

**Meeting Minutes of the
SOUTH SHORE ESTUARY RESERVE COUNCIL
October 2, 2007
Dowling College
Oakdale, New York**

Members/Designees Present: Fred Anders (for Secretary Lorraine Cortés-Vázquez/George R. Stafford); Dan Fucci (for Thomas Suozzi); Laretta Fischer (for Steve Levy); Michael Foley (for Kate Murray/Ron Masters); Nancy Kearney (for John Venditto/Neil O. Bergin); Richard Groh (for Steven Bellone); Tom Marquardt (for Phil Nolan/Eugene Murphy); Alan Svoboda (for Brian X. Foley/John Turner); William Glacken; Robert Grover; Maureen Dolan Murphy; Carl LoBue; William Wise (for David Conover); Dennis Cataldo; Chris Squeri; Ken Budny (for Gregory LoVece); Charles DeQuillfeldt (for Pete Grannis/Gordon Colvin); Gary Lawton (for Carol Ash); and Darrell Kost (for Astrid C. Glynn).

Staff Present: South Shore Estuary Reserve (Reserve) Office: Jeff Fullmer; Clare O'Reilly; and, Lou Siegel.

Guests Present: Allan Aronoff (Brookhaven League of Women Voters/SSER CAC Vice Chair); Paula Valentine (National Park Service/Fire Island National Seashore); Paul Breschard (Pattersquash Creek Civic Association); Jack Mattice (New York Sea Grant); John Tanacredi (Dowling College)

Members Absent: Joseph Febrizio (for Edwin L. Eaton); Cornelia Schlenk; Marty Shea (for Patrick Heaney); Claire Fratello (for Michael Deering); Michael Eagan; and, Robert Wieboldt.

WELCOME, OPENING REMARKS, INTRODUCTION

F. Anders welcomed South Shore Estuary Reserve (Reserve) Council members, designees and guests. He noted that this Council meeting was being recorded for future webcasting in accordance with Executive Order #3, and reminded that all future Council meetings will be webcast. The webcast will be available for download from the DOS website. He conveyed the Council's appreciation to Dowling College for hosting the meeting. He also introduced guests Jack Mattice, Director of New York Sea Grant, John Tanacredi, Chair of Dowling College Department of Earth and Marine Sciences, and Leah Akins, New York State Oceans and Great Lakes Ecosystem Conservation Council Staff.

MINUTES OF THE APRIL 25, 2007 MEETING

F. Anders stated that the draft April 25, 2007 meeting minutes were mailed to Council members. K. Budny made a motion to accept the minutes as written. M. Foley seconded the motion. There was no discussion, and the minutes were accepted unanimously.

SOUTH SHORE ESTUARY RESERVE OFFICE REPORT

A written Reserve Office report was included in the meeting folders. J. Fullmer highlighted Reserve Office activities since the April 25, 2007 meeting:

- On September 21st, the Reserve Office organized the annual Reserve partner tour of the estuary. The Reserve Office was joined by over 100 Reserve partners aboard the Lauren Kristy for a tour and

interpretation of Great South Bay. J. Fullmer thanked all the Council and committee members who attended, and helped the Reserve Office honor this year's stewardship award recipients, Charlie Balsamo and the Art Flick Chapter of Trout Unlimited. A press release about the event was provided to Council members in their meeting folders. J. Fullmer expressed the Reserve Council's appreciation to Captain Eagan and his crew at South Bay Cruises for the generous donation of the Lauren Kristy and a great tour of Great South Bay.

- The Town of Brookhaven formally adopted a watershed management plan for the Swan River this past May. The Town will be moving implementation forward utilizing a number of grant awards from New York State to design and install a fish ladder and construct stormwater mitigation capital projects in the watershed.
- The Town of Islip is moving forward with implementation of the Browns River /Greens Creek watershed management plan that was adopted in January. The Town recently produced an educational brochure about watershed stewardship, which was included in the Council meeting folders. This information will be distributed by the Town to watershed residents.
- The Reserve Office will be facilitating development of comprehensive watershed management plans for Carlls River in Babylon and Beaver Dam Creek in Brookhaven. Both tributaries have already had significant implementation work done through municipal and non-government partnerships to advance water quality protection and habitat restoration.
- The South Shore Bayway Implementation Strategy and Marketing Plan is being prepared by a team of technical consultants and the Bayway Advisory Committee. Initial elements of the project include a Reserve-wide cultural resources survey for primary and secondary maritime centers in the Reserve, and the development of a visual identity for the project. As has been previously reported to the Council, an early part of this strategy has been the development of signage and exhibits to interpret key estuary maritime centers that have been recognized by the Council as Bayway destinations. A summary of the advisory group's meeting was provided in Council members' folders.
- In June, an interpretive kiosk was installed along the Patchogue River at the Fire Island National Seashore Watch Hill Ferry Terminal. Development and installation of this kiosk was the result of a partnership between New York State, the Village of Patchogue and the National Park Service. Additional interpretive kiosks were previously installed on the Village of Freeport's Nautical Mile, and at the Town of Islip's Bayshore Marina. A kiosk is being developed for the Shinnecock Canal Maritime Center.

