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VILLAGE OF CROTON-ON-HUDSON WATER CONTROL COMMISSION
MEETING MINUTES OF DECEMBER 17, 2008

MEMBERS PRESENT: Stuart Greenbaum
 Mark Goldfarb
 Vita Rhodes

No Hearings Scheduled

Meeting came to order at 7:30 P.M.

Application for review:

Consolidated Edison Company of New York Inc. Property located at Hessian Hills Road. Located in a RA-40 District and designated on the Tax Maps of the Village as Section 68.09 Block 4 Lot 1. The applicant is requesting the Board to grant a Wetlands Activity Permit with respect to the proposed routine vegetation maintenance on overhead electric transmission F-Line right-of-way.

Michael Amato, Fields Operation Planner for Con Edison – I am responsible for the Implementation of land and vegetation programs with respect to the transmission corridors and we are cutting into a short area of Con Ed’s property that is located in the village.

Mr. Amato – Discussed the number of voltage (three to four hundred thousand volts) that is transmitted through to towers and how it is transmitted and cooled. Mr. Amato further explained that Con Edison is required to maintain the land surrounding the transmission towers with relatively strict regulations of the NERC (North American Electric Reliability Council) as well as other agencies. It requires Con Edison to submit plans to the Public Service Commission on how it will be maintained with respect to electric liability and transmission, and therefore, that is why Con Edison is now before the WCC. We are required to remove incompatible species in the corridor that would be tall enough to interfere with the power lines. With respect to vegetation management we are here for approval to remove sixty three trees varying in size between Towers F-28 and F-29, which is a span of a few hundred feet north of West Mt. Airy Road.

Dan O’Connor, P.E., Village Engineer – You are coming in for a Wetlands Activity Permit because these trees are located within a village wetland and may impact the wetland. Therefore, it requires a Wetlands Activity Permit. Elsewhere, outside of the buffer area the utilities are exempt from getting a tree permit. There may also be other agencies that will require them to file as well.

Amato – This is a three year cycle. But, it is the first time we have had to file with the new regulation that came into affect after the 2003 black-out. This was a six billion dollar impact from that event. So, there are a lot of changes that stem from that. Federal Regulation found that it was a tree that initiated the event of the black-out. There were many standards issued after the investigation of that event that we need to follow.

Greenbaum – Any other questions?

Pat DeAngeles – 219 Hessian Hills Road – Coming over West Mt. Airy Rd., I was looking at the clearing that you did in that area and I saw the trees that you took down. None were a threat to those lines as far as I could see. There are Wetlands over there. What will happen to those fields if you take out all those trees behind our house? When the previous Village Engineer, Kary Ioannou was here, we wanted to build near the wetland and we were not allowed to and we were not allowed to take down the trees. If I have to look out from my deck and there are no trees, it will take away for the value of my property and you are also taking away the value of other properties. I do not think there is any reason to take down trees that are not posing any problem. I would like to request a postponement of this meeting because I would like to consult with my attorney about this and would like to have him here.

Amato – To address how close the trees were to the power lines, if you look at the transmission of high voltage, it could be up to 345,000 volts. With a transmission line of higher voltage trees can be a danger. There are electrical issues to consider. The air in the electric field can actually ionize by the lines so you do not even have to touch it to have electricity come across it. The ionized air creates a path of electricity to come to the ground. If trees are close enough they could allow this to happen. Essentially, air could bring a strike of lightening into the ground. That would be very slim, but we are not allowed to allow that to happen. Our goal is that it will never happen again. But, when we are talking about the aluminum electric lines getting heated up, they can heat to 300 degrees. That line can sag and sway.

Ms. DeAngelis – We sit out on our decks all summer long and those lines do not sag and sway. It is not as if those lines are not visible to us. Believe me, not in our world would this happen.

Mr. DeAngelis – How far is the towers in length and how far apart are they?

Amato – Four hundred to four thousand feet.

Mr. DeAngelis – Our towers are not that far apart. You have to take a look at what you have and believe me, it is not that far apart, and this needs to be taken into consideration before making any decision.

