

FREEHOLD TOWNSHIP SHADE TREE COMMISSION

November 3, 2021 Meeting - 7:30 PM

MINUTES

1. Meeting Called to Order: 7:30 p.m.

In attendance: Thom Ritchie, Nancy MacNeil, Alan Walker, Bill Brash, Greg Hanley, Stacey Ehling

Guests: Brad Hager, Elite Landscaping, Operations Manager, 1523 South Plainfield NJ, Kurt Davis Freehold Resident interested in joining Shade Tree Commission.

2. Salute to the Flag –Moment of silence observed.

3. Announcement of Open Public Meeting Act

In accordance with the Open Public Meeting Law, (c231, P.L. 1975) this meeting was announced by posting a notice on the bulletin board in the Municipal Building reserved for that purpose, by mailing such notice to the offices of the official newspapers and the Township and filing such notice with the Township Clerk. Done.

4. Meeting Minutes of Oct. 6, 2021 – Approval of October Minutes postponed till December.

5. Shade Tree Appeal Hearing

a. 10 Love Lane (possible, changing parameters of removals)– Discussion no action. Love lane there was a change to expand the area – 24 pines in the work area some under 8" caliper, 14 over that and 12-14" all listed as short needle pines, but some may be pitch pines or rigida pines. There is nothing that we can do now, they were approved for the removals. Attempts were made to call Scott/Karen since the removal exceeded 5K square feet and they would need soil conservation to get involved – particularly if the stumps are being removed (which we don't know). They will be charged a fee based on the Oct. 22nd report @36 trees \$74 each \$2,664 dollars total.

b. Wemrock Professional Offices – Brad Hager came to get an update for the building about the tree issue.

Discussion: Clarification that there is a difference between an LTE and LTC – an LTC tree care operator can't assess health of the tree. Received a list of every tree and most of them – other than some bad trees – report says mostly healthy.

Brad Hager explained that the intent of the landscaping project is to remove everything within the curblin of the building, all the existing trees around the building, and the front island by the curb and road and start over. There are some dead trees but some are healthy and beautiful but the complex wants them removed.

The commission members stated concern over removing healthy trees just to accommodate a new design, particularly the Honey Locusts which could just be pruned and remain. Anything that is a hazard should be removed.

Issue was taken with the removal of the street trees which are protected by ordinance and not near the buildings. The commission noted that the trees that were removed would need to be appraised and mitigated and a fee will need to be paid for the trees and a penalty paid for doing the work without permits.

Thom Ritchie noted that the ordinance, last updated in 2005, states that no specific penalty is provided but the maximum penalty upon conviction is a fine not exceeding \$2,000.

The discussion continued about the planned removal of healthy trees, where the roots or the tree didn't negatively impact the buildings, and the parties determined that the landscape plan should be revisited. Brad Hager agreed to go back and review the design to take into consideration keeping the healthy trees and ensuring that the type of tree that would be planted would suit the environment and not just grow into a problem later on.

Brad Hager was agreeable to writing a check or possibly planting \$2K worth of trees in the township as a result of the failure to get appropriate permits and to compensate for the heritage or street trees that were removed without prior approval.

The commission determined that: *The Honey Locust trees on the street will remain and not be removed and that healthy trees that aren't interfering with the building, walkways or driveway should be preserved. In addition, a penalty will be issued for going ahead with the tree removal without a permit and that fine will not exceed \$2,000 which will be put into a fund to plant trees in the township.*

A Motion was made to approve this finding: Greg made the motion, Bill seconded the motion.

Vote: All in favor – So moved.

Thom will check to see if a formal resolution needs to be made or if another vote is needed at another meeting.

Brad Hager stated that when he comes up with a final design he would like us to review and will put a ribbon on the trees that would remain so the commission members can review them and provide feedback before the work is done this spring. He also asked to have the commission's resolution in writing. His email is: brad@njelitelandscaping.com

c. Other discussion:

Definition of homesite – 100 feet from the foundation vs. 50 feet from the foundation and the "modified homesite" provision to give residents ability to remove

heritage close to the house and not be fined. 50 feet from the foundation is a modified home site. If someone puts addition on the house that would count. We need to have one definition and all be on same page. The commission members have seen very large heritage trees being taken down that were much farther than 50 feet from the homesite that have been removed and were approved. The commission reiterated the need to have a member or an LTE that has a qualified opinion review these cases before permits are awarded.

6.Unfinished Business

a. 2021 Street Tree Planting – Completed – all trees in the ground and mulched. Still a few to be inspected.

b. Structural pruning and removal of stakes and ties trees planted over a year ago – Ongoing

c. Need to hire LTE for Tree removal permit and planting inspections. The continued response is that the town doesn't believe there is a need and there is no funding available. Discussion on if money that goes into the trust can't be used to pay for the LTE for salary since it is consulting to preserve trees. An estimate was made based on previous experience that out of 100 permits, 5% would require LTE professional opinion – for trees outside homesite and not diseased. The issue is that trees may be looked at but not the way the LTE would review the case. LTC's can't predict if a tree will fail and are not allowed to assess that, only an LTE can.

Class 1 – look out window

Class 2 – get out and look

Class 3 – sound it see if fail

d. Tree Removal permit forms and process overhaul (second iteration reviewed notes provided for next round, still a work in process)

7. New Business

a. Proposed 2022 Meeting Dates: Change time to 7:30 keep it the same for the year – no conflicts of holidays. Motion by Bill, Greg seconded, approved.

b. No discussion on the Shade Tree Monthly Report

c. No discussion on correspondence.

8. Good and welfare

NJ Shade Tree Federation Meeting: Shade tree conference was great. Need to make sure commission members are reimbursed for both days of the conference for the attendance fees.

9. Open Public Discussion

The Guest Kurt Davis expressed concern over the state of the trails and trees at Durand Park and asked if there was a way that more could be done there.

The Commission discussed the role of the Shade Tree Commission and how the designation of "Commission" helps to protect tort claims and liability issues for the town and protects the volunteers who serve hence the creation of the Community Forestry Act. To provide protection members must have CEU's, have a plan and actively work towards goals.

Greg announced that he was asked to become a member of the planning board to do inspections and site plans that builders are providing and give recommendations. This would be a good way to extend the ability to protect trees in our community. If he accepts he will have to resign his position on the commission.

10. Adjourn 9:15 p.m.