

CHATHAM BOROUGH SHADE TREE COMMISSION
 July 21, 2015

7:30 p.m.

Chairman Patrick Carroll called this Regular Meeting of the Chatham Borough Shade Tree Commission to order at 7:30 p.m., Room 301, Upper Level, Chatham Municipal Building. The Open Public Meetings Act was read aloud.

Name	Present	Absent
Patrick Carroll (Chrmn.)	X	
John Barton	X	
Fran Drew	X	
Colleen Truppo	X – on speaker phone	
Kenneth Fekete	X	
Thomas Boyle		X
Christopher Jadro	X – on speaker phone	
Dean Wilson		X
Tony Torello	X	
Council Member Kass	X	

Also present was Borough Attorney James Lott and Jim Linson, arborist.

Public Comment

Jeff Foucher, 32 North Hillside Ave., discussed the problems he has had with his 100 year old pin oak on his curb. Branches, non-storm related, have been breaking off and falling. He believed the tree has reached its life span. Mr. Foucher wanted to know what assessments would be available for a tree like his. Also, could a homeowner pay for removing a tree?

Mr. Carroll explained that when complaints are made to the Borough about a Borough tree, it is referred to Public Works (DPW) to evaluate the situation. The DPW doesn't have a certified person on staff to evaluate trees. The Borough then enlists the services of John Linson, a certified arborist. Mr. Carroll asked Mr. Torello to summarize Mr. Linson's report on this tree.

Mr. Torello reported that Mr. Linson believed the tree was in fairly good condition. Its trunk is sound. It has not deteriorated further from its last inspection.

Mr. Linson, who was present at tonight's meeting, offered additional comments. He pointed out that there are a number of "geriatric" trees in the community. When a large tree is near a home there's always a risk. The trend nowadays is not to plant large oak trees at the curb. Maintenance is needed. The tree can interfere with overhead wires. It would be very expensive for the Borough to remove these larger, older trees.

Mr. Linson said he usually recommends to a town, when undertaking a road project, to remove trees like Mr. Foucher's as part of the capital road reconstruction project. A more compact tree can be planted in its place. The replacement tree would be one that could be easily maintained by the DPW.

Mr. Linson was sympathetic with Mr. Foucher's concerns. Branches will probably continue to come down; however, there is not a defect in the tree, significant enough, to make the tree crash down. There are other trees on No. Hillside Ave. in worse condition.

Mr. Foucher stated that he was willing to pay the expense to remove the tree. He also is willing to pay for the re-planting of the new tree.

After further discussion, Mr. Carroll concluded that the Commission, collectively, wanted to take a look at Mr. Foucher's tree. The Commission will re-visit this topic at their next meeting, and make a decision. A meeting may be held in August. Mr. Foucher was satisfied with this course of action.

Additional members of the public came forward. Isabelle and Anthony Guzior, 50 Coleman Avenue East.

Mrs. Guzior asked about the process of having a tree replaced on her property.

Mr. Carroll explained the questionnaire that residents are asked to fill out for a tree replacement. The completed questionnaire can be submitted to the Borough Clerk's office. Right now applications are being accepted for the Borough's Fall Plantings. A bid process takes place between the Borough and tree nurseries. Typically a resident has two or three species of trees to pick from. Mr. Carroll suggested a few species that were native to the area and may be available for planting.

Mrs. Guzior submitted her name and address for Mr. Carroll to add to the Commission's Fall Plantings.

Resolution #15-07

The Commission approved the minutes of their May 19, 2015 meeting as submitted.

Lum Avenue Tree Discussion

Mr. Carroll noted that recently a large tree had crashed down unexpectedly on two cars in Summit. Luckily the vehicles were empty at the time. This accident prompted Mayor Harris's concern about the large, older tree in the Lum Avenue soccer field next to the railroad parking lot. Mr. Carroll asked Mr. Torello to summarize John Linson's findings on this tree.