Amato – The issue we are here for tonight is the Wetland Activity Permit Application that was submitted.

Mr. DeAngelis – So why not top the trees ever three years instead of taking them down?

Amato – That is not approved because of the damage it can cause to the health of the tree and if you trim the top it will grow at a faster rate, depending on the species of trees.

Ms. DeAngelis – Where are you getting the money to do this? It is because you got a grant and want to spend it? Did Con Edison get a grant to do this area?

Greenbaum – That is irrelevant to this application. Con Edison has a responsibility here and they have requirements to follow by other agencies besides the Village and we have to help them execute those responsibilities.

Ms. DeAngelis – How come I have seen such destruction of property in the last few years? All you do is see power lines. You go to Furnace Dock Road and Mount Airy Road West and it is nothing but destruction. I have never seen such destruction that is humanly caused. I cannot believe you want to take down seven or eight trees.

Amato – 63 trees.

Mrs. DeAngels – I do believe you should postpone this meeting until we can get legal representation.

Rhodes – Requested Ms. DeAngelis to show the location of her house on the plans.

Maureen Helbig, 220 Hessian Hills Rd. – I have lived here six years. When I moved here I was assured it would give me solitude or at least a certain amount of it. I would like to ask for a postponement of this meeting, because I would also like to seek some council. Last winter Con Edison came through my property and took trees down and they were totally oblivious to me being there. They left trees to rot and now there is the same disaster going to happen. I believe in making concessions for the public good, but I do not believe it is necessary to cut down this many trees, especially in the wetland area. I would like to request a postponement of this meeting.

Liz Keller, 224 Hessian Hills Road – In my opinion it is an unnecessary and unsafe practice to be doing this. I have lived here since 1978 and never have so many trees been taken down. The big part of the trees, have been taken out, but all the trunks were left. Kids come up there in the summer and things go on. They smoke, build fires, etc. I am afraid my house will go up in smoke. When are you going to finish the first part? It would only make sense before you go on to another area.

Amato – We had two primary complaints during our last project and they were concerned about us leaving material too. It is left in part to benefit the area and it provides some habitat for the small animals in the area. If anyone wants us to remove debris I am sure we can address that. If we get closer to the road crossing, etc., we do take care of that. We knew from our experience three years ago, that this was a concern that people had. So we try not to do that. The security issue is something we need to address. From Staten Island and all across the state line, it is an issue. The best way to address this is that we do our patrols, install locks, and have police patrols. We have already started paperwork to address this by prosecuting anyone to the fullest extent of the law.

Keesler – This is teenagers I am talking about. We do not want to see them prosecuted to the fullest extent of the law. My protection is gone. There was no alerting to any of us. That was very difficult for me. It makes me feel that Con Edison is not a good neighbor. I fought very hard against the Millennium Pipe Line. But, in terms of the trees and leaving part of it, that is fine, but it is a mess back there especially, in the Wetland.

Amato – Eventually, mother-nature will reclaim these areas. So there is a degree of natural fix for lack of a better word. Con Edison has made a seed mix for this area and there is also a Native American seed mix. We have the seed. It is a special mix that has been ordered. It is a rare and expensive mix and it does a very good job. It has two components to it.

Keesler – Are you talking about trees to be planted? It sounds like you are only planning on ground cover.

Amato – There is a lot of trees that will not be removed such as Mussel Wood, Ironwood, and etc. There are also fully grown trees that are allowed because they do not interfere with the lines.

Keesler – Are you also saying that this spring you will be planting in our little piece of Croton?

Amato – We would certainly consider seeding in that area of our property, not planting. It would not help to seed during this time of years. It would just serve as a food for the birds, etc.

Keesler – Can you send us information on the material you will be using?

Amato – Yes. I can get your address.

Keesler – There was one tree cut down on my property. I do not know who did it. I assume it was Con Edison. I am really concerned about people coming on property and just taking trees down, it isn't the neighborly thing to do. We saw people walking around last week or so. Isn't there some way to let us know that our property is involved?

Rhodes – That was us (WCC).