At this point, Dowling College President Robert Gaffney entered the meeting, and welcomed the Reserve Council. He commented that the Great South Bay is in Dowling College's backyard, and that the bay is an important part of the educational programs at Dowling. F. Anders introduced thanked President Gaffney for allowing the Reserve Council to use the college's facilities.

Clare O'Reilly updated the Council on office activities related to Diadromous Fish Restoration:

- The Diadromous Fish Work Group met on June 13th, and received several updates regarding diadromous fish restoration activities in the Reserve and elsewhere. A meeting summary was provided in Council members' meeting folders.

- For the second year, the Diadromous Fish Work Group conducted a volunteer alewife monitoring survey. A report summarizing the results from this year's survey was provided in Council members' meeting folders. Alewife runs were documented in Carmans River and Swan River. Review of the data collected, volunteer efforts, and 2006 survey results indicated that additional monitoring techniques should be used in future spawning seasons.
- Data collection for the Barrier Assessment project has been completed. The assessment took place on Carlls River, Browns River, Swan River, Mud Creek, Carmans River, and Beaver Dam Creek. The inventory found 63 crossings and 29 dams on the six streams. A set of draft maps is available for review, and a draft report with recommendations for barrier modification to enhance diadromous fish passage is forthcoming.

R. Grover suggested that preservation of lakes, ponds, wetlands should be considered in the barrier assessment report's recommendations. C. O'Reilly responded she will share a draft of the report with R. Grover for his input.

- A watershed advisory committee for the Beaver Dam Creek Watershed Management Plan will kickoff the project with their first meeting on October 18. This committee includes many partners previously involved in wetland restoration projects in the Beaver Dam Creek watershed.

L. Siegel reported on stewardship activities, Formal Education Work Group activities, and the Western Bays Water Quality Work Group.

- The South Shore Estuary Learning Facilitator Program (sSELF) continues to develop in cooperation with the New York State Marine Education Association with support from a grant from the ERM Foundation. Presently, the program is working with ten groups that have begun or will begin monitoring various locations in the estuary for several physical and chemical parameters. Three training sessions for advisors to demonstrate water quality monitoring techniques and equipment were held recently. Several images of these sessions can be viewed on the Reserve Council website. A new grant application to continue this work in 2008 has been submitted by the New York State Marine Education Association.
- The Reserve Stewardship Certificate Program is now fully underway. Several individuals and local and state representatives who initiated a volunteer clean-up of abandoned vessels at "Wreck Cove," were presented with stewardship certificates on the Reserve Partner boat tour. The certificates were also distributed to a variety of community and school groups. A list of current recipients and examples of certificate presentations are available on the Reserve Council website. Council members are encouraged to nominate individuals and groups engaged in stewardship activities for certificates.
- The Reserve office continues to gather data from two surveys about the extent to which the estuary is presently covered in the curricula and the audio-visual needs of the teachers. Survey responses will be used to assist the Formal Education Work Group in making specific recommendations to the Council for a strategy to implement education and outreach actions identified in the CMP.
- The Western Bays Water Quality Workgroup met on September 26th at the Reserve Office. The workgroup reviewed past activities and the status of efforts to address source and non-point source contaminants affecting water quality. The three bays identified in the CMP as the "Western Bays Sub-Region" and their associated inlets have all been placed by the NYSDEC on the states 303 (D)

list of impaired waters due to pathogens. In addition, the western most area has also been listed for nitrogen. The Town of Hempstead has collected extensive data which can be used to document high levels of pathogens. Additional data is required to demonstrate that there are also impairments from excessive nitrogen. The Town of Hempstead has offered to expand their sampling to assist with documentation of impairments. The DEC regional office has recognized that the Reserve Western Bays are a priority area for TMDL development.

The workgroup discussed several recent developments that have the potential to improve water quality in the Western Bays. These include the feasibility of extending sewers to unsewered communities, such as Point Lookout, and the consolidation of the wastewater treatment system in Nassau County.

The CMP identifies the TMDL process as a means to elucidate sources of pollutants, and to assist in the planned remediation of impaired waterbodies such as the western bays. The workgroup suggested that the Reserve Council consider reaching out to the Environmental Protection Agency (EPA) and Commissioner of the New York State Department of Environmental Conservation (NYSDEC) for assistance in advancing the development of TMDLs for this region.

M. Dolan Murphy commented that the Western Bays Water Quality Work Group would like the Council to relay a message regarding the need for a TMDL in the Western Bays to EPA and the NYSDEC Commissioner. J. Fullmer commented that in the past, the Reserve Office has written letters on behalf of the Council indicating if a proposed project is consistent with recommendations contained in the CMP, and a similar letter could be prepared regarding a TMDL for the Western Bays. M. Dolan Murphy added that the letter should indicate progress made by the work group and other partners thus far.

W. Wise asked what involvement EPA would have in performing a TMDL. C. DeQuillfelt replied that EPA prioritizes which impaired waterbodies should be addressed first, and that the process is federally funded. EPA will need to approve the final TMDL.

F. Anders asked if NYSDEC personnel in the Albany office have been involved, and C. DeQuillfelt replied that Tony Leung of the NYSDEC Region 1 office has been coordinating work on the Western Bays thus far. Once enough information is gathered, NYSDEC can start moving forward on developing a TMDL for the Western Bays. C. LoBue asked if Rick Balla from EPA has participated in the Western Bays Work Group.