Mr. Torello summarized Mr. Linson's recent evaluation of the tree. Mr. Linson had heard a hollowness on the north side of the tree. Mr. Linson then ran a cordless drill into the west end of the tree. After drilling four holes, he discovered that the west end is in a state of decay. The east end of the tree is in better condition. Mr. Linson categorized this tree as "a manageable risk". This category doesn't necessitate that the tree be taken down.

Answering questions from Mr. Carroll, Mr. Linson noted that he had observed one pocket cavity existing. Some decay is going on in the crown of the tree. Mr. Linson suggested the Borough consider pruning the tree and treating it for carpenter ants. This may ensure the tree some additional 20 or 30 years of life.

Noting that children's sports activities take place in that field, Mr. Carroll asked if a fence should be put around the tree. Mr. Linson didn't feel that was necessary. In regard to the decay at the base of the tree, Ernie Nash, another local arborist, had pointed out that most trees at this particular age experience decay at its base.

Answering Council Member Kass's questions on safety, Mr. Linson felt that the only part of the tree that would fail would be a branch. He did not believe the trunk would fail. Mrs. Truppo indicated that she was satisfied with Mr. Linson's report.

Attorney Lott noted that he was present at tonight's meeting to ascertain if there would be any liability issues for the Borough or Commission regarding this tree. Noting that the greatest degree of decay was found at the base of the tree, does that mean that the base would be more susceptible to failure?

Mr. Linson answered no. By drilling into the tree, the decay was found in about a 2 inch by 2 inch area. If the decay were ever to exceed 30 percent, a fence around the tree would be a good idea. Mr. Linson didn't believe that the ECLC grounds and the nearby railroad parking lot were in danger with this tree.

Mr. Linson noted that the tree has been identified as a landmark tree in town. Community Forestry Protection Program is involved. Mr. Linson pointed out that someone is in the tree pruning, the pruner may notice a problem that he (Mr. Linson) had missed. However, the Borough is now being proactive in managing this tree.

A motion was made/seconded for the Borough to save the Lum Ave. tree and undertake the following treatments on the tree: prune it, fertilize it, treat it for carpenter ants, inspect it every two to four months, and do a deep-root inspection every other year, and maintain a temporary fence around the tree while work is going on. A roll call vote was taken:

Mr. Barton	-	in favor of this course of action
Mrs. Drew	-	in favor
Mrs. Truppo	-	in favor
Mr. Fekete	-	in favor
Mr. Jadro	-	in favor
Chrmn. Carroll	-	in favor

Mr. Fekete suggested that the Commission submit a press release giving the latest news on this tree. He felt the last article about the tree in TAP was not accurate. Mr. Carroll agreed, saying he will submit an article to TAP giving the latest developments on this tree, after reviewing the minutes of tonight's meeting.

Mr. Linson, Mr. Torello, and the Commission discussed about which entity would pay for the work to be done on this tree. Attorney Lott suggested the Commission ask the Borough Administrator for his advice on this matter. Mr. Linson suggested that local tree services could be approached for this job. The tree service who volunteers to work on this Lum Ave. tree will

get good publicity for saving this landmark tree. In the meantime, Mr. Carroll will consult Mr. Falzarano about how this work can be paid for.

Railroad parking lot trees

Mrs. Drew distributed photos of a railroad parking lot tree that had been recently taken down. She had been told that this tree had “black limbs”. Mrs. Drew asked if anyone had more information about these black limbs and why the tree had to be taken down.

Mr. Linson noted that Ernie Nash had recommended taking down this particular tree a year ago. Mr. Linson said when he had done his windshield survey on local trees, he had noticed that the tree was in decline. Mr. Linson and Mr. Torello stated that at least 50% of the tree was dead.

Shade Tree Ordinance

Mr. Carroll reported that he has talked with Attorney Lott about this matter. Mr. Carroll noted that some of the Commission would like control over both private and public trees. However, currently, the Shade Tree Commission only has authority over public trees. In order to obtain authority over private trees, the Mayor and Borough Council would have to give their approval.

Mr. Carroll suggested the Commission form a subgroup to work on a cohesive plan for the ordinance to be presented to the Mayor and Council. Attorney Lott could help supply the correct legal language.

