

Minutes of the Regular Meeting of the Morris Plains Shade Tree Commission held on April 4, 2012 at 7:00 p.m. in the Borough Chambers. Present at roll call were:

Present: Mrs. Margaret Law  
Mr. Donald Salerno, Vice Chairman  
Mr. Lawrence Travaglia  
Mr. Lloyd Williams, Chairman  
Councilwoman Laurie Fu  
Mr. Robert Dubee, Forester  
Absent: Mr. C. David Visscher

### **PLEDGE OF ALLEGIANCE**

Mr. Williams called the meeting to order. He stated that adequate notice of this meeting has been posted and published in accordance with Chapter 231 of the Public Law of 1975, "Open Public Meetings Act."

### **APPROVAL OF MINUTES**

Mr. Salerno moved that the Minutes of the Commission's March 7, 2012 meeting be approved, seconded by Mrs. Law. Voice vote. All in favor. Motion carried.

### **COMMENTS FROM THE PUBLIC**

Mr. Williams opened the meeting to the public to speak on matters other than those on the agenda. Hearing none, he closed this portion of the meeting to the public.

Councilwoman Fu advised the Commission she spoke with Mary Ferrera of the Department of Environmental Protection (DEP) Forestry Program and also with another staff member. She was informed that there will be a meeting on April 5, 2012 of this group to discuss the Borough's status. She added it appears the Borough will be eligible to participate. The letter has not been received yet. She referred to a handout she distributed to the Commission members and clarified that this is up to 405 trees; the Borough only needs to accept the number of trees it needs. The cost is \$300 per tree; the \$300 covers the cost of purchase, any bidding and process advertising required, and the cost of transporting, planting, watering, and mulching the trees – whatever is needed to grow the trees. The trees need to be maintained for two years, and the Borough is responsible for the survival of the trees for the two years.

Continuing, Councilwoman Fu advised that the timeline needs to be no more than three years for the planting of the trees, the planting plan must be approved by this DEP group – drawings and maps need to be submitted, possibly being able to reserve of trees for emergency situations, and possible storage of trees.

Councilwoman Fu also advised of her discussion with Mr. Paul Cowie of Paul Cowie Associates, the person who prepared the Washington Township report discussed at the March meeting. He told her his firm also prepared Morristown's community forestry plan and has prepared approximately 95 such plans. He advised the preparation of

these plans can range from several months to several years with the average timeframe being between four to six months. The average cost is approximately \$4,200. Mr. Cowie provided other information concerning this program which Councilwoman Fu listed. She explained the history of the Shade Tree Act and why it was implemented. There would be a requirement for training of two persons in a variety of aspects of tree management. The training would be ongoing and probably could be of either Commission members or municipal employees. Both the Act and the training serve as protection against litigation for municipal shade tree commissions.

Cross discussion about whether it would be better to train Commission members or municipal employees or perhaps one of each.

Councilwoman Fu stated the DEP group indicated they would be happy to visit the Commission to answer questions and/or provide additional information. Parsippany is also involved with this program, and the thought is that perhaps a joint meeting for both municipalities could be scheduled. She will provide Mr. Williams' contact information when she next talks with the DEP group.

Mrs. Law asked if Mr. Williams had heard from Mr. Dubee yet concerning the plan preparer he made reference to during the March meeting.

Mr. Williams stated he has not.

Cross discussion about the trend of residents to request that a tree not be planted at their residence, possible reasons why this is happening, and whether a municipality can mandate such planting. This discussion also included the relatively small number of trees planted over the past year or two.

Councilwoman Fu advised the Commission members to discuss how they believe they want to proceed, balancing whether the cost is worth it and determining whether the Borough will be able to use a large amount of trees and where they may likely be planted.

Various Commission members recounted previous requests for the planting of trees along roads such as Route 53 and Littleton Road and also discussed what could be considered to be more "hidden" costs such a nursery storage and maintenance of trees prior to planting..

Mrs. Law stated she believes the Borough has been removing more trees than are being planted. Over 20 years this approach will create a "bare" look to the Borough.

## **BUDGET**

Mr. Williams advised the Commission has not yet received a formal, approved budget.

Councilwoman Fu updated the Commission on what she believes is the timeframe for the Borough's (and the Commission's) budget to be approved.

