

Village of Croton-on-Hudson
Water Control Commission Meeting of
July 15, 2015

PRESENT: Stuart Geenbaum, Chair
Ian Arturo
Charles Kane

ABSENT: Mark Goldfarb
Gail Sasso

ALSO PRESENT: Daniel O'Connor, Village Engineer

1. Call to Order:

The Water Control Commission Meeting of July 15, 2015 was called to order at 7:30 P.M.

2. Old Business:

- a) **Thomas Lewis, Trillium Invasive Species Management, Inc. – 10 Fox Road (Section 67.12 Block 1 Lots 13 and 5)** – Application for phragmites australis patch eradication project involving cutting and herbicide application within the Jane E. Lytle Memorial Arboretum.

At tonight's meeting Karen Jescavage-Bernard, President of the Board of Directors of the Arboretum, and Marc Cheshire, also on the Board of Directors of the Arboretum, were present to represent the Applicant.

Chairman Greenbaum started off by saying that he had missed the last meeting for the same application but read all the documentation that had been distributed to the Board.

Mr. Kane had provided the Board with a 2009 toxicology report on glyphosate-based herbicides and a memo he had written in 2002 regarding Kaplan's Pond Phragmites Management. He said the toxicology report spoke for itself and that there were lots of such reports out there.

Chairman Greenbaum asked the Board to keep in mind that there were limited options available; that he was aware of possible pollutants and that control and/or eradication of the phragmites may require opting for the least of all evils.

Mr. Arturo said he had also read up on glyphosate-based herbicides and is aware that they may be carcinogens as well as other types of pollutants, but felt that the amount that would be used would be minimal and only would present a danger to Mr. Lewis. He said the use of the herbicide would be within Occupational Safety and Health Administration guidelines.

Chairman Greenbaum noted that the Hudson National Golf Club (HNGC) plans to use Trillium Invasive Species Management, Inc., "Trillium" for short, for a similar upcoming phragmites control project.

This was confirmed by a 7/7/15 email from Mr. Lewis to Ms. Jescavage-Bernard which Ms. Jescavage-Bernard had asked to be distributed to the Board prior to tonight's meeting. The memo also says that Trillium is bidding on phragmites control projects at Sterling Forest and Bear Mountain. She also confirmed that the Arboretum was limited in its choices and also that the Arboretum's phragmites problem is coming from HNGC. She added that HNGC is obligated to control it; without that having happened so far, she has unsuccessfully tried to control the problem at the Arboretum with volunteer help.

Ms. Jescavage-Bernard mentioned that the Board had made a site visit to the Arboretum on July 8th and hoped that the Board had gotten a better idea of what the project entailed. She said the planned approach to the herbicide application would be clip and drip. She said it was a management project with intended follow-up. Although the Arboretum is Village land it is managed by Ms. Jescavage-Bernard and staff and that they had already committed \$10,000 to the project. She said she was encouraged by the fact that the HNGC has committed to a similar project. She added that she believes the most effective management of the phragmites is with the herbicide application; if the invaded area is not a small area, as is the case with the Arboretum, she believes the phragmites cannot be controlled but just managed.

Chairman Greenbaum asked how big an area was the targeted site and Ms. Jescavage-Bernard replied that it was just under an acre. Chairman Greenbaum then asked how the herbicide application would take place and Ms. Jescavage-Bernard said she believed Trillium would use a clip and drip method. Mr. Arturo added that Mr. Lewis had said that a backpack type sprayer would be available where needed.

Mr. Kane added that you cannot broadcast spray without hitting what you want to keep and Mr. O'Connor said that the sprayers usually have nozzle adjustments.

Chairman Greenbaum asked if there will be replanting with other species and Ms. Jescavage-Bernard replied in the affirmative. Chairman Greenbaum followed with another question as to whether any private money was being used for the project and Ms. Jescavage-Bernard said only public money was being used. Chairman Greenbaum then asked if the Village had been asked for any money. Ms. Jescavage-Bernard said the Village had not been asked and as mentioned earlier, the Arboretum had already paid for the contract with Trillium.

Mr. Cheshire wanted to emphasize that the Arboretum is Village land and that the phragmites has been a problem for quite a while. He then asked whether any such herbicides had been used on other Village properties in the past. Mr. O'Connor replied that there have probably been such occasions.

Mr. Kane then commented that for him, it would be a violation of public trust to support the application.

Ms. Jescavage-Bernard countered Mr. Kane's position by saying that Mr. Kane's report on phragmites management and control covers agricultural areas; there are no animals on site and no humans would be affected.

Mr. O'Connor wanted the Board and the Applicant to know that with only 3 members of the Board present tonight, all 3 members would need to vote in favor of the application for the wetland permit to be granted.

After hearing this, Ms. Jescavage-Bernard asked for an adjournment of the application until a full Board is present.

Mr. O'Connor was asked to provide the Board with reference materials Ms. Jescavage-Bernard had submitted in the past with regard to phragmites management and control and in addition Mr. O'Connor said he would try to get a copy of the HNGC's environmental management plan as well.

3. Approval of Minutes:

Mr. Kane made a motion to approve the minutes of the June 24, 2015 meeting of the Water Control Commission. The motion was seconded by Mr. Arturo and was passed with a vote of 3 to 0.

4. Adjournment:

The meeting was adjourned at 8:00 P.M.

Respectfully submitted,

Toni Cruz
Secretary, Water Control Commission