J. Fullmer commented that one of the most important parts of developing a TMDL will be gathering accurate data from work group partners to determine water quality impairments related to excess pathogens and nitrogen. He offered that the Reserve Office review the CMP and prepare a consistency letter regarding a TMDL for the Western Bays. W. Wise proposed the following motion:

Based on the work of the Western Bays Water Quality Work Group and their report to the Reserve Council, the Reserve Council requests that the Reserve Office prepare a letter to the NYSDEC Commissioner and Region EPA administrator requesting that they work together to develop a process for developing a TMDL for the Western Bays of the Reserve.

W. Glacken seconded the motion. M. Foley asked that the motion be more specific. C. DeQuillfelt suggested that the letter provide background information on what work has been done thus far. The motion passed unanimously.

- J. Fullmer reported that based on the Council's agreement last December to establish a Dredging Workgroup, the Reserve Office assisted the Department of State with the preparation of a request for proposals to prepare components of a dredged materials management plan for the South Shore Estuary Reserve consistent with the implementation recommendations of the CMP. The Reserve Office will facilitate the proposal evaluation process with a technical review team. Once a qualified contractor is selected, The Reserve Office will facilitate establishment of the Council's Dredging Work Group to act as a project advisory committee, to be chaired by Council member Chris Squeri of the New York Marine Trades Association. J. Fullmer added that this is a fairly large undertaking for the Reserve Council, and he expects that this effort will enhance coordination among Reserve communities for their benefit.

C. LoBue recommended that the Reserve Office should reach out to the Suffolk County Wetlands Stewardship Committee to have a representative from that committee. J. Fullmer commented that the Reserve Office is a member of that committee. F. Anders added that DOS and the Reserve Office have reached out to Suffolk County Department of Public Works. C. DeQuillfelt suggested that Chuck Hamilton and Tom Rogers at Suffolk County Department of Public Works should be contacted to be part of the work group as well. M. Foley, J. Tanacredi, and T. Marquardt volunteered to be part of the work group.

- J. Fullmer reported that the Reserve Office is still recruiting additional staff, and asked Council members to help facilitate this process.

DEPARTMENT OF STATE REPORT

Fred Anders presented the DOS report:

- Several projects in the Reserve funded by the Environmental Protection Fund Local Waterfront Revitalization Program (LWRP) have been completed. The Town of Oyster Bay completed a Harbor Management Plan for South Oyster Bay and draft reports titled Estuary Public Use and Tourism Study, Waterfront Development Plan, and Massapequa Creek Watershed Action Plan; and the Town of Brookhaven completed a watershed management plan for the Swan River and a Local Waterfront Revitalization Program for the Mastic Beach - Shirley peninsula.
- The 2007 EPF LWRP grants round began on September 28th. The Department of State is currently soliciting grant applications for the following grant categories:
 - Visioning and development of local or regional revitalization strategies
 - Completing or implementing a Local Waterfront Revitalization Program
 - Preparing or implementing a local or regional watershed management plan
 - Downtown revitalization
 - Urban waterfront redevelopment
 - Creating a Blueway Trail
 - Interpreting Waterfront Resources uses through the NYS Coastal Resources Interpretive program (NYSCRIP).

Applications must be postmarked by November 30th, 2007. An EPF LWRP grants workshop is scheduled for Friday, October 26th from 9:30 to 11:30 a.m. at the Main House, Connetquot River State Park Preserve on Sunrise Highway in Oakdale.

- The first meeting of the Oceans and Great Lakes Ecosystem Conservation Council (OGLECC) was held on September 19th in Albany. The Council, which is composed of commissioners of the nine state agencies that manage human activities affecting the environment, was created by the legislature in the Oceans and Great Lakes Ecosystem Conservation Act of 2006. The council is chaired by DEC Commissioner Pete Grannis, and George Stafford, Director of DOS Division of Coastal Resources, serves as the Executive Director.

Leah Akins provided background information about OGLECC, a summary of the first OGLECC meeting, and ongoing activities that affect the SSER:

- New York State is the second state, following California, to pass a law mandating ecosystem-based management (EBM) for coastal ecosystems. OGLECC is focused on creating healthy, productive and resilient ocean ecosystems that deliver services that people want and need. The Ocean and Great Lakes Ecosystem Conservation Act mandates seven deliverable products, including a report from OGLECC to the state legislature in November 2008 about the application of EBM in two demonstration project areas, including Great South Bay. The report is a basis for building a statewide EBM program. Agencies represented on OGLECC have started examining their decision making policies, and how they can be updated to incorporate EBM principles.
- Another product will be an Oceans and Great Lakes Atlas, which will be available online to gather all ecosystem related data in one place that is easy to use and navigate. A core principle of EBM is sharing scientific information as the basis for management decisions, and the atlas will facilitate this process.
- OGLECC is developing a research agenda in cooperation with New York Sea Grant and SUNY based on findings from the dialogue series held in Fall 2006. The research agenda will help identify priorities for the demonstration projects.
- At the first OGLECC meeting, the Council received a report with 15 recommendations for how to implement the six principle components of EBM. (The report was made available to Reserve Council members for review, and is available on the OGLECC website, www.nyoglecc.org.) Leon Panetta, former White House Chief of Staff, Congressman, and Co-chair of the Pew Oceans Commission, advised the Council members. OGLECC passed several resolutions to establish advisory groups. The Council discussed building upon existing activities by working with place based programs, including the Reserve Council.
- Reserve Council members were provided with language from the OGLECC report regarding partnering with place based programs in their meeting folders. OGLECC is interested in partnering with the Reserve Council because of their role in the Great South Bay demonstration project, including facilitation of the stakeholder engagement phase of the demonstration project. The first stakeholder engagement meeting will be held following the Reserve Council meeting, and several focus group meeting will be held throughout the fall. The goal of stakeholder engagement is to develop a plan, in cooperation with The Nature Conservancy and other scientific experts, that

