

Dozens Endorse C.P.F. Change

Water pollution a target in 20-year extension slated for November ballot

By Joanne Pilgrim | August 11, 2016 - 3:01pm



Kevin McDonald of the Nature Conservancy voiced his support for the community preservation fund water quality improvement initiative at a hearing last week. Photo by Morgan McGivern.

A proposed East Hampton Town law that would allow and regulate the use of up to 20 percent of the community preservation fund for projects intended to improve water quality drew the unanimous support of more than two dozen people at a hearing at Town Hall last Thursday, although a number of speakers urged the board to tighten the law's language to ensure it would not spur development.

The preservation fund program, adopted in 1999 in the five East End towns, has raised over \$1 billion for land and historical preservation through a 2-percent tax on most real estate transactions. The law, which also extends the C.P.F. program for 20 years, to 2050, will require voter approval on Election Day. It requires town board approval of a water quality improvement plan that the board is expected to approve shortly, its having been recently presented by Kim Shaw, the town natural resources director. The plan

calls for each project to be approved by the town board, with an advisory committee and a plan manager offering advice.

Among those who faulted some of the language in the law was a contingent of local Democrats. Jeanne Frankl, an attorney who is the chairwomen of the Town Democratic Committee, said she had deep concerns. “You must go back to the drawing board on this,” she said.

David Weinstein called the proposal a “landmark piece of legislation” but said, “C.P.F. funds should not be used to aid private development in any way.” As written, future town officials might be able to subvert the law’s intent, he said.

Betty Mazur found the intent of the law “excellent,” but said it was “not quite strong enough to prevent any unintended consequences.”

The members of the board took their concerns seriously, postponing a vote on the law at the close of the hearing and subsequently revising the text. The law had read that “projects which have as their primary purpose the accommodation of new growth . . . shall not qualify for funding. . . .” The word “primary” has now been removed. The revised law mirrors state legislation exactly and is likely to be approved at the board’s meeting next Thursday.

Alec Baldwin, an actor and an Amagansett resident, was among the many at the hearing who expressed strong support. “Why protect land in a waterfront community if the water is going to go down the tubes?” he asked. He suggested that town officials arrange a community forum at which “what exactly will happen with this C.P.F. money” can be explained to the public.

Anna Throne-Holst, the former Southampton Town supervisor who is running for Congress, called the community preservation fund “one of the most successful preservation efforts in the nation,” which, she said, was achieved “without actually taxing individuals for whom that might pose difficulty.” The cost to future taxpayers of not addressing widespread water quality “is almost incalculable,” she said.

A major component of the law is that C.P.F. money is to be made available for rebates to property owners who install more efficient septic systems. County Legislator Bridget Fleming pointed out that recently enacted county laws authorize the Suffolk Department of Health Services to approve new waste systems that can largely eliminate the discharge of nitrogen.

“We wanted to be clear that if we introduced these new sanitary systems that we weren’t opening the door to development,” she said. She also said that the county law has restrictions on population density. Existing town zoning restrictions would also still apply.

Other projects that could be funded under the law are wastewater treatment systems, aquatic habitat restoration, pollution prevention, “non-point source abatement and control,” and participation in the Peconic Bay National Estuary Program.

Kevin McDonald, a conservation policy adviser for the Nature Conservancy, said studies over the years “all came back and said, ‘your problem is nitrogen,’ ” with the source identified as individual disposal systems.

“We got the best people in the country on marine research,” Mr. McDonald said, and they all said dealing with the nitrogen entering the waters was essential. “Where you reduce the offending pollutant, natural systems will recover,” he said. The problem was not in question; the only deficiency was funding, he said. “So we forcefully, fully, and strongly endorse the proposal.”

Judith Weis, a Springs resident and marine biology professor, underscored Mr. McDonald’s points, saying, however, that the public should be aware that “it’s not going to be a quick fix. It’s not going to recover next year, or the year after — it’s going to take a long time.”

Given the time it would take to have an impact, action is “well overdue,” Laura Michaels of Montauk’s Ditch Plains Association said.

Protection of land through the community preservation fund has already protected property from water pollution, Jeremy Samuelson, the executive director of Concerned Citizens of Montauk, said, “but it is not enough.”

For example, 68 percent of Montauk has been preserved, “but Lake Montauk hasn’t been able to have a public bathing beach since 2006 because it can’t pass a health certification,” he said. “The hard part is how do we pay for it? And we have in front of us now an elegant solution.” To address some of the fears about preservation money helping to spur development, he suggested making new construction on vacant lots ineligible for septic rebates.

Robert DeLuca, the president of the Group for the East End, said the issue was “always funding. Without this plan I don’t know what other tool we have.” He called the town’s management plan a “strategic, thorough, thoughtful, and measured approach to dealing with a large issue.”

Over and over the speakers, including East Hampton Village Mayor Paul F. Rickenbach Jr., spoke in favor of the law. The village adopted its own water quality improvement plan last month.

“It has been scientifically documented that the water quality of our East Hampton water bodies is impaired,” Helene Forst of East Hampton, said. “Taking 20 percent of the C.P.F. to protect our water bodies is a measure that will protect our town’s vistas, water estuaries, and natural lands.”

During the hearing, East Hampton Town Supervisor Larry Cantwell agreed that “the language is important . . .,” but, he said, care must be taken so that “you don’t get into a situation where someone can’t do anything with their property.”

Alex Miller of Springs also voiced support, “provided that the approval of the referendum’s language precludes any development beyond what is currently allowed by zoning.”

“It will take years but we’ve got to get started. We’re on the wrong track,” Mr. Cantwell said at the close of the hearing. Without doing so, “the future doesn’t look so good, even in a commu



Alec Baldwin agreed with more than two dozen speakers who endorsed a proposal to use some of the community preservation land fund to protect water quality. Photo by Morgan McGivern.