



## Manhasset Bay Protection Committee FINAL Meeting Minutes September 24, 2015 Meeting, 7:30pm Supervisor's Conference Room, Town Hall

**Attendees:** Erin Reilley (Town of North Hempstead), Mal Nathan (Town Bay Constable), Pasqua Dziadul (Sands Point), Nora Haagenson (Baxter Estates), Lynne Aloia (Plandome Heights), Dan Fucci (Nassau County), Kay Ullman (Sands Point Trustee), Sarah Deonarine, Kevin Braun, Sabrah Samet (Aide to Councilwoman Kaplan), Jennifer Wilson-Pines (Legislator DeRiggi-Whitton's office)

*No quorum, therefore ED sought only preliminary approvals to keep work moving.*

Note: Action items are in ***bold highlighted, underlined italics.*** Preliminary approvals are highlighted in gray.

### Municipal Updates

Town of North Hempstead Planning Department (Kevin Braun):

- The Town is replanting Mill Pond and removing *Phragmites* (invasive cordgrass). They treated the *Phragmites* with herbicide last fall, planted native marsh grass in spring, and installed orange "goose exclusion" fencing. Another herbicide treatment is planned for this fall. Mill Pond is a tidal pond that leads to Manhasset Bay, so the idea is to trap sediments and nutrients in the pond before getting to Manhasset Bay.
- The Bay Walk project feasibility study is done, designs have to be submitted to DEC, then the Town will apply for permits and grants. This project has a lot of components; each component may require different items and more costs, so the Town may pick and choose components to be completed in any order. This is a long-term project.
- North Sheets Creek/Manorhaven Park is under construction (photos on MBPC facebook page). The bank has been stabilized with rip rap, now the contractor is working on road inputs around Sheets Creek/Manhasset Isle area. Old engineering plans were to remove water from roads as quickly as possible with no treatment, so there are sluiceways directly into the Bay. The contractor will be removing sluiceways and putting in catch basins, etc to catch and treat the water. There will also be dredging, renewal/repair of boat launch, more bank stabilization, and wetlands plantings. When finished, the flow off the parking lot will also be treated before entering the Bay.

Nassau County (Dan Fucci):

- The County cleaned out the Baxter Pond sediment basin and put down more grass seed a few days ago, the previous grass having been eaten by geese.
- The County attorney has the MBPC Inter-municipal Agreement and is looking at it now.
- 80 Shore Road property in the Sheets Creek East area is eroding, which undermined a pipe and part of the pipe broke. County has permits from DEC (expecting full approvals soon) and will be installing gabion cages with capital funds money. JWP noted that there is also a second collapse happening nearby on Town land.

Plandome Heights: no updates

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#### Sands Point:

- The Lands' End development is on the Hempstead Harbor side, but, as a matter of interest: they finished one huge house (with a septic system) that is for sale. There will be five houses when complete.
- The Trustee asked how to deal with large debris on the beach. The Bay Constable (Mal Nathan) described the process: call in a complaint to the Town, then he visits the site, takes photographs, determines if the debris is above or below the high tide mark, then he contacts the Town Planning Dept. and they send him a survey which is used to determine who is responsible for removing: the resident, the Town, or the Village. However, the resident may want to take care of the debris themselves (cut it into small pieces), because getting equipment there is expensive and could ruin lawns, etc. The Bay Constable is happy and willing to survey debris.

#### Bay Constable (Mal Nathan):

- There was a lot of marine life this summer: turtles, dolphins, whales (later discussion: probably following the large number of bunker).
- Mal has taken personal responsibility to make receptacles to collect used fishing lines at fishing spots around the Town (with the Town's blessing). The Town Communications Dept. made up labels for the receptacles (made of 4" PVC pipes). The first installations will be at Town Dock and fishing pier, then Roslyn pond and other locations. Erin Reilley proposed buying materials from the Town's sustainability budget.

#### Baxter Estates (Nora Haagenson):

- Baxter Pond looks terrific, thanks to Dan Fucci and Nassau County. The Friends of Baxter Pond Foundation has also planted around the pond. Unfortunately, it appears that the invasive plant Kudzu is present at the pond. Brian Schneider said he'd send someone to cut it down.
- The erosion of Baxter Beach is a continuing issue and is getting closer to Shore Road, which is a County Road and a coastal evacuation route (even though it floods regularly and sometimes quite extensively). Legislator DeRiggi-Whitton and the Town have visited the site as well as the Army Corps of Engineers, who has an extravagant \$10M plan. Beach has to be stabilized before the Baywalk can come in. Town owns to high water, Baxter Estates owns beach, County owns road and right-of-way.

#### 4<sup>th</sup> District:

- Bayview received a grant from FEMA (hazard mitigation grant money) to address beach erosion which was undercutting a road. Possible idea for funding for Baxter Beach.