contains recommendations supported by the local community. OGLECC is interested in formalizing their relationship with the Reserve Council as the place-based partner in the demonstration area. A formal proposal will be made later in the meeting following a discussion of the Self Study Work Group.

M. Dolan Murphy reported that she had attended a meeting with regional estuary programs' Citizens Advisory Committee leaders, who agreed that the EBM process is a positive development, and the group intends to continue to meet to exchange information about their program activities.

R. Groh asked if the ultimate goal of OGLECC is to develop a statewide EBM plan. F. Anders replied that the initial report to the state legislature in November 2008 will include recommendations based on the demonstration projects regarding how EBM should be implemented statewide. If the legislature is in agreement with the report's recommendations, implementation of EBM statewide will proceed. L. Akins added that OGLECC is focused on making connections among state agencies and other partners to work together to create healthy, productive ecosystems.

B. Wise added that a component of EBM is making management decisions based on the best science available. He recommended that the scientific consensus statement defining EBM should be provided to aid in understanding EBM. L. Akins replied that the statement is provided in the report to OGLECC from their last meeting, and it is available on the OGLECC website. F. Anders added that the website address is on the handout provided in the meeting folder.

CITIZENS ADVISORY COMMITTEE REPORT

CAC Chair M. Dolan Murphy presented the CAC report to the Council:

At the May 8, 2007 meeting:

- Harry Dodson and Sarah La Cour of Dodson Associates Ltd. Came to the CAC meeting to report on the South Shore Bayway Strategic Implementation and Marketing Plan. The consultant team informed the CAC that they will be identifying potential Bayway destinations and connectors among other aspects of plan development. One of the CAC members expressed an interest in nominating the bayhouse islands in the Town of Islip as a future Bayway destination. At the July meeting it was announced that the town government supported the Islip Town Leaseholders Association's (ITLA) application to have the bay houses on Captree, Havemeyer and Sexton islands considered as a South Shore Bayway destination.

C. LoBue asked about the status of these nominations, and commented that this application is different than others because it was submitted by ITLA on behalf of the Town, which is the property owner. J. Fullmer replied that the Council has an adopted set of criteria used in reviewing Bayway nominations, including the ability to provide public access. Reserve Office staff have discussed public access issues with ITLA representatives. It is expected that the Bayway Strategic Implementation and Marketing Plan will provide more definition and guidance for recognizing unique areas of interest, including the bayhouses, which ITLA is interested in preserving as representations of maritime heritage. Areas around the Islip bayhouses, including Captree State Park, are already recognized Bayway destinations. T. Marquardt added that the Town of Islip is working on signage for Captree Boat Basin, including interpretation of the bayhouses. J. Fullmer added that OPRHP is developing signage as well, and that ITLA's objective of preserving the bayhouses can be achieved through the Bayway development process.

- Great South Bay Environmental Inc. presented a proposal to the CAC to increase ocean-bay water exchange in the Reserve via several pipelines that would be run under Fire Island, as well as a control station that would be built on Fire Island. Through the control station the pipelines would be able to push ocean water into the bay or bay water into the ocean. The project is in the preliminary stages and the company has not officially filed an application with any agency to date. The CAC had several questions and concerns about the proposal, including:
 - How will small organisms be affected by this system? GSBE replied that the impact on organisms and other factors will be examined in further studies.
 - How will salinity levels be controlled? GSBE replied that their proposed system includes a desalinization plant to control salinity levels. The proposed desalinization plant will be located with a pumphouse on Fire Island.
 - Is there a similar system in place elsewhere? GSBE replied that a similar system was installed in the East River in the early 1900s.
 - How would a large storm event impact the system? GSBE replied that would be investigated in further studies.
 - CAC members commented that the cost estimates seemed to be low for a project of this magnitude. GSBE replied that their estimated costs were based on rates offered by local engineers in support of the project, and therefore were not standard rates.

On August 16, 2007 the CAC Chair attended a forum hosted by Assemblywoman Ginny Fields and Legislator Bill Lindsay, where Great South Bay Environmental gave a similar presentation on their proposal.

