

Peconic Estuary Program  
Citizens' Advisory Committee  
Tuesday, 3/19/19  
2-4pm @ Hampton Bays Public Library



### **PEP Update**

<https://www.peconicestuary.org/pep-update-march-2019/>

### **General Program Update Questions**

- Question – Many of PEP studies involve the towns. Are towns consulted for habitat and hardened shoreline projects?
- Answer: PEP does consult with the towns to make sure we have their support.

PEP is using living shoreline projects as demonstrations, using this as a tool to show the municipalities that it is effective. PEP is making ourselves into an advisory group to help local governments with those structural plans.

PEP is bringing back the local government committee to make sure that town councils and boards have a forum to send a representative so they can ask questions about planning documents, get information, and communicate in a formal way. PEP wants to strengthen these relationships.

There is also the Peconic Estuary Protection Committee that is an intermunicipal affiliation dedicated to restoring and improving water quality, and is involved in the dialogue.

- Question – The Solute Transport Model (LINAP is doing something similar). Do you work together?
- Answer: Yes, PEP does work together. The model is just looking at our watershed, LINAP is along long island, we want to understand N legacy pollutants.

### **Septic Improvement Discussion**

PEP opens up discussion with question to the group: Who is actively involved in rolling out septic improvement and education about the county's program?

### **Concerned Citizens of Montauk – 2 year grant upgrade process in Montauk**

- Meeting and presentation with public in June 2018 (very well attended)
- Hold morning casual meetings at office for public to come and ask questions and get assistance on application if needed.
- Organizing 2 formal meetings, one in East Hampton, April 30th and one in Southampton town, April 15<sup>th</sup> at 6pm.
  - Will bring respective town people to tell about their own rebate programs to get people to sign up

### **Septic Improvement Program Question:** People are struggling with the 1099 income tax form.

Answer: 1099 should be issued to the contractors and engineers receiving the money, modeled off of other programs in MD and the Catskills, which have been around and haven't had problems with audits. Not taxable for the homeowner. Based on tax council. Separate opinion from Kennedy. Kennedy will reach out to IRS for validation of his opinion that the tax forms are for homeowners. Suffolk County disagrees with this. Tax forms were sent out to homeowners. There is an IRS online portal where homeowners can enter that they were sent these 1099's in error. People should talk with their tax professionals for advice as to what to do. There is a call to rescind the 1099 forms. Accountants say that forms shouldn't be given to homeowners, but they have already been sent out. The advice is to speak to tax professional (creative approaches include claiming it as a capital improvement).

- This is a setback for the septic improvement program and is a hardship
- Back in 2017, 1099's were issued to the homeowner and the contractor for the same amount of money, but in 2018 the 1099's were sent to the contractors, then they were rescinded and sent out to homeowners (This was done by the comptroller).
- Question: When will the IRS make a determination?
- Answer: Not sure. The request is to validate whether they are taxable.

### **Suffolk County - Review of changes to septic improvement program:**

- Feb 2018 the program available to counties
- 10 million to Suffolk from the state
  - State program has less restrictions so we had to change the program
- Worked with the state to offer grants for existing submitted applications
- Use water quality improvement funds to hire additional staff, hiring process started in January
- Changed local law to make eligibility requirements more in line with the state programs
- Can take state money and couple it with the county money and with town money (permission from the state to do so)
- December 2018 legislature approved changes and it went live in January 2019
  - Since it went live, had 40 applicants in January
  - So far have 30-40 this month (60 applicants from shelter island in the process)
  - Expanded program has the ability to process 80 applications per month
  - Operating at capacity
  - 90 systems ready to be installed, 74 installed total so far

- Interest is huge, but implementation is slower
- Hoping it will start taking off more quickly
- Many installs scheduled, need enough engineers to process that number of applications
- Streamlining approval
- Payment issues: needs to be expedited, payment to contractors has been delayed and slow (sometimes quick, other times they sit around for 3-4 months)
- Payment comes from comptroller
- The program is removing Nitrogen, which is a benefit to the community not just the homeowner. The homeowner does not need to maintain the system.

**Related question and comments: What help can we as non-profit orgs provide?**

- A lot of paperwork is involved in the process.
- It is helpful to talk to homeowners about the process and maybe have a workshop to inform about the paperwork and what the homeowners need to do.
- Facebook live streams, webinars, video how-tos
- Homeowners need to submit tax bill, CO, and homeowner's insurance.
- 200 + homeowners are hung up on documents that they need to get.
  - 170 haven't submitted but have started filling out the form
  - Trying to minimize number of documents required
- **PEP – is it helpful to have a workshop to get all partners together to learn how to present on the septic improvement program?**
  - Answer: Yes that would be helpful. They did that at the launch. Presentation about the online application.
  - Homeowners receive a packet of information once their application is accepted that spells out what they need and how to do it, but many homeowners get overwhelmed

**Question: Why is it so difficult for the homeowner to get what they need?**

- When do you have time to go to the town?
- Town in EH is helpful, but it comes down to how hard it is to get homeowners to do things
- Afraid it will trigger a new construction project if properties aren't up to date on the items required
- Homeowners are afraid that the town is going to come for them because they have illegal decks - the county isn't, but the towns all vary
- **PEP – is it helpful to turn the septic improvement program website into a brochure for all partners to distribute?**
  - Answer: Yes we have an existing one that can be provided.
  - Answer: Somebody created a procedure with steps telling you what to do, and the county also has one.
- Need to come up with ways to encourage people not to give up

