

CHATHAM BOROUGH SHADE TREE COMMISSION  
Tuesday, September 20, 20167:30 p.m.

Chairman Patrick Carroll called this Regular Meeting of the Chatham 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	
Thomas Boyle		X
Ken Fekete	X	
Christopher Jadro	X	
Kristy Chmura	X	
Dean Wilson	X	
Tony Torello		X
Council Member James Collander	X	

Public Comment

Barbara Bennett, 15 Oliver St., discussed the messy problems she is having with a town tree on her property. At least one branch looks like it's ready to come down. Remnants from this tree have taken root in her yard and have started unwanted growths. There are also electric power lines interacting with this tree. Ms. Bennett showed Commissioners photos of the tree she had taken on her cell phone. Her daughter, Wendy Pierson, arrived at the meeting to support her mother's description of the tree problems. Ms. Pierson also lives at 15 Oliver Street.

Chrmn. Carroll told Ms. Bennett, in tree situations like this, the Commissioners would like to come to her property and take a look at the tree. John Linson, the Commission's certified tree expert, can also take a look at it. Chrmn. Carroll invited Ms. Bennett to return to the Commission's November 15<sup>th</sup> meeting. A vote will be taken on what action will be taken on the tree. Ms. Bennett agreed to return to the Commission on November 15<sup>th</sup>.

## Resolution #16-08

The meeting minutes of July 19, 2016 were approved as submitted.

## Liaison Reports

### Borough Council Up-date

Council Member Collander reported that Borough Engineer, Vince DeNave, had a busy summer working on local street projects. They are all just about done. Chrmn. Carroll brought up the possibility of planting a tree on the newly acquired property on the right hand side of the driveway entering the grounds of Washington Ave. School. Before a planting is done, Council Member Collander will check to see where Borough ownership actually begins on this piece of new property, and where the school property actually begins.

## Pending Business

### Review of suggestions for Shade Tree Ordinance

Mrs. Drew distributed a hand-out of a suggested Shade Tree ordinance that she and Ms. Chmura had worked hard on.

Mrs. Drew reminded the Commissioners that in 2013, Mayor Harris had instructed the Shade Tree Commission (STC) to come up with a new Shade Tree ordinance, because the existing shade tree ordinance was in conflict with land management. Because of this situation, there has never been a Borough penalty for removing trees from private property. In 2013 and 2014, over 700 trees were removed in the Borough.

Mrs. Drew recalled that at the Shade Tree's meeting on July 19, 2016, a second new sub-committee had been formed, consisting of herself, Mrs. Drew, and Kristy Chmura. These two Commissioners have read every tree ordinance in the surrounding towns.

Mrs. Drew and Ms. Chmura took turns reading aloud the suggested Shade Tree Ordinance which they had created after all their research.

Council Member Collander offered to deliver copies of this proposed ordinance to Borough Attorney Lott and Borough Attorney Falzarano.

Ms. Chmura asked whether she and Mrs. Drew could present this proposed ordinance to the Borough Council.

Chrmn. Carroll said he wasn't entirely comfortable with this proposed ordinance yet.

Mr. Fekete felt that Mrs. Drew and Ms. Chmura had put a great deal of thought into this ordinance. He suggested a few tweaks to this document.

Council Member Collander pointed out that a great deal of law has to be considered in this type of ordinance.

Chrmn. Carroll felt that the Borough Council didn't have a lot of heart with the concept of the Shade Tree Commission having authority over private trees.

Mrs. Drew stated that the surrounding towns have ordinances for both public and private trees.

Chrmn. Carroll said it was fair to have an ordinance like that; however, he had concerns about the appeals process having to go through the Chatham Shade Tree Commission. The Commission would have to hold additional meetings to listen to appeals.

Mrs. Truppo suggested all the Commissioners should have an annotated copy of this ordinance with all the comments documented.

Chrmn. Carroll brought up that a balance would result between the Borough's ecological tree population versus homeowner's rights on his/her property maintenance. Many times homeowners have expressed safety concerns about trees and their branches dangerously hanging over their homes and their loved ones.

Mrs. Drew pointed out that local homeowners already have to following zoning/construction regulations. She noted that neighboring towns have made decisions on their tree situation. Hopefully Chatham Borough will make decisions to help keep our neighborhood trees.

Council Member Collander offered to take this proposed ordinance to Attorney Lott. It will help the Borough Council move ahead in making important decisions in the future concerning trees on public and private properties.

Council Member Collander and Mrs. Drew discussed the tree inspection process and the reason residents wanted to have trees removed from their properties. Many

times the residents have safety concerns about trees or branches falling on their families.

Mrs. Drew clarified that she wasn't saying that *every* tree on private property should not come down. She would just like to have in place, an ordinance like this, if the Commissioners believed it was important, to preserve more trees on private property than what has been happening the last few years with tree removal.

Mrs. Drew will send electronic copies of the suggested ordinance to all the Commissioners.