At the July 10, 2007 meeting:

- The Reserve Office reported the official start of the Stewardship Recognition Certificate Program, which developed from the Stewardship Award Program, and allows for widespread recognition of estuary stewards in schools, Scout troops, and other partners. L. Siegel previously reported about certificate recipients.
- Paula Valentine and Diane Abell of Fire Island National Seashore gave a presentation on developing and updating the Fire Island National Seashore (FINS) General Management Plan. The presentation described the historical establishment of FINS, its significance and the importance of the General Management Plan. The focus of the plan's process is engaging stakeholders to understand why a park exists and its general purpose. The plan will lay out a vision for the next 15 to 20 years, and will be used as a guidance document for park management. It will address issues such as protection of resources, specifically the Sunken Forest and the William Floyd estate; zoning; community identification; transportation; shoreline stabilization; and interpretive themes. CAC members were interested in how the FINS general management plan would take into account the SSER CMP recommendations and how it could improve stakeholder participation from the barrier island communities.
- At a previous CAC meeting, disposal of old boat flares was discussed. N. Kearney announced a program by the Town of Oyster Bay to collect old unused boat flares initiated in June on the north shore, and said the Town expects to collect flares on the south shore at the boat show at Tobay Beach on October 7th. The CAC thanks the Town of Oyster Bay for this program, and asks Council members to notify the CAC if any other programs exist that take expired boat flares.

C. Squeri added that the Town of Hempstead has a boat flare collection program, and most fire departments will accept old flares as well.

- The CAC had a brief discussion on Jet Ski regulations in the Reserve. Several members commented that they would like to see stronger regulations, particularly around sensitive areas and wetlands.

At the September 11, 2007 meeting, Tony Leung, from the Department of Environmental Conservation, gave a presentation about the process for establishing a TMDL in the Western Bays.

The 2007 Stewardship Award was presented on the Annual Reserve Partner Boat Tour on September 21 to the Art Flick Chapter of Trout Unlimited for the persistence in installing the first fish ladder in the Reserve, and Charles Balsamo, a wooden boat builder, for keeping the historic tradition of building and maintaining wooden boats in the Reserve alive. The awards were designed by Katherine Hanley, a local painter in the Reserve whose work is often featured on the covers of The Great South Bay magazine. The awards ceremony went very well, and both recipients were extremely appreciative. The CAC thanks the Council for their support in this process and for providing their input via email. M. Dolan Murphy also thanked Pam Burford, chair of the subcommittee, subcommittee members, and the Reserve Office for making the award ceremony possible. M. Dolan Murphy also thanked the Town of Islip and Assemblyman Saladino for providing town and state citations to the award recipients. Applications are currently being accepted for the 2008 award.

COUNCIL SELF-STUDY WORKGROUP

W. Wise reported on the September 21st, 2007 meeting of the Council Self-Study Work Group. At the December 2006 Reserve Council meeting, the Self-Study Work Group agreed to prepare a set of recommendations related to the charge of the work group to present to the Council at the second Council meeting of 2007. After reporting on the April 4th, 2007 work group meeting to the Reserve Council on April 25th, 2007, the Council reached a consensus to request for the work group to draft a set of bylaws to present to the Council. Discussion at the September 21st, 2007 work group meeting focused on the following topics:

- The work group continued to discuss the adoption of operational bylaws for the Council, which would govern how the Council functions and establish a process by which the Council would revise or modify the CMP. The Reserve Office prepared a set of draft bylaws for the work group to review, based on previous discussion and the enabling legislation. The draft by-laws take into account that the Council has worked well thus far through consensus based decision making. The draft bylaws are brief and concise, and more detail needs to be added to clarify certain aspects.
- The enabling legislation recognizes that the CMP is an evolving document, but it does not specify how it should be revised or modified. Work group members suggested that bylaws should describe the process for changing the CMP and set goals and priorities, but they should not be too prescriptive. The work group endorsed the notion that priorities should be developed based on topical work group recommendations. These priorities could be incorporated through stand-alone documents or amendments leaving the original document language in place, or through an entire revision of the plan that changes or removes existing language. The Implementation Status Report, which is required by law to be produced bi-annually, could include additional CMP recommendations. Work group members discussed how changing goals and objectives should be a more extensive procedure than adding additional actions. Work group members also discussed how bylaws could address emerging issues that are not directly addressed in the CMP, such as EBM, invasive species management, and

removal of derelict marine equipment.

- Establishing time frames for revisions and achieving goals was discussed. The CMP was originally envisioned to be a five year plan, although that is not defined in the enabling legislation. Time frames can assist in determining when priorities are addressed rather than focusing on “hot button” issues. The Council has operated in an opportunistic manner thus far, and establishing time frames may lead to less flexibility about when topics are addressed.
- The work group also endorsed formalizing topical work groups to provide recommendations to the Council for implementation of CMP recommendations.
- Work group members discussed appropriate public involvement and input in revising the CMP, and how electronic communication could be used to facilitate this process.
- Work group members discussed how operational procedures related to voting should be defined in the bylaws to establish how changes to the CMP would be formally adopted.
- Work group members suggested that the bylaws define a procedure for the Council to review partner funding sources for CMP implementation. Currently, partners spend money for CMP implementation in a dispersed way and it is not tracked by the Council.

W. Wise requested on behalf of the work group that the group meet again to develop a final version of the bylaws to present to the Council in 2008 for adoption.

R. Grover commended the work group for their work so far, and proposed the following motion:

The Self Study Work Group shall be granted additional time before reporting recommendations to the Reserve Council, and will report at a Council meeting in 2008.

M. Foley seconded the motion. J. Fullmer suggested that the work group needs additional input from the Council to consider issues relative to adoption of bylaws, specifically the function and purpose of bylaws as a guiding structure. Bylaws will provide a way for the Council to memorialize the decision making process, which will be a useful reference for future Council members. Council members can give input between the current Council meeting and the next work group meeting to provide additional perspectives.

