

## November 17, 2020 Work Session Agenda

### OPEN SESSION

- IV-1 9:00 Steve Biasetti, Group for the East End and John Sepenoski (in-person)  
re: Final Beach Nesting Report for 2020
- IV-2 9:30 Councilwoman Jill Doherty, Denis Noncarrow and Michael Collins, Town  
Engineer (in-person) re: Project Progress and Grant Updates
- IV-3 9:45 Councilman Ghosio, Denis Noncarrow and Jennifer Del Vaglio, Chair of the  
Economic Development Committee (in-person) re: Licensing for Contractors
- IV-4 10:00 Vincent Orlando, Highway Superintendent re: Highway Equipment Purchase
- IV-5 Supervisor Russell re: Proposal to Allow Apartments in Marine Zones
- IV-6 Supervisor Russell re: 2021 Daily Beach Passes – Eliminate Daily Pass and  
Create Family Member Resident Pass
- IV-7 Councilwoman Nappa re: Discussion of Outside Dining Permit Application  
Extension and Request for Letter for the Aircraft Noise Steering Committee
- IV-8 Cost of Sanitary Flow Credits
- IV-9 North Fork Community LLC Change of Zone Discussion

### EXECUTIVE SESSION

- IV-10 Labor- Matters Involving the Employment of a Particular Corporation(s)  
12:00 -Melissa Spiro re: Land Preservation Special Counsel for 2021
- IV-11 Labor- Collective Bargaining Negotiations- CSEA  
12:30 -Kristie Hansen-Hightower and Bill Duffy
- IV-12 Labor- Matters Involving the Employment of a Particular Person(s)  
1:00 -Tim Abrams, Department of Public Works  
-Bill Duffy re: Town Attorney's Office and Code Enforcement  
- Historic Preservation Commission
- IV-13 Lease of Real Property Where Publicity Could Affect the Value Thereof  
1:15 -Michael Collins, Town Engineer

# TOWN OF SOUTHOLD

IV-1  
11-17-20

## BEACH-DEPENDENT BIRD SPECIES

### MANAGEMENT PROGRAM

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#### NYS DEC Designated Monitoring Sites



#### Prepared By:

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Group for the East End  
September 2020