#### Town of North Hempstead Sustainability Department (Erin Reilley):

- Villages will be receiving a call for a meeting at 9am on Oct 1<sup>st</sup> to discuss shared stormwater services. The Villages are all individual MS4s, so they still have to do some things, but Town can help them out with others. Some ideas include a shared MS4 staff position or a procurement to manage GIS services and/or identify all the requirements for each MS4, thereby replacing some of what a consultant does and saving money. Nassau County initially offered this when the MS4 requirements first came out, but that was phased out.

#### **Baxter Beach clean-up**

- Upcoming beach clean-up planned; see our website for details.
- Discussion followed about the outreach that occurred and suggestions for further outreach as well as supplies needed versus what Committee members could provide. Nora Haagenson made a

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motion to preliminarily allow the Director to purchase water and snacks for volunteers, not to exceed \$50. Dan Fucci seconded; it passed unanimously among the present members (though, official approval is not required for purchases under \$75).

### **New Business:**

Ordering more curb medallions (“Don’t dump, drains to bay”)

- Deonarine only heard from a handful of Villages requesting a total of 200 medallions. **Please send Deonarine your Village’s expected needs by 10/15.** Town expects to need 30.
- Deonarine to work up cost estimate.
- Dan Fucci to see if he has any medallions that the County can spare.

Inter-municipal Agreement (IMA)

- Committee suggested accepting comments until the end of October. Then, Deonarine will draft a final copy and circulate in November.
- **Please notify Deonarine if the IMA is on your Village Board Meeting agenda** and she will attempt to attend.
- It was suggested that the IMA be sent to the watershed municipalities (Lake Success, North Hills) who haven’t participated before, though we may not get much back from them.

Chair election – **send Deonarine nominations for chair or vice chair until our next meeting.**

CESSPOOL updates – request to cost-share website hosting and training

- We partnered with the other Protection Committees and Friends of the Bay to do public and municipal outreach and training on cesspools and septic systems. The project completed a public survey and did municipal inspection training. The training was done by a group from RI, but they are too cost-prohibitive to continue with. Therefore, the CESSPOOL coordinators are proposing to send a scout to a NYS training, to see if the material and quality are similar.
- In the final phase, which is public outreach and education. We’re doing that through a brochure and website, which we’ve contract with Peconic Green Growth to design, but we need to purchase and pay for up-keep of a dedicated website for that.
- The Hempstead Harbor Protection Committee recently approved spending up to \$250.00 per year per item (website and training) contingent upon the three protection committees equally sharing the expenses.
- Erin Reilley made a preliminary motion for max of \$250 for website and another \$250 for training contingent on the other Committees matching our contributions. Dan Fucci seconded and the motion passed.

Army Corps of Engineers Draft Dredged Material Management Plan (DMMP)

- Comments due Oct 16<sup>th</sup>
- See background information supplied.
- The Town is looking for guidance from the Committee on what stance it should take. Discussion ensued, which resulted in a list of comments on the DMMP, but no formal position.
- The Army Corps may not have been able to pursue what the States requested, because it is not in their enabling legislation
- A brief list of comments are as follows:
  - The Army Corps of Engineers (ACE) never defines “environmentally acceptable,” but it is used repeatedly throughout the document in reference to open water disposal. What is meant by “environmentally acceptable?”

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- The DMMP states that Manhasset Bay sediments would be “environmentally acceptable” for open water disposal in Long Island Sound, but this is not true.
- ACE did not look at alternatives very well.
- What levels of acceptability/criteria were used?
- How did ACE determine that 80% of dredged spoils over the next 30 years would be suitable for open water placement.

NYSDEC proposed modifications to MS4 Permits

- Comments due October 16<sup>th</sup>
- These revisions are likely due to the outcome of the NRDC court case filed against NYSDEC
- This will have the greatest impact for MS4s that discharge into a waterbody with a TMDL (like Hempstead Harbor, not Manhasset Bay); these MS4s will have to report multiple times per year.

TNC is developing a nitrogen model. The Committee was open to them presenting at our next meeting.

### **Old Business:**

2015 LISFF application update

- Unfortunately, we didn’t receive a grant for boater education nor for the CESSPOOL project. Kevin Braun indicated that he also didn’t get a grant for wetland work which was specifically in the RFP. This may be due to financial cutbacks in the Long Island Sound Study.

Fish kills (bunker/menhaden)

- A final report from Cornell University on the cause of the fish kills in the Peconic Estuary is awaiting NYSDEC approval. But preliminary results seemed to indicate that it was a trifecta of causes: low dissolved oxygen (hypoxia), exposure to a harmful algal bloom toxin, and a viral infection.
- Another potential contributing factor: large numbers of bunker (4 million; more than seen before) seen throughout the summer by many different people. In these large groups, infection spreads easily and they can also cause their own hypoxia by taking up too much oxygen.

Erin Reilley made a motion to end, Kevin Braun seconded and the meeting ended at 9:20pm.

**Next Meeting Agenda:** TNC nitrogen model, 2016 dues, IMA, ordering more medallions, chair election

**Next Meeting Dates:** October 29, November 19, January 21, February 18, March 17, April 21

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