O'Connor - There is a clear line between your property and someone else's.

Amato – We have no right to do that. In no way should anyone in my program do that. I would like to look into this. For many reasons, it looks like it should be inspected. We also recommend that three by five cards be delivered to each household and it gives a brief description of the work. I will look into that, if you say you have not received it.

Morabito – (Referring to Board Members and Village Engineer) – I have one question to ask. Do you the Village of Croton and the people sitting up there have a right to deny them (Con Edison) from cutting these 63 trees down?

O'Connor – Yes and No. We have to go by the Wetlands Law that was written to protect the wetland. It needs to be looked at in that framework.

Morabito – What if it will impact my septic and hers?

O'Connor – I do not think it will impact the septic.

Mr. Morabito – Who was looking on our property? Did you see the water there?

Rhodes – Wait. You have a lake uphill from you and you are uphill from the Wetland.

Mrs. Morabito – But, not our septic.

Morabito – If you remove trees there will be nothing to take water when it rains.

Discussion followed over drainage concerns, how it flows, and drainage in the area of their homes.

O'Connor – With septic there is a ground water table. If your septic is close to the wetland, it is a problem and the shallow ground there in some seasons it is wet and in the summer it tends to dry up. When trees are removed it takes...

Mr. Morabito – I am talking about between my property and Con Edison. It will only come up a lot more if you take trees down. The area Con Edison is taking down trees there is a ditch alongside of the road and there is a feeder stream and it eventually goes...

Rhodes – Fran Allen was also on our site walk with us and she was commenting on other issues affecting that area. Con Edison owns this triangular piece (referring to map). When we walked into that area on Saturday we were only on the Con Edison property. So the trees that are coming down are from the outside boarder of the Croton line to the Town of Cortlandt line. They will not be cutting trees up to your property line. Correct?

Amato – Yes. In some instances we have five to eight feet from the boundary in the area of the arboretum where they are not being touched.

Rhodes – I think it would be helpful if you can give the property owners a physical stake-out. I do not know if anyone looked over the paperwork that was submitted. But, Con Edison submitted a tree survey. They listed the type of trees that they intend to remove. The trees were not tagged when I went out to visit the site. My question is; you are taking sixty three trees out of what percentage? I think the mandate is that you legally have to remove the trees.

Amato – We have to remove any species that has a potential to interfere with the lines. There must be an excess of one hundred feet beyond any conductor. So our response to that order is that we will go only to a certain point and we will measure that line. We certainly do not need to clear as far as we own.

O'Connor - I will pass around a map where I marked the area. It is a narrow zone. That is not to say other trees were not removed. There were some large oak trees, etc., and they were not going to be removed and they were on the other side of the line. Trees that were not going to be a problem were not going to be removed. So, I do not think Con Edison is just tearing down trees.

Mrs. Morabito – They were tagged to be removed.

Amato - I think there is a misconception here. In most instances; not all, were tagged.

Discussion followed over size of trees that will be taken down and marking the trees.

Morabito – What are the Federal Standards?

Amato – This wetland area is totally regulated by Local Government.

O'Connor – It probably would be Ok for them to take the trees down, if it were not in a wetland area, since no permit would be needed.

Keesler - It is winter now and I am doing clean-up to do decorating. There were orange tags on my property, so I took them all down. It was absolutely on my property. I went to the Environmental Committee and I felt like I was hitting a stone wall.

Amato – Con Edison pays for third party surveys. We find that there often seems to be a misconception of the property lines. I do not want to cut any trees that I am not required or entitled to.

O'Connor – The Con Edison property juts out a little and goes towards the Arboretum. If they cut three feet from the property line, then it would be critical to get it surveyed. When the distance is further away there is certainly no need for them to survey the line.

Amato – We are willing to have this area surveyed and any other adjacent neighbors.

Mr. Morabito - In some areas it is five or six feet. Does five or six feet matter that much?

Amato – I don't understand.

Morabito – You are taking five to seven feet where you got to cut trees down.

Amato – No. The five to seven feet was a buffer strip that we marked between your property and ours. The distance between the road and the trees is not how we manage how we cut down trees on our property.