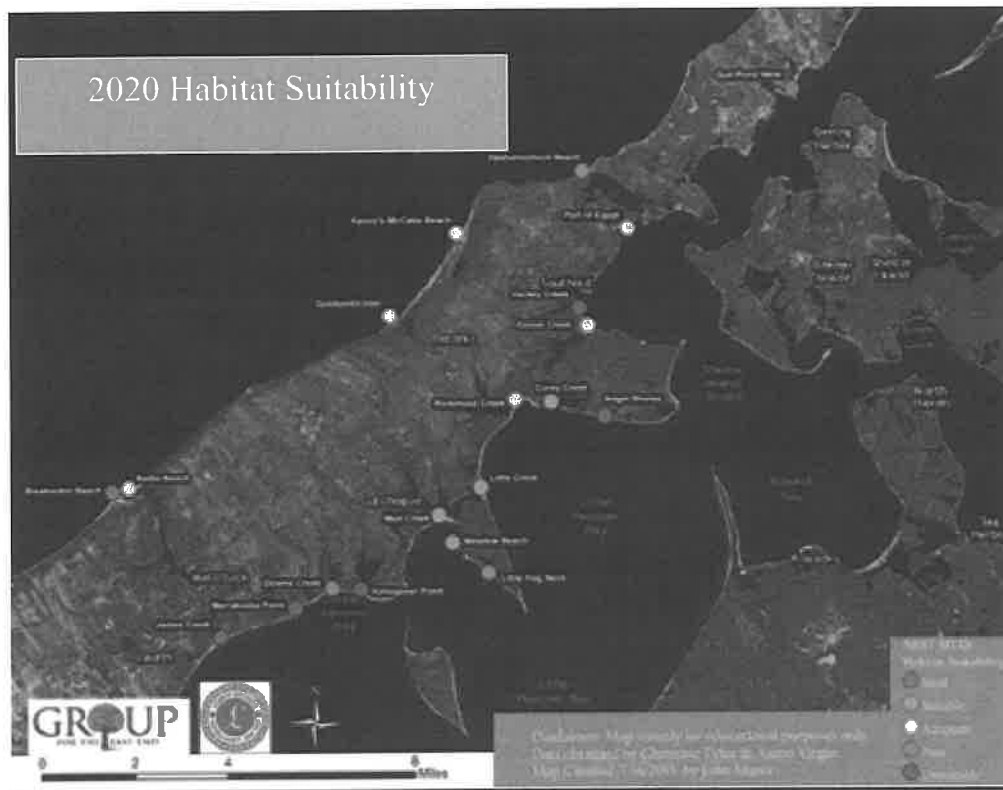
## Key Notes for Stewardship Program

- (1) Prior to the start of the beach-nesting season, Group for the East End (GFEE) staff contacted private landowners in locations where nesting was likely to take place. These communications were made in order to educate local residents about the biology of piping plovers (PIPL), least terns (LETE), and other beach-nesting birds. Staffers also highlighted the reasons for string fencing and exclosures, strategies to prevent nest disturbance, and ways in which the public could get involved in the stewardship program.
- (2) Preseason string fencing and signage were placed at all public and private beaches (with landowner permission) in early April, based on the specific site recommendations from the 2019 Report.
- (3) We continue to highly recommend increased patrols by law enforcement for unleashed dogs and illegal ATV use. Both illegal activities pose grave threats to PIPL and LETE. As recommended in previous years, the dog leash law should be adjusted to include all hours from April 1 through August 31, not just 9 a.m. to 6 p.m.

## Program Background

North Fork Audubon Society (NFAS) and the Nature Conservancy (TNC) initiated the monitoring program of PIPL and LETE with Southold Town in 1996, under coordination with the New York State Department of Environmental Conservation (NYS DEC) and United States Fish & Wildlife Service (USFWS). GFEE has coordinated the monitoring program since 2011. [PIPL is currently listed as a federally “Threatened” and NYS “Endangered” species; LETE is a “Threatened” species in the State of New York.] While the main aim of the program is to monitor PIPL and LETE, staff kept track of three additional beach-nesting species: common tern (COTE), American oystercatcher (AMOY), and great black-backed gull (GBBG).

The following is a site-by-site summary of the 23 sites (featuring 10 sub-sites) monitored from April 1 through August 31, 2020. Each section of the report includes site-specific information about the number of site visits, PIPL habitat suitability, nesting activity, overall productivity, and the presence of LETE colonies. The chief goals of the program are to determine the overall productivity of PIPL and LETE during the given breeding season and relay this information to NYS DEC and USFWS. With such information, the two agencies are able to systematically determine the population sizes of these protected species.



*Note: This map depicts sites covered under contract with Group for the East End and the Town of Southold in 2020. Other beach-nesting bird sites in Southold Town are monitored by Suffolk County (Suffolk County parklands and beaches) and Audubon New York (Orient Beach State Park). GFE is in communication with both entities to relay positive and negative information as it occurs in the field.*

### **Habitat Suitability Rating**

1. Ideal habitat – Ample beach space is present between high tide mark and the beginning of vegetation; presence of valuable foraging grounds.
2. Suitable nesting habitat – Some human disturbance and/or predator presence; ample beach space above the high tide mark; valuable foraging grounds present.
3. Adequate nesting habitat but frequent human disturbance and/or predator presence – ample beach space above the high tide mark is present, but other factors diminish the possibility of nesting success.
4. Generally unsuitable habitat – Significant human disturbance and/or predators are present; insufficient area above high tide mark for nesting; some suitable foraging habitat is present.
5. Unsuitable habitat – Extreme human disturbance and predators are present; No beach area above high tide mark due to groins, bulk-heading or periodic flooding.

Site	Habitat Suitability	# PIPL Pairs	# PIPL Nests	# PIPL Fledglings	Size LETE Colony	# Visits
Angel Shores	5	0	0	0	0	3
Corey Creek Mouth (S. Harbor & Takapausha)	2	1	2	0	0	27
Cutchogue Harbor (Mud Creek)	3	0	0	0	0	6
Cutchogue Harbor (Meadow Beach)	2	1	1	0	26	28
Downs Creek	4	0	0	0	0	11
Goldsmith Inlet (Inlet West)	2	1	1	1	0	38
Goldsmith Inlet (Kenney's - McCabe's)	2	0	0	0	0	20
Goose Creek (Southold Bay)	2	1	1	0	44	48
Gull Pond West	2	1	2	3	28	49
Hashamomuck Beach (Town Beach)	5	0	0	0	0	3
James Creek	5	0	0	0	0	3
Jockey Creek (Spoil Island)	5	0	0	0	0	3
Kimogener Point (West Creek)	5	0	0	0	0	3
Little Creek (Causeway)	2	1	1	4	36	48
Little Creek (North)	2	1	1	2	0	25
Little Hog Neck (Nassau Point)	4	0	0	0	0	7
Marratooka Point (Deep Hole Creek)	5	0	0	0	0	3
Mattituck Inlet (Breakwater Beach)	2	4	4	7	240	61
Mattituck Inlet (Bailie Beach)	3	1	1	4	0	11
Pipes Cove	4	0	0	0	0	7
Port of Egypt	3	1	2	0	40	32
Richmond Creek	2	1	1	0	0	25