#### Lafayette Sidewalk/Tree in question

Chrmn. Carroll discussed the proposed sidewalk that will be going down Lafayette Avenue from the Township. A tree sits in front of the last house on the corner of Watchung Ave. and Lafayette Ave. Chatham Township claims that this particular tree is on Township property; therefore, the Township should be determining what should happen to the tree.

Chrmn. Carroll distributed copies of the survey provided by Chatham Township showing the location of the tree. There had been some questions whether or not this survey was accurate. Chrmn. Carroll asked Commissioners if the Commission should have their own survey conducted, with the help of the Borough Engineer and Borough Administrator, to determine whether the Township survey was accurate. If the Commission's survey disagrees with the Township survey, Commissioners can then decide on the next steps to take.

Council Member Collander pointed out that the Township has not produced a sidewalk plan yet for this particular neighbor. The exact path of the sidewalk still needs to be determined.

A motion was made/seconded to hire an independent surveyor to survey this particular section of Lafayette Avenue to determine the location of the tree in question. A voice vote was taken. All Commissioners present voted aye.

Chrmn. Carroll said he would touch base with Borough Administrator Bob Falzarano about the hiring of the surveyor. The fee for the surveyor will come out of the Commission's budget. Chrmn. Carroll will share the survey with Commissioners as soon as it's done.

#### Budget Review

Chrmn. Carroll reported that the Commission has spent \$13,000 on its Tree Planting program for the spring. Most of the trees have done well. Mr. Torello has recommended to Chrmn. Carroll that only one tree planting should be done. That planting should be done in the fall. Chrmn. Carroll reported that he has a list of homeowners who are asking for tree plantings in the fall. He noted that there is money in the STC budget and the \$1,000 grant from the Jaycees.

A motion was made/seconded that the Commission allocate the balance of its budget towards the fall planting of trees. All Commissioners present voted aye.

Chrmn. Carroll will be contacting the residents on Front Street to see if they want new trees to replace those recently removed for street improvements.

#### Continuing Education

Mr. Fekete reported that the Commission has half way reached its required number of credits for Continuing Education. Obtaining extra credits is a good idea. Mr. Fekete asked Commissioners to send him their certificates of completion if possible.

#### 2017 Organization Meeting

Chrmn. Carroll announced to Commissioners that he will be moving out of Chatham. However, he will be attending the next Commission meeting.

Chrmn. Carroll noted that he has a report from Borough Clerk Robin Kline noting which Commissioner terms are expiring the end of 2016. Vice Chairman Barton informed Chrmn. Carroll that he won't be renewing his membership for the new year.

Chrmn. Carroll proposed that the Commission then holds its Organizational Meeting in November to decide on new officers for the Commission. Commissioners discussed the possibility of holding an extra meeting in November.

Mr. Barton stated that he had electronic files on his Commission work and would be happy to turn over them over to any Commissioner would be interested. He will keep these electronic files on his hard drive. Mr. Barton will make an outline of the Annual Report for whoever takes his place.

Ms. Chmura said that her father, Ken Chmura, would like to serve on the Commission. He will be picking up a volunteer form from the Borough Clerk's Office.

Chrmn. Carroll reported that Thomas Boyle has vacated his Commission seat. Mr. Boyle has missed a number of meetings. Chrmn. Carroll noted then that there are two Alternate memberships open and a Full Membership opening.

Mr. Fekete suggested a blurb be put on the Borough website stating that the Shade Tree Commission is looking for new members.

The Commissioners decided to hold an extra meeting on Tuesday, October 25, 2016, 7:30 p.m., Chatham Municipal Building,

#### 2017 Grants

Chrmn. Carroll reported that there is grant money available. The Commission's new leadership can make decisions on this matter.

#### Miscellaneous

Ms. Chmura reported that she has presentation on tips for tree care. Chrmn. Carroll will scan her document and e-mail it to all the Commissioners. It will be discussed at the next meeting.

Council Member Collander and Commissioners discussed when it would be feasible for the Borough to remove Emerald Ash Borer (EAB) infected trees. Mrs. Truppo will e-mail Tony Torello, Dir. Of Public Works, to see how many EAB trees have already been taken down. Mr. Torello and Mr. Nash have been working off a list.

Mr. Fekete asked Mrs. Drew and Chrmn. Carroll if they had received any feedback from JCP & L after their presentation at their May 17th Commission meeting. Mrs. Drew answered no. She will e-mail her unanswered questions for JCP & L to Chrmn. Carroll who then c.c. them to the Mayor and Borough Council.

Council Member Collander recalled from the last Borough Council meeting, he had understood that JCP & L will be doing some minor trimming close to the power lines on Watchung Ave. Council Member Collander will ask Borough Administrator Bob Falzarano to contact the Shade Tree Committee the next time the JCP & L representative is scheduled to appear before the Borough Council.

At 9:05 p.m. the meeting adjourned.

The next Shade Tree Commission meeting will be held on Tuesday, October 25, 2016, 7:30 p.m., Room 301, upper level, Chatham Municipal Building.

Respectfully submitted:

Liz Holler  
Recording Secretary