Mrs. Drew explained that many neighboring towns have taken the step of putting in controls for the removal of both private and public trees. She discussed the devastation done to local neighborhoods from excessive tree removal. Mrs. Drew recommended that the Commission organize an ordinance to protect both public and private trees. She asked Mr. Carroll to appoint a new committee to create an articulate, simple presentation on this matter to the Mayor and Borough Council.

Attorney Lott commented that the current tree ordinance gives an unclear picture of responsibilities between the Shade Tree Commission and the Borough Council. The ordinance is “riddled with inconsistencies”. At some points, definitions are missing. Some parts may be unenforceable.

Attorney Lott noted that currently the exclusive authority of the Shade Tree Commission is to regulate only trees on public property. The Shade Tree Commission is a quasi-autonomous agency of the Borough. Attorney Lott explained how the Mayor and Council has police power in matters like this. Attorney Lott brought up the question of whether the Mayor and Council would agree to delegate its authority with respect to the regulations of trees on private property.

Mr. Carroll asked Commissioners if any of them objected to the Commission having control over private trees.

Mr. Fekete and Mr. Barton said they were opposed to overseeing private trees. Mr. Fekete felt the Commission “didn’t have enough hands” to take on that responsibility. These tree removal requests must be done in a timely fashion. Mrs. Truppo and Mr. Jadro gave their thoughts.

Mrs. Drew made a motion that the Commission:

- 1) Organize a presentation to the Mayor and Borough Council to regulate trees on private property
- 2) Organize a subcommittee to clean up the existing tree ordinance

After further discussion, Council Member Kass recalled that, back in March, the Borough Council had held a conversation about revamping the tree ordinance concerning public and private trees. She had the impression that there was not a desire to delegate the authority regarding private trees to the Shade Tree Commission.

Mrs. Drew still felt a presentation should still be made to the Mayor and Council.

Mr. Carroll noted that there should be a 100% alignment among Commissioners on this issue. Mr. Carroll and Mrs. Truppo offered to work with Mrs. Drew on this matter. The subcommittee will return to the full Commission and discuss it further.

Council Member Kass pointed out that none of this precludes the revamping of the public tree ordinance.

Forestry Management Plan

Mr. Carroll distributed and explained the Forestry Management Plan. He noted that every four years the Shade Tree Commission must provide a Forestry Management Plan. Janice Piccolo has reached out to the State of New Jersey and obtained a \$3,000 grant for the Commission. The grant can only be used for the Forestry Management Plan.

Mr. Carroll entertained a motion to use the grant money for Mr. Linson to move ahead and work on the Forestry Management Plan. Mrs. Truppo made the motion. Mrs. Drew seconded on the motion. A voice vote was taken. All Commissioners voted aye.

Tree Canopy Goals & Objectives

Mr. Carroll explained that the Commission’s approval Tree Canopy goal will help the Environmental Commission reach Silver Status for Sustainable Jersey. Mr. Carroll read aloud the resolution. All Commissioners voted in favor of the Tree Canopy Goals & Objectives, except for Mr. Fekete, who abstained.

Mr. Carroll recommended that Commissioners review Mr. Linson’s Windshield Tree Survey to be discussed at the next meeting.

Tree Planting Update

Mr. Carroll reported that 38 trees were planted this spring in the Borough. In the fall, he will use the balance of the money to further plant trees requested by residents. He will e-mail residents with the newly planted trees, reminding them to keep their gator bags filled. Mr. Linson had a list of recommended trees for residents to choose from.

Fishawack Day in Retrospect

Mr. Carroll reported that the Commission table went well. Next year, he'd like to have more Commissioners staffing the table. He noted that Rosanne Maraziti was very helpful, especially involving the children who visited the table. He will touch base with Borough Administrator Bob Falzarano about creating a proclamation recognizing Mrs. Maraziti for her incredible work on Fishawack Day and her visits to local classrooms.

At 9:30 p.m. the meeting adjourned.

The next Shade Tree Commission meeting will be held on Tuesday, September 15, 2015, 7:30 p.m., Room 301, Upper Level, Chatham Municipal Building.

Respectfully submitted:

Liz Holler
Recording Secretary