**2020 Habitat Suitability and Productivity Summary:**

## PRODUCTIVITY SUMMARY 2020

<b>PIPING PLOVER</b>	Total # of nesting pairs	14
	# of nest attempts	17
	# of nests that hatched	10
	# of young fledged	21

**Total Productivity: 1.5**  
(12-year avg. = 1.15)



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<b>LEAST TERN</b>	Total # of nesting colonies	6
	# of nesting pairs	207
	# of young fledged	55

**Total Productivity: 0.27**  
(12-year avg. = 0.50)



### 2020 Summaries and Recommendations: Active Sites

**Eleven sites were active during the 2020 season. These sites are listed in order of PIPL productivity and are accompanied with town action recommendations.**

**1) Mattituck Inlet (Breakwater Beach) – 4 PIPL nests, 7 young fledged. Approximately 120 LETE nests, 30 fledged. Continues to need leash law sign and ATV enforcement.**

Of the Southold sites monitored by GFEE, Breakwater Beach continues to be the most productive for PIPL and LETE. Notably, Breakwater Beach provides wide expanses of flat, natural, non-fragmented beach habitat. Four PIPL pairs nested here – three on the eastern public portion and one on the western private portion. The seven PIPL fledglings this year are a slight uptick from the 2019 results (when 6 fledglings resulted from 5 nests). These seven PIPL fledglings were less than half of the fifteen PIPL hatchlings observed, evidence of the dangers threatening young birds at Breakwater Beach.

The LETE colony consisted of approximately 120 LETE nests, most on the public portion near the inlet, and about a dozen nests on the private section. The frenetic nature of this large LETE colony makes it difficult to accurately account for all fledglings, but at least 30 fledglings were seen. These LETE numbers are comparable to those registered in 2019 (105 nests with 30 fledglings).

Although Breakwater Beach provides excellent nesting habitat, there are many dangers present for nests and young birds. The most threatening disturbance is the continued use of all-terrain vehicles (ATVs) on the public and private sides of the beach. Although ATV use is illegal on public beaches in Southold, this season GFEE monitoring staff observed the act in progress or noted evidence of the transgression afterwards. ATVs are permitted on private beaches, with permission of the property owner. Regardless of the varying legal circumstances relating to ATVs, these vehicles are a critical threat to the survival of hatchlings of NYS- and federally-designated species.

There are a number of other dangers to PIPL and LETE nests at this site. Breakwater Beach is a popular destination, drawing many sunbathers, fishermen, beach strollers, dog walkers (leashed and not leashed), and others. As an unfortunate result, a disturbing amount of trash was observed at Breakwater Beach over long stretches of the summer. The garbage on the beach attracts various nest predators, such as the crows and gulls that were seen regularly on site. Additional troubling activities included evening bonfires on the beach, fireworks displays, and flying drones near nests.

*Recommendation* – Enforcement of the Town ATV law on public beaches is critical for protecting the nesting habitat at this unique site. An ATV ban on all beaches in Southold Town (including private beaches) between April and August would be even more beneficial. Additionally, increased enforcement of the Town's leash law would provide great relief for the nesting birds at Breakwater Beach.

**2) Little Creek (Causeway) – 1 PIPL nest, 4 young fledged. About 18 LETE nests, 16 fledged. Need to codify USFWS guidelines regarding fireworks displays.**

This bay beach continues to provide valuable nesting habitat for beach-nesting birds, particularly on the dredge spoil area. Both target species experienced more productive seasons this year compared to 2019. PIPL had 1 nest with 4 fledglings in 2020 (3 nest attempts and 3 fledglings in 2019), while LETE had 18 nests with 16 fledglings this year (11 nests with 8 fledglings last year).

The beach is quite popular, drawing many visitors to the site. In particular, the dredge area is directly adjacent to the parking lot, causing people to walk in close proximity to the nesting area. It is especially vital for dog-walkers to heed the Town's leash law at this location.

