring that systems be maintained and also inspected at the point of sale of real property.

#### **Other Items**

There were no other items.

9:30 pm Adjourn

**NEXT MEETING:** March 11, 2015 (Sea Cliff) **[IMPORTANT – ADOPTION OF DUES]** 

#### WATER QUALITY MESSAGING MEETING

### L.I. Clean Water Partnership December 10, 2014

- Hamburger Company (Wash. DC) hired through the Nature Conservancy in March 2013
  - 1<sup>st</sup> focus groups and polling April 2013
  - 1<sup>st</sup> messaging strategy May 2013
  - Paid media ads September 2013
  - 2<sup>nd</sup> round of focus groups July 2014
  - 2<sup>nd</sup> paid media ads May 2014
  - 2<sup>nd</sup> 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 3<sup>rd</sup> highest concern (behind taxes and government taxes)
  - Pollution of groundwater was the 4<sup>th</sup> highest concern
  - They felt water quality got worse in the last 10 years and will continue to get worse in the next 10 years
  - o 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"
  - o They showed a new video "Water Quality is the Worst It's Been in Years and We Can Fix It"

# • Cost to "Fix It"

 $\circ$   $\;$  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 (20<sup>th</sup> anniversary of last one)

**CCMP REVISIONS** – public comments ended Nov. 8<sup>th</sup> (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 septics. 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 <u>reducing</u> 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 septics. 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 Environmental 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 15<sup>th</sup> stating that 1) the goals were not met; 2) they don't know local sources (e.g. septics, 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.