

CHATHAM BOROUGH SHADE TREE COMMISSION
July 15, 2014 7:30 p.m.

Chairman Ken Fekete called the meeting to order at 7:30 p.m. in the Council Chambers, Chatham Municipal Building. The Open Public Meetings Act statement was read.

Name	Present	Absent
Kenneth Fekete	X	
Patrick Carroll		X
John Barton	X	
Marc Boisclair	X	
Thomas E. Boyle		X
Christopher Jadro	X	
Frances Drew	X	
Tony Torello	X	
Colleen Truppo		X
Council Member Alida Kass	X	

Also present were Mayor Bruce Harris, Borough Attorney James Lott, residents Roseanne Maraziti, Dean Wilson, and Brian Goldstein.

Mayor Harris introduced Brian Goldstein, a Borough intern and Eagle Scout, who has been working a project with Borough Engineer Vince DeNave.

Mr. Goldstein explained the Tree and Fire Hydrant Inventory he had taken. The purpose of this project was to collect data for all of the 365 trees in the Borough’s “right-of-way”. Information will be available on any health problem each tree may have or any electrical wire interference. Updates on a tree can be given. An updated list of fire hydrants was also worked on.

Mr. Goldstein explained that he used a variety of GPS mapping tools and software to create an 11” by 17” map that is in a PDF format. This data can also be displayed, edited and created through the ease of an iPad. The county had helped him create an actual spreadsheet with data.

Mr. Goldstein showed the Commissioners an electronic tablet giving data on each tree and fire hydrant in the Borough. If a tree collapses, the DPW would have to update the tree’s data in this new system. The Borough Shade Tree Commission, the Office of Emergency Management, the Police Dept. and Fire Dept. will have an iPad for these trees and fire hydrants.

Mayor Harris pointed out that when bad storms occur in the Borough, this data will be invaluable to the Borough officials.

Chairman Fekete and Mrs. Drew complimented Mr. Goldstein on the great job he did.

Presentation by Jim Lott, Borough Counsel

Mr. Lott distributed his printed report: “Borough of Chatham Shade Tree Commission Seminar: Legal Requirements by James L. Lott, Jr., Borough Attorney” dated July 15, 2014.

Mr. Lott covered the following topics with Commissioners:

- The Open Public Meetings Act
- Who Must Comply with OPMA
- What Constitutes a Meeting
- Meeting by Phone or E-Mail
- Adequate Meeting Notices
- The Sunshine Statement
- Open/Closed Sessions
- Closed Session Exemptions
- Emergency Meetings
- Meeting Minutes
- Opportunity to Cure
- OPMA Violations
- Open Public Records Act
- Who Must Comply with OPRA
- What is a Government Record?
- E-mail Communications
- Exemptions under OPRA
- The OPRA Request
- Responding to an OPRA Request
- Immediate Access to Borough records
- Challenge to a Denial of Access
- History of Shade Tree Commission State Statute
- Statutory Organization of Commission
- Chapter 63 Commission Organization
- Power & Duties of the Commission
- Annual Appropriations Estimate
- NJDEP Community Forestry Programs & Enhanced Public Shade Tree Torts Claims Immunity
- Shade Tree Commission Legislation
- Procedure for Adoption of a Shade Tree Ordinance

Mr. Lott clarified that the Shade Tree Commission is a policy body. Tree complaints from residents is a staff situation. Mr. Lott also advised the Commission to repeal the existing tree ordinance and start over with a clean one.

Chairman Fekete thanked Mr. Lott for his presentation.

Tree Ordinance Revision update

Mrs. Drew reported that she, Mr. Boisclair, and Mr. Torello had reviewed the current ordinance. The subcommittee had agreed that most of the existing ordinance is not good and believed most of it should be deleted.

Mrs. Drew explained the current tree removal procedure followed by the Borough. She noted that the City of Summit pays a Certified Tree Expert (CTE) to inspect the trees that people want taken down. The Borough's current tree inspector is Tony Torello who is not a CTE. John Linsom, a CTE, is called in when there is a controversy.

Mrs. Drew pointed out that Jackson Township has a tree ordinance that is both good and enforceable. She reviewed Jackson Twp.'s tree removal process.

Mrs. Drew distributed and discussed the proposed tree ordinance formed by her and the subcommittee. The Jackson Township tree removal ordinance was a good reference to follow.

Mrs. Drew read aloud the "Intent and Purpose" of the tree ordinance. Attorney Lott and Council Member Kass pointed out that the Shade Tree Commission doesn't have regulatory authority over trees on private property. Mrs. Drew will check with Jackson Township on these points. There's also the matter of enforcement.

The Commissioners, Attorney Lott, and Mrs. Drew discussed the matter of having a Certified Tree Expert or an arborist inspecting trees that people have applied to have removed. Mr. Torello noted that a CTE can charge anywhere from \$90 to \$100 an hour. Mrs. Drew said she will find out how much Summit pays their CTE. Attorney Lott suggested specifying the size of a tree that needing a CTE inspection.

Mrs. Drew asked Commissioners, in their free time, to review the Definitions section and email their comments to her. She and the subcommittee will review their input. Attorney Lott recommended that the Definitions be made in an objective manner. Council Member Kass questioned whether the Shade Tree Commission should be concerned with historic trees and specimens trees. Mrs. Drew said she will find out from an arborist about these concerns.

Mr. Boisclair said he was sorry that not more Commissioners were present tonight to review and discuss this ordinance. He suggested that the Commissioners read the entire draft at home and jot down their comments and questions to be discussed at a future meeting.

After further discussion, Mrs. Drew requested an additional meeting to discuss this ordinance to be held August 6, 2014 in the Municipal Building. She will e-mail this new arrangement to all Commissioners, particularly those absent tonight.

Chairman Fekete agreed with Mr. Boisclair's and Mrs. Drew's dismay about absenteeism at Commission meetings. Better attendance is seriously needed.

On other matters, Chairman Fekete reported on the topic of Fall Plantings. He reported that the Commission has received a dozen requests. Money may become a problem.

Regarding the Jaycee Grant, the Commission has received \$500.

At 9:55 p.m. the meeting adjourned.

A Borough Shade Tree Commission meeting will be held on Wednesday, August 6, 2014, 7:30 p.m.in the Chatham Municipal Building. The meeting room will soon be announced. This meeting will be devoted to the discussion of the new tree ordinance.

Respectfully submitted:

Liz Holler
Recording Secretary