W. Glacken asked the Council to establish a time frame for when the Self Study Work Group should accomplish their task. W. Wise suggested that work could be accomplished within the first three months of 2008. J. Fullmer added that the next Council meeting date has not been set but that it should be within the first three months of 2008. Council members discussed providing the work group with more than three months to draft bylaws, and T. Marquardt added that the work group is very close to a consensus on several issues, but that wording of the bylaws in relation to revision of the CMP needs additional discussion. The original motion establishing the work group charged them with providing recommendations by the second meeting of 2007. F. Anders proposed the following motion:

The Self Study Work Group charge will be extended to the end of April 2008, at which time they will report to the Reserve Council.

The motion passed unanimously.

F. Anders asked if the Council was prepared to act on the request from OGLECC to formally partner with them in their EBM efforts, and to help guide the incorporation of EBM in the whole Reserve. W. Wise proposed the following motion:

The South Shore Estuary Reserve Council accepts the invitation from the Oceans and Great Lakes Ecosystem Conservation Council to be the place-based partner for ecosystem-based management.

A. Svoboda seconded the motion. The motion passed, with one abstention.

IMPLEMENTATION PARTNER REPORTS

There were no scheduled partner reports on the agenda. J. Fullmer updated Council members on the Stormwater Infrastructure Mapping Inventory and Assessment project, which Bowne AE&T gave a presentation about at the last Council meeting. The report and maps are almost complete, and the recommendations from the report will assist municipalities in prioritizing stormwater capital improvement projects. He then invited Council members to report on CMP implementation projects.

- R. Groh informed Council members that the Town of Babylon is applying storm drain markers in the Carlls River watershed. The markers are part of the Town's stormwater public outreach program, and eventually markers will be placed on all storm drains. The Town is working with local groups such as the Girl Scouts in this effort. R. Groh will share information about the products they are using with interested Council members.

R. Grover asked if the Town is prioritizing placement of storm drains marker to those that discharge directly to surface waters. R. Groh replied that the Town is placing markers on storm drains in core watersheds that discharge directly to streams.

M. Dolan Murphy suggested that the Girl Scouts involved in this project should receive stewardship certificates. R. Groh replied that this was a good idea, and the Town has a certificate program as well.

C. Squeri suggested contacting Rob Weltner of Operation SPLASH about his experience with storm water markers in Freeport. R. Groh said he consulted several municipalities around the state about their experiences, and will evaluate the effectiveness of the decals used after the winter.

- J. Fullmer reminded Council members that in 2008 the Reserve Office will be preparing the next Implementation Status Report (ISR). Actions which Council members have mentioned are examples of items that will be included in the ISR, and Reserve Office staff will be contacting partners about these actions as the ISR is written. The Self Study Group discussed using the ISR as a way to quantify what actions are taken to implement CMP recommendations, how these actions contribute to reaching CMP goals, and what resources are used in achieving these goals. Originally, the CMP was adopted as a five year, \$98 million dollar plan. Efforts such as the acquisition of open space have likely required more than \$98 million, and it may be instructive in preparation of the ISR to look beyond a five year period to determine what level of commitment is required in the future.
- J. Fullmer recognized members of the derelict vessel cleanup effort in Wreck Cove as implementation partners. This partnership received stewardship certificates on the Council boat tour as mentioned earlier in the meeting.

- C. LoBue informed Council members of two propositions on the ballot in November related to the protection of open space by municipal partners. Suffolk County is proposing an extension of the 1/4 cent tax fund (Proposition 2), and the Town of Brookhaven is proposing a Community Preservation Fund (CPF) (Proposition 3). He added that the Town of Southhampton has a CPF that allocates a significant amount of resources for preservation, and that this is a unique opportunity for residents of the Reserve to vote on an implementation activity.

A. Svoboda thanked C. LoBue for raising the issue, and explained how the criteria for expenditure of a CPF is different from other open space programs. The CPF has broader criteria, and funds can be applied to activities such as watershed protection. The Town of Brookhaven is also considering a building moratorium in the Forge River watershed.. These issues are related to EBM because ecosystem impacts are the most visible in the Forge River, and a long range EBM perspective may help prevent situations like the Forge River from developing in other watersheds. Emerging issues raised by the Self Study Work Group, such as groundwater contamination from onsite sewage systems as initially suggested in the Forge River, should be considered in plan revision.

L. Fischer explained that Proposition 2 is for extending the 1/4 cent tax program from 2013 to 2030, and that funds can be used for water quality improvement projects, such as stormwater remediation and acquiring open space for watershed protection along streams.

W. Wise mentioned that some in the real estate community are opposed to the Brookhaven CPF proposition because of the transfer tax aspect, and suggested that the Council should take action to foster the proposition's chances of passing since the CPF will assist in CMP implementation. C. LoBue added that TNC is advocating for the proposition's passage, and invited Council members to consider partnering in this effort. W. Wise suggested that the Council consider using its website to remind the general public that there is opposition to the propositions. C. LoBue suggested that the Council write a "letter to the editor" of local newspapers in support of these propositions. W. Wise added that when a CPF was proposed in the Town of Southhampton, there was initial opposition from real estate groups, who eventually supported the CPF when they realized that it would help preserve the rural character of the area.