- It's smooth through application process, then signing and notarizing documents, they slow down.
- The design process will depend on the engineers and administrator and their experience level. (homeowners get the most frustrated when reviewer makes a lot of comments and back and forth between engineer and reviewer)
- Now have staff promoted to just look at septic improvement plans (10 per week, and he reviews them and works with engineers to troubleshoot) (process is revamped) (he will go to the site with engineers to brainstorm).
- It has been a learning process for them, sometimes well needs to be sampled if it is a retrofit
  - They are changing and adapting the process
  - Encourage people: tell them that they hired more staff to administer the program

### **Peconic Baykeeper (PBK)**

- Can we provide systems to the communities themselves? Looking for a community rep. North Sea Beach Colony (strong homeowner's association), can Peconic Baykeeper act as a conduit to help these people get their rebates from the town? Would like to help serve as the middlemen. Wanted to get 3 properties to get systems installed as a pilot to make an example of how painless the process can be with their help. Got 25 to sign up.
- Advantages of working with the town directly as a nonprofit - can find the best engineer, best price, best community (don't have to go through the same bidding process)
- Got private funding to provide down payments for the 3 properties, just applied for town CPF rebate (not county program because it doesn't allow second homeowners)
- Sounded nice and easy, but it wasn't
  - You really don't know what you are getting into until you start digging holes (relying on town GIS to pick properties that would be easy to work on, but the town GIS isn't totally accurate (soil type and drainage))
  - In the future for this to be more successful, we need to better know what we are getting into ahead of time (better town data)
  - PBK Installed one at their headquarters and invited the public to come see it
  - CPF grant (town) vs rebate system (county)
    - Different because instead of applying for a rebate for each individual they are applying for a pool of grants for the whole project using that money property by property
    - Important to identify stable, large scale projects instead of inching along project by project
    - Can't guarantee money and move forward with other communities (can give advice though) without the private money like they had this time.
    - Take away: lessons on how to engage communities and homeowners.
      - People are more likely to do it if it is required
      - Assurance that it won't incur costs to the homeowner (people are less likely to do it if they have to pay)

- Question: Can we create a community application process where they are processed all at once?
  - Answer: this is hard because each property has its own nuances and might incur additional costs on the ground if the plans aren't totally thorough
  - Question: Can we use communal systems?
    - Problem is the ownership and who is responsible

### **Peconic Green Growth: Implementation of community systems**

- Expensive
- Duplication of costs
- Where is it going to go? Schools are good, but people don't want to consider it because of the idea of it. Schools were open to it, but politicians were not. Too much preserved land makes it hard to place them.
- Have to create sewer district
- Public buildings and facilities like hotels, restaurants, marinas, elderly communities – should be focused on. Their flow is large and a lot of them are located right on the water. How to get public and commercial sites?
- Water conservation and water reuse (like golf courses) is something else to consider
- Working with Brookhaven to install a new soil based woodchip system

### **Comments made by Roger Tollefsen were as follows:**

- Example of Great south bay sewer district (reduced 40%) of nitrogen load  
Created a regime for brown tide and caused a collapse of the hard clam  
Sarasota - another example, they got an award for reducing nitrogen by 67% and they closed their tourist season because of a harmful algal bloom.
  - Answer: There was no connection between the bloom and the nitrogen reduction
  - Comment: Harmful algal species are opportunistic and reducing N by too much can create a niche for them to bloom. Peconic has lower loading of N compared to other estuaries and we are a hub of HAB's
  - **PEP responded as follows:** Can't lump all HAB's together and lump the bay all together because some parts of the bay have much higher loadings due to groundwater influx and small embayment's have less tidal flushing.
  - Answer: An example of success is Oyster Bay

### **Additional Comments:**

- Trustees passed a new septic law in Sag Harbor.
- The village has its own rules and regulations and jurisdiction, which is now more in line with the other towns
- People have asked us whether the county is trying to streamline the process between the towns and the county?
- Answer: Towns will not reimburse the homeowner until they get the approval stamp, but the county changed this (they send payment right when it goes in the ground)

- Towns don't give the money until many months after it is approved and installed
- MOU's to share information with the towns, Shelter Island requires application to the county first
- County will keep working with the towns, changed the law to add MOU clause which gives legal authority to share information
- County money goes to contractor, installer (loans are slightly different) upon installation
- Town programs (homeowner pays out of pocket and gets reimbursed, both are problematic in their own right) (waits till final approval, which can be months away) but Southampton is changing to pay contractor directly instead of having homeowner signing off on this
- Will keep talking with towns about how to better integrate
- One staff person of county will help with Spanish speakers

### **PEP outreach update**

Centralized calendar for the estuary's watershed

- Will avoid overlap of events between non-profit orgs and environmental partners
- Provides opportunities to collaborate
- Provides the public a centralized location to see what events are going on around the estuary watershed, and what organizations are hosting what events.
- Different access for public vs partners
  - Partners can add events and read (but cannot modify or delete)
  - Public can only read
- This is from the Teamup Calendar. PEP is the administrator and can control the backend.
- Access will be distributed via e-mail, and partners are not to share login information for the add-only event capabilities.
- On the PEP website, there will be a link for the public to access the read-only versions. There will be a town guide to explain what towns are within what townships for easier reading of the color coded calendar.
- Trial run for a few months.