



**Bradley Beach Shade Tree Commission
Regular Meeting Minutes – Meeting Held Via Zoom
Wednesday, October 21, 2020**

1. Call to Order

Meeting was called to order at 7:02 PM by Chair Heflich.

2. Roll Call:

Present: George Heflich, Chair; Shana Greenblatt Janoff, Vice-Chair, Interim Secretary; Lauren Egbert

Not Present: Larry Bagwell

Also present: Al Gubitosi, Council Liaison

Note: Joanne Letson has resigned from the Commission.

3. Ratification of Minutes for 10-7-20

Minutes could not be ratified as Larry was not present and Lauren was not in attendance for the 10/7 meeting. Plan to ratify at next meeting.

George announced that the Commission now has an email address: shadetreen@bradleybeachnj.gov

Calls to the Commission will go directly to the Borough and will be forwarded to Shana, Vice-Chair.

Ordinance: George reported that Mr. Cannon, Borough attorney corrected the numbering sequence in the current Shade Tree Ordinance. Thanks to Lauren for assisting in correction. She noted that it is listed in the Municipal Code. **The Commission discussed having the Ordinance posted on the Shade Tree site as well so the information in the Ordinance is clear and accessible to all residents.**

4. Applications

All current tree applicants have received mail decision notifications. Several are waiting for the Approved Tree Planting List. This information will be forwarded on approval of list (ahead in minutes: Item #7).

The Commission received one tree complaint which was submitted to the Borough involving two adjacent neighbors. The information was forwarded to the Borough attorney, is it is not currently under the purview of this Commission.

5. Business Administrator

In Mr. Brown's absence, he sent answers in advance to B.A. agenda questions:

- Commission vs. Committee (this was not discussed at meeting, but George ask this be recorded). A committee is a group of people who meet and deliberate according to fixed rules in order to make a decision or produce a document as a group. A commission is a group of people who are entrusted (that is the etymology) by a government to carry out a task. Sometimes the task is a specific one (like



ascertaining a particular fact or resolving a particular problem) and sometimes the task is more long-term (like the Shade Tree Commission). A commission is usually distinct from other kinds of agency in two ways: it has no single, permanent administrator, and it has no independent or constitutional authority of its own—it operates under