W. Wise asked for an explanation of the details related to the tax element of the CPF. A. Svoboda explained that as part of the transfer of development rights, a certain amount of credits would be generated by the transaction. He added that the Town of Brookhaven Supervisor Brian Foley has negotiated with the Long Island Builders Institute on this aspect of the proposal which they were initially opposed to.

W. Wise added that since non-point source pollution is a principle problem identified in the CMP, and that these propositions will reduce future non-point source pollution contributions through the guarantee of open space, the Council should take action to affect the results of votes on these propositions in November. J. Fullmer added that if municipalities were developing programs to protect open space specifically in the Reserve, the municipalities should define a funding source and identify how and where it would be used. A recommendation of the CMP is to establish an open space work group to identify priorities, which was done prior to 2001. Additional priorities have not been identified thus far because partners have done so on their own, focusing on tributary corridors and lands associated with protecting water quality. It is up to the local governments to identify what the priorities are for implementing the funds potentially generated from these proposed sources. It may be helpful and instructive to the local governments if the Council as a collective group recommended that these funds would help to advance CMP implementation..

R. Grover suggested that preservation of open space protects not only water quality, but also preserves habitat, and is consistent with several CMP recommendations. He suggested that the Council should assist in educating the public about what is a CPF, and what are the benefits of its adoption.

L. Fischer mentioned that Suffolk County has three estuaries within its jurisdiction, and that they work towards meeting all of their program goals. Protecting the watersheds of these estuaries is at the forefront of their open space acquisition goals, along with protecting groundwater and the Pine Barrens. J. Fullmer asked if the CMP was used to identify priorities for acquisition, and L. Fischer replied that it is encouraged to support the various estuary programs in achieving their goals.

W. Wise proposed the following motion:

The Reserve Office will prepare a letter to the editor of Newsday encouraging the public to vote in favor of the Town of Brookhaven Community Preservation Fund because it is consistent with furthering the purposes of the CMP.

L. Fischer mentioned that there are two separate proposals on the ballot, and the motion should reflect this. C. LoBue identified them as Proposition 2 and Proposition 3 on the ballot. B. Wise asked for clarification regarding the connection between the two proposals. R. Groh asked if the transfer of development rights (TDR) is included in the county proposal. L. Fischer replied that the County and the Town have different proposals, but they are interested in partnering on acquiring certain properties which may involve a TDR. The CPF proposal involves additional factors in the transfer of development rights.

C. Squeri mentioned that the Council has discussed advocating positions on issues in the past, and they have generally steered away from lobbying. R. Grover suggested that the Council's mission is to lobby for implementation of the CMP. N. Kearney suggested that since the Town and County are putting forth the propositions and they are represented on the Council, then it is acceptable for the Council and Reserve Office to support the propositions.

M. Dolan Murphy suggested that if the Council decides it is overstepping its mission by submitting a letter to the editor advocating for passage of the propositions, then there should be a statement on the Council's website informing public that the propositions are on the ballot. J. Fullmer reminded the Council that they defeated a motion last December regarding taking on an advocacy role. At that time, the Council did not pass the motion because there was no structure in place regarding decision making that could be memorialized and defended in the future. R. Grover suggested that the proposed motion differs from previously defeated Council motions because it supports implementation of the CMP. A. Svoboda suggested that the overall objective of the Council is to reach consensus and avoid fractioning of Council members on issues. He added that these proposals are very important to protection and restoration of the Reserve, and there is the unusual prospect that the Council can take a unanimous position on this issue. He expressed that The Town of Brookhaven would be grateful to have the Council's support.

W. Glacken asked if there is a legal precedent for councils taking positions on issues, and what relationship the Council has to DOS. J. Fullmer replied that the legal statute creating the Council establishes it as a standalone entity, but it does not provide guidance on taking positions on issues. The Secretary of State is the Council chair but the Council is not an arm of DOS.

C. Squeri asked what would be included in a letter to the editor. J. Fullmer replied that the Reserve Office will review the CMP and identify in the letter how the propositions are consistent with CMP implementation, and convey the Council's support of the propositions to the public.

R. Grover amended the motion to identify both propositions are on the ballot, and seconded the motion.

R. Groh asked if areas outside the Reserve would receive funds generated by these proposals, and the impact of the TDR aspect of the propositions. A. Svoboda replied that areas outside the Reserve may received funds from the CPF.

L. Fischer requested that because of her role in reviewing proposed developments in the Suffolk County Planning Department, she will abstain from any decisions that the Council makes with regards to development propositions. R. Grover asked if she would be able to participate if there were separate motions for each proposal, and she replied that she would.

T. Marquardt asked if there was a precedent for the Council and Reserve Office providing information to the public about consistency with the CMP, and if at some point the Council has been in an advocacy position. C. Squeri provided an potential example of the Council being asked by the Marine Trades Association to support marinas that are being lost to development, but the town governments may not support this. This could lead to future conflicts related to advocacy positions. W. Wise suggested that Council members cannot implement the plan without advocating for its implementation.

K. Budny proposed as an amendment to the motion that the Reserve Office could write a letter and have individual groups represented on the Council sign the letter, rather than the Council signing the letter as a single entity. W. Glacken asked if the Council as an entity can take a position on a pending referendum. J. Fullmer replied that it depends on the language in the letter, which could convey that the proposals are consistent with the CMP. W. Wise questioned if a newspaper would accept such a letter for print. J. Fullmer expressed his interest in having the Council work by consensus when possible, and the Self Study Group will address this topic in developing bylaws. Having separate entities that make up the Council sign the letter may not present a consensus view.

F. Anders expressed that the motion on the floor would have to be modified with the suggested amendments in order for it to be voted upon. L. Fischer said she would have to abstain from the vote if it remains as is. R. Groh expressed his support for K. Budny's idea to have Council members sign the letter individually, which would give town supervisors the opportunity to review the letter and sign. R. Grover asked on whose letterhead the letter would be written on. K. Budny suggested that it be written on Council letterhead, and R. Groh added that a draft letter should be circulated to Council members for them to decide if they want to sign the letter. T. Marquardt questioned if it was appropriate for supervisors in other towns to express a position on Brookhaven's proposition, and expressed that having a letter signed by elected officials is a different level of advocacy from posting a notice on the Reserve Council website.

W. Wise called the motion to question. F. Anders read the motion:

On behalf of the Reserve Council, the Reserve Office will write a letter highlighting consistency between two proposals on the November ballot and provisions of the Reserve CMP, and urging the passing of both proposals.

R. Grover seconded the motion. Council members voted with seven in favor, two opposed, and five abstentions. The vote results indicate that the motion would pass but not by consensus. Council members questioned if the results qualify the motion for passage. L. Fischer expressed that she would need to consult with County Executive Steve Levy, whom she represents on the Council, before she could proceed with voting on the motion.

J. Fullmer mentioned that given that Election Day is November 6, and there is a process involved in preparing the letter and submitting it to Council members for review prior to submitting it to Newsday. It is possible that the letter would not be received by Newsday prior to Election Day given in the Reserve Office's currently limited resources to carry out the Council's goals and objectives. L. Siegel suggested that the latter part of the motion regarding "urging the passage of both proposals," should be removed. W. Wise suggested that Newsday would not print the letter if it does not state a position.

M. Dolan Murphy suggested that information regarding the proposals should be posted on the Reserve Council website to inform the general public about the proposals who can then make their own decision.

J. Tanacredi suggested that the Council could select an advocate outside the Council to express the Council's position. W. Wise expressed that the essence of the motion was to convey the relationship between the proposal's and the Council's role of overseeing the management of Reserve water bodies, and this relationship may not be conveyed by an outside advocate.

W. Wise expressed that the motion passed based on past Council practice, and that rules of operation are still being developed. Council members discussed if the vote did result in the motion passing. T. Marquardt asked if there was a precedent of the chair making determinations regarding procedure. F. Anders replied that the bylaws being developed indicate that seven people voting in favor of a motion is the minimum needed when there is a quorum. J. Fullmer added that the Reserve founding legislation (Article 46) state that 13 voting members shall constitute a quorum, and any action requires the majority of voting members.

Council members then agreed to move forward with a different motion proposed by M. Dolan Murphy:

The Reserve Office will place an educational piece on the Council's website providing information about the proposals on the ballot on November 6th for the Town of Brookhaven's Community Preservation Fund and extension of Suffolk County's 1/4 cent water quality protection tax. The educational piece will identify that these proposals are consistent with the Reserve CMP.

A. Svoboda seconded the motion. D. Cataldo questioned if the information would have the same impact if it is placed on the website relative to writing a letter to Newsday. M. Dolan Murphy expressed that she agrees, but that motion is not moving forward and this new motion provides an alternative to writing a letter.

The motion passed with 15 in favor and one abstention.

W. Wise mentioned that voting issues will be carefully addressed in the Council bylaws. D. Cataldo mentioned that the New York Sport Fishing Council's newsletter can accept editorials.

NEW BUSINESS

- J. Fullmer encouraged the Reserve Council to consider establishing an Ecosystem-based Management Work Group based on the partnership with OGLECC that the Council formalized earlier in the meeting. The Work Group would consider how EBM can be incorporated into changes in the CMP.

W. Glacken proposed the following motion:

The Reserve Council will establish an Ecosystem-based Management Work Group.

M. Dolan Murphy seconded the motion. The Council voted with 15 in favor and one opposed. J. Fullmer asked Council members interested in participating to contact the Reserve Office.

- C. Squeri announced that the Marine Trades Association is developing a card identifying where pumpout stations are on Long Island. J. Fullmer mentioned that the Peconic Baykeeper is working on a similar initiative.
- L. Siegel invited Council members to join his Dowling College class on the Captree Star to visit the Reserve.
- N. Kearney mentioned that oysters from the TOBAY Flupsy were seeded in South Oyster Bay.

PUBLIC COMMENT

A. Aronoff commented that individuals can write letters in support of the proposed Community Preservation Fund. Several organizations in Brookhaven are advocating for passage of this proposal.

A. Aronoff also suggested that brochures about the Bayway should be placed at rest areas and tourist areas such as ferry terminals and hotels so that visitors to Long Island can learn about the Bayway.

ADJOURNMENT

W. Glacken motioned to adjourn the meeting, K. Budny seconded. The meeting was adjourned at 4:05pm.