The most problematic situation involved Fourth of July fireworks displays. On that date many people gathered at the beach to observe the various displays taking place from near and far over several hours. Some of the displays were disturbingly close to the nesting colony. GFEE staffers were positioned at key spots in order to guide people away from the birds.

*Recommendation* – This site should continue to be string-fenced – with signage – early in the season. As has been done at virtually all sites, string fencing should be done with high (4 feet) and low (2 feet) lines. Little Creek would benefit from the conversion into Town law of the USFWS guidelines regarding fireworks displays near federally-designated beach-nesting birds.

**3) Mattituck Inlet (Bailie Beach) – 1 PIPL nest, 4 young fledged. Site would benefit from pre-season string fencing and signage.**

This location, east of the inlet, offers a gently sloping sandy beach of varying widths. The beach receives some use by sunbathers, beach strollers and fishermen, although significantly fewer visitors than the west side of Mattituck Inlet (Breakwater Beach).

We monitored the site a few times in May and June without observing any evidence of nesting. Therefore, it was a pleasant surprise when we received news of a PIPL pair with 4 hatchlings at Bailie Beach in late July. The nest appears to have been roughly halfway between the road ending and the inlet.

*Recommendation* – Pre-season string fencing and signage should be placed in the general vicinity of this year's nesting site.

**4) Gull Pond West – 2 PIPL nesting attempts, 1 nest failed, 3 young fledged. 14 LETE nests, 2 fledged. Would benefit from enforcement of leash law.**

This site provides viable nesting habitat for PIPL and LETE. However, flooding threats have heightened in recent years. Private landowners continue to allow string fencing and signage on their property. The



shoreline receives a fair bit of visitors, mostly in the forms of beach strollers, dog walkers, and fishermen. These beachgoers were generally respectful of the string-fenced areas and the nesting birds.

*Recommendation* – It will be beneficial to continue cultivating positive relationships with the private landowners along the beach. The Town’s leash law should be enforced for the protection of this important nesting site.

**5) Little Creek (North) – 1 PIPL nest, 2 young fledged. Need to codify USFWS guidelines regarding fireworks displays.**

This side of the creek is less busy than the other side, although it does experience some beach strollers as well as passing boaters. The site provides potential nesting habitat for PIPL and LETE, and – for this reason -- the extreme point (near the inlet) was string-fenced early in the season. Staff monitored the site 11 times between mid-April and the start of July without discovering any nesting activity. So, it was a nice surprise when a PIPL pair was spied on July 3<sup>rd</sup> with two recent hatchlings. It is not known whether the nest was near the inlet or further north on the upper beach (near the freshwater pond).

As with Little Creek (Causeway), the most problematic situation at this site involved Fourth of July fireworks displays. A number of people gathered on this side of the inlet to observe the various displays taking place. Some of the displays were fairly close to the PIPL family, and so GFEE staff was stationed here in order to guide people away from the birds.

*Recommendation* – This site should continue to be string-fenced – with signage – early in the season. Just like Little Creek (Causeway), Little Creek (North) would benefit from the conversion into Town law the USFWS guidelines regarding fireworks displays near federally-designated beach-nesting birds.

**6) Goldsmith Inlet (West – Public) – 1 PIPL nest, 1 young fledged. Needs guardrail installation and leash law enforcement.**

The beach on the west side of Goldsmith Inlet draws many visitors (e.g., sunbathers, dog walkers, fishermen) during the summer. These beachgoers – and their activities -- could disturb beach-nesting birds, and may attract nest predators, too.

The dredge material area directly north of the parking lot offers particularly welcoming habitat for beach-nesting birds. In 2020 the PIPL nest was in this location, as has been the case in previous years.

Although three eggs hatched, just one PIPL hatchling survived more than a few days. In this regard, we received an eyewitness account about one very young hatchling being eaten by a crow just two days after hatching. The PIPL pair and one surviving hatchling made it across the inlet to the east side within the chick’s first week of life, and they spent the remainder of its developing time until fledging on that side. [The two PIPL family groups in 2019 took this strategy as well.]

*Recommendation* – We continue to advocate for placement of a guardrail, split rail fence or similar feature along the northern border of the parking lot in order to prevent vehicles from driving on the beach. Enforcement of the leash law would be beneficial for beach-nesting birds.

**7) Goose Creek (Southold Bay) – 1 PIPL nest, 0 young fledged. 22 LETE nests, 4 fledged. Needs leash law enforcement.**

Goose Creek provides important nesting habitat for PIPL and LETE. However, the site is extremely popular with the local community, and the beach is often crowded with sunbathers, dog walkers, boaters, and fishermen. Additionally, tidal flooding can be problematic here.