### **FORESTER'S REPORT – March 2012**

Mr. Dubee presented his report.

**Burch Drive** – Forester stated that this tree is scheduled to be removed next week. It is one that was scheduled to be removed due to storm-damage. He will follow up on this.

**39 Janeway Place** – Forester stated that this at the corner of Bryce Way, was taken care of.

**42 Watnong Avenue** – Forester stated (1) 28" oak tree w/stump was take down.

**2 Sylvan Drive** – Forester stated (1) 30" tree w/stump should be removed.

**21 Sunrise Drive** – Forester stated that this actually relates to a tree across the street at **2 Northview Drive**. There was a question whether this tree should stay or be taken down. The recommendation is that this tree be placed on the Work List to be re-evaluated in the fall. Mr. Salerno advised a limb was previously removed from this tree.

**37 Headley Avenue** – Mr. Dubee advised this is his neighbor. A driveway was put in; many roots are still under the driveway and probably still trying to push up through the driveway. He has not looked at it personally to evaluate it. He will check it out and talk with this neighbor. It is a Locust tree. He will report back at the May meeting.

**Briarcliff Road** – The secretary stated that a letter was received from a resident concerning damage done to the irrigation sprinklers when Greenwood removed a tree. Mr. David Dubee went to this site and will repair the damage.

The Commission Secretary reviewed the sites to be placed on the Work List.

There was discussion about the situation at 2 Sylvan Drive as to exactly where this tree is located and which tree it is.

Mr. Salerno commented regarding a claim in connection with a Borough tree falling during a storm at 91 Sylvan Drive where there was damage to a fence. In this general area there is a wedge of property that belongs to the Borough. This claim was submitted to the Borough and was sent to Joint Commission. A questionnaire was received that he completed. He also went to the property along with Mr. Joe Signorelli. The section of the fence damaged by the tree falling was replaced, but the rest of the fence is in very bad shape by itself. The one that was damaged was also as poor. Sections of that were laid in the area stacked up. A claim was submitted for the cost of replacing the fence. He does not know the current status or how the insurance company is handling it. Normally, storm damage is considered an act of God and the person/person's insurance would pay the repair cost.

### **CORRESPONDENCE**

The Commission Secretary reviewed the correspondence. The State came to the office in connection with the "Emerald Ash." He advised he is putting and EAB (Emerald Ash Borer) traps on the path by Briarcliff Rd. and (1) in Watnong Park where there are Ash

trees. There was one placed at Community Park last year and the results were negative.

## **OLD BUSINESS**

Mrs. Law distributed a handout in connection with Shade Tree Commission policies and practices. This one was revised in 1984. Mrs. Law read the handout which dealt primarily with tree roots causing damage to lawn areas and/or driveways.

Mr. Salerno pointed out that sidewalks are not addressed in this policy.

Mrs. Law replied the sidewalks are in the right of way and therefore are the Borough's responsibility. She provided information on what has been done in the past to address this problem on private properties.

Mr. Dubee provided his comments regarding this policy.

A suggestion was made to add the words "outside the Borough's right of way?" The wording "in the right of way" would mean the Borough would be responsible.

Cross discussion about this policy, including that Locust trees will not be planted in the future due to root problems, known existing root problems, and that some trees in right of ways are naturally occurring or were planted by property owners.

Mr. Salerno commented that tampering with this and debating issues of in the right of way versus out of the right of way will complicate the matter. He recommended not adding any new words, leaving this policy as it is.

Mr. Travaglia moved that this procedure be approved as revised at the April 4, 2012 Commission meeting, seconded by Mr. Williams. Voice vote. All in favor. Motion carried.

The suggestion was made to consider providing all the procedures prior to the next meeting so members can review each one.

## **NEW BUSINESS**

**Arbor Day**

The Secretary stated that she has begun work on the Arbor Day event and will work with Mr. Travaglia on this next week. She will contact the County to see if they may have a tree they can give the Borough for Arbor Day.

Cross discussion on Arbor Day.

There being no further business, Mr. Travaglia moved the meeting be adjourned, seconded by Mr. Visscher. Voice vote. All in favor. Motion carried.

Karen M. Coffey  
Commission Secretary

Maureen Sullivan  
Recording Secretary