O'Connor – Some issues which were discussed in the field; the vehicles will remain on the road and not in the wetland area. Individuals will manually cut the trees and bring them out to the road area manually.

O'Connor – It is not that it is not allowed. They need a permit to do it.

Mrs. Morabito - I think you as a tax payer's representatives should deny this permit. Those trees are nowhere near those lines and I do not think those trees are a danger to the lines or us.

O'Connor – With respect to wetlands, filling of wetlands, pipelines, as a society we want to protect those resources as well as monitor them. There is much less impact in this case. There will be no filling, no dredging, they will just go in and cut down trees and bring them out. The remediation measures they will take will be to restore with seed mix. The road is a muddy mess because it is a muddy road. It will transport sediment off the road, so we have requested they eliminate any sediment from the road and they agree to make improvements to the road. I think with respect to the area where the Morabito house is the water that was in the swale is coming out onto the road and the swale needs to be cleaned out.

Morabito – I thought you were not supposed to touch wetlands?

O'Connor – By cleaning out the swale and keeping water off the road, it protects the wetlands.

Amato- When making the repairs to the road we will be using a new recycled grass paver material similar to an egg carton that is placed into the ground. We are looking to start using these instead of Item Four Paving. You can plan right in it and drive over it.

O'Connor – How frequently is the road used?

Amato – Not on a regular basis. The average use is infrequent, but it needs to be able to support a larger vehicle.

Goldfarb – Is there a document that specifies the nature of the problem?

Morabito – If there is a document available to us we would like a copy so we can give it to our attorney's.

Amato – Agreed to supply the Board a copy. We feel this is how they need to be maintained for safety and liability.

Greenbaum – With respect to private property issues, with respect to the marking of the trees that are to be removed, and if there is debris left on a private property after the work is done, Con Edison will take care of that?

Amato – Yes. We are willing to address that. We can expect a three to four week turn around for a survey from a licensed surveyor. It is as accurate a survey as you can get.

Greenbuam - Thank you. I want our homeowners to feel secure and certain that no trees will be taken down on their property. Is that possible?

Amato – Absolutely.

Rhodes - I think the large trees that are to remain should also be marked.

Amato – We can put them on the survey too.

Goldfarb – Is there any way they can compare the survey with the property owners survey and your survey to make sure there is no destruction within those meets and bounds?

Amato – It is my understanding that they can get those records from the county.

O'Connor - The board can issue a permit with conditions such as the trees that are to be removed be marked on the survey as well as physical features are to be clear, property lines marked, etc., so there will be no mistakes. The Board can also recommend mitigation measures. Not to damage other trees, erosion control measures need to be put into place and evasive species controlled.

Amato - I think evasive species is more of a global problem. Our seed mix does not disturb soils. To say anyone can prevent that type of evasion, no one can guarantee that.

O'Connor – We are having the same problem in other areas of the village where we need to use herbicides. Also, notification to homeowners, with respect to notification of road work, pavers, swales, notify the village and homeowners before any work is done.

Amato – With respect to the road work, etc., can we show that on the survey?

O'Connor – On a separate sheet would be fine. Also, provide the village with proof of proper notification to the homeowners. Bring branches out of the wetland. Clear brush, but if there is a reason for leaving it there it maybe should be left there, unless someone has an objection that it is a hazard. I am not advocating going in and taking everything out if it is not environmentally beneficial.

Discussion followed over different types of vegetation that can sprout up again.

Greenbaum – We will have to have a continuance of this meeting. We will set another date for the meeting when we receive the information we need.

Greenbaum – Made motion to adjourn the meeting until a later date that will be determined when the following information is received by the village:

Survey showing property lines, physical features, trees to be removed, road work plan, and re-tag the trees in the area, no spray painting the trees.

The Board unanimously agreed to adjourn the meeting until the above mentioned materials are received from Con Edison. A meeting will be scheduled at that time.

Meeting adjourned.

Respectfully submitted,

Janice Fuentes
WCC Secretary
12/17/08