GFEE staff made sure to place string fencing and signage on site early in the season, before peak visitation. A PIPL nest hatched three eggs by June 19, but the three hatchlings unfortunately disappeared (presumably from predation) within their first week. The LETE colony included up to 22 nests, but resulted in few fledglings (4 counted), with the low number possibly because of predation, too.

*Recommendation* – GFEE will continue to string fence the beach early in the season in order to establish a protected beach-nesting area. This site would benefit from enforcement of the Town leash law.

**8) Port of Egypt – 2 PIPL nesting attempts, 2 nests failed. 20 LETE nests, 3 fledged. 2 COTE nests, 0 fledged. 2 AMOY nests, 2 nests failed. 55 GBBG nests, 68 fledged. Consider control of GBBG colony.**

The island near the Port of Egypt Marina continues to host a large number of colonial nesting birds. The site is dominated by the large number of GBBG, mostly on the central and eastern parts of the island. GBBGs are known to feed upon the eggs and young of other birds. Their presence probably contributed to nest failure (PIPL, AMOY), hatchlings not reaching fledgling stage (COTE), or limited nesting success (LETE) for the other birds on the island.

*Recommendation* – The state- and federally-designated beach-nesting birds (PIPL, LETE, COTE) at this site will have a tough time achieving nesting success while the large GBBG colony is present. One management strategy to consider is control of the GBBG colony.

**9) Corey Creek Mouth (South Harbor Beach) – 2 PIPL nesting attempts, 2 nests failed. Needs leash law enforcement.**

This site provides potential nesting habitat for PIPL, even though it is a popular beach for local residents. The apparent presence of nest predators (e.g., crow, raccoon, fox) has been a continuing concern. Last year one PIPL nest was left alone while another was exclosed; in both cases predation removed any chance of nest success. This year exclosures were not used; in both cases the nests failed relatively quickly. It is not known whether predation or human disturbance caused these nest failures.

*Recommendation* - This site would benefit from enforcement of the Town leash law. Of comparable importance, predation pressure needs to be reduced, whether by regular garbage pickup at the end of South Harbor Road, installing effigies after PIPL eggs hatch, or similar strategies to deal with predators.

**10) Cutchogue Harbor (Meadow Beach) – 1 PIPL nesting attempt, 1 nest failed. 13 LETE nests, all nests failed. 1 AMOY nest, 1 nest failed. No town action needed.**

The Meadow Beach Preserve is a fairly remote spot that offers excellent beach-nesting habitat, especially at the far end of the peninsula. Conversely, the site continues to suffer from predation pressures (potentially from raccoons, crows, and gulls). Tidal flooding may impact the site on occasion, too. This year nests were found for three species and these nests were monitored for two (PIPL, LETE)

to three weeks (AMOY). But all nests disappeared at roughly the same time (June 16), presumably from predation.

*Recommendation* - This site should continue to be string-fenced early in the season. If it can be determined that raccoons are the main culprits in nest predation, it may be worthwhile to trap and relocate the predators in order to increase chances of nesting success.

**11) Richmond Creek – 1 PIPL nest, 1 nest failed. Needs leash law enforcement.**

Richmond Creek provides potential nesting habitat for PIPL and LETE, with considerably less human visitation than the site across the creek to the east (South Harbor Beach). One PIPL nest was attempted in early June (June 8 to 10) but failed within a few days. The reason for nest failure could not be determined. Since the two PIPL nesting attempts at nearby South Harbor Beach occurred before (May 22 to 25) and after (June 15), the Richmond Creek attempt may have been the same PIPL pair for all three failed attempts.

*Recommendation* – Richmond Creek should continue to be string-fenced early in the season. The site would benefit from enforcement of the Town's leash law.

## 2020 Summaries and Recommendations: Inactive Sites

**Twelve sites were not active during the 2020 season. These sites are listed alphabetically and include town action recommendations.**

### 1) Angel Shores

Nesting birds were not found at Angel Shores this year, continuing the trend of the past decade. There does not appear to be enough upper beach available, as residential development and bulkheads are in close proximity to and/or encroach upon the habitat. Additionally, a patch of invasive *Phragmites australis* continues to expand its growth on the beach, negatively impacting nesting habitat.

*Recommendation* – none at this time

### 2) Corey Creek Mouth (Takapausha Road)

The east side of the Corey Creek Mouth, which is accessed via Takapausha Road, does not seem to offer suitable nesting habitat. The beach is narrow and continues to show the impacts of erosion.

*Recommendation* - monitoring should be minimized as there has been a lack of nesting activity.

### 3) Cutchogue Harbor (Mud Creek)

This beach section of Cutchogue Harbor, on the east side of the inlet to Mud Creek, experiences quite a bit of activity during the nesting season. Sunbathers, beach strollers, and fishermen are among the frequent visitors to this narrow strip of sand. Much of the beach is encumbered with beach chairs, recreational equipment, kayaks, and similar items.

*Recommendation* – success could be elevated if the site is monitored frequently early in the season (i.e. April); any nesting attempts could be protected with string fencing and/or an enclosure in pre-season.

### 4) Downs Creek

This wide sandy beach is difficult to access for the general public. The remote site does show some potential as nesting habitat for PIPL and LETE, especially as dredge material has been deposited along the upper beach. Due to its apparent habitat value, GFEE staff placed string fencing around a particularly promising section of beach in 2020.

*Recommendation* – dredge material should be deposited on the upper beach to increase nesting habitat.

### 5) Goldsmith Inlet (Kenney's/McCabe's)

This fairly wide, sandy beach provides adequate nesting habitat for PIPL. However, the site does draw a steady flow of visitors, including sunbathers, dog walkers and fishermen. The two public beaches (Kenney's and McCabe's) are separated by a half-mile stretch of private beach residences.

*Recommendation* – none at this time

### 6) Hashamomuck Beach (Town Beach)

This popular public beach attracts many human visitors to the site, while the busy parking lot is a favorite spot for many gulls to gather. The beach itself is narrow with a fairly steep slope. In tandem, these elements would make it quite difficult for PIPL and/or LETE to nest.

*Recommendation* – none at this time

### **7) James Creek**

Through the years shore-hardening structures (e.g., bulkheads, groins) have altered the shoreline habitat here to a significant degree. As a consequence, it has been several decades since nesting has occurred.

*Recommendation* – none at this time

### **8) Jockey Creek (Spoil Island)**

During low tide the exposed mudflats provide foraging habitat for a variety of shorebirds, presumably including PIPL. During high tide the beach is narrow with a steep slope, which would discourage PIPL or LETE from attempting to nest. The upland portion of this peninsula is overgrown with vegetation (especially *Phragmites*, black locust, and tree-of-heaven).

*Recommendation* – none at this time

### **9) Kimogener Point**

Currently there appears to be minimal nesting habitat at Kimogener Point. A number of factors contribute to the unfavorable assessment, including the presence of shore-hardening structures (e.g., bulkheads, groins), water levels during high tides, dense vegetation on the upper beach, frequent beach walkers, and potential predators (including cats).

*Recommendation* – none at this time

### **10) Little Hog Neck (Nassau Point)**

Conditions at Nassau Point make it difficult for birds to nest. The site endures windy conditions, is openly exposed to potential tidal flooding (especially during storms) and lacks upper-beach habitat.

*Recommendation* – none at this time

### **11) Marratooka Point (Deep Hole Creek)**

The nesting habitat at Marratooka Point has deteriorated over time, particularly due to ongoing erosion. Other contributing factors include high-density residential development, shore-hardening structures (e.g., groins), flooding during high tides, and steep slopes to the beach. The site has not hosted nesting PIPL or LETE in the past decade.

*Recommendation* – Maintain low-level monitoring due to lack of nesting activity.

### **12) Pipes Cove**

Pipes Cove potentially offers nesting habitat for PIPL, although tidal flooding could be problematic. The site draws some visitors, particularly beach walkers and kayakers. Nesting activity was not observed during the 2020 season.

*Recommendation* – none at this time

**Ongoing Project List (2020 to 2022)**

IV-2  
11-17-20

- 1) **Community Center Repairs- / 50K DASNY**
- 2) **Greenport Sidewalks- 50K CDBG 2019**
- 3) **Silversmith Park Upgrades- DTRG. 39,590 X 2  
w Match**
- 4) **Wolf Pit Drainage- 50k DOT**
- 5) **North / South Hamlet Annex Parking lot  
upgrades- DTRG 2020. 45k x2 match**
- 6) **HRC Walkability- 2020 CDBG 150k**
- 7) **HRC Power door upgrade- 50k 2020**
- 8) **CDBG COVID 1- 150k total. 2020**
- 9) **CDBG COVID 3- in initial process of set up**
- 10) **CDBG 2021- plans will be asked for soon**
- 11) **DTRG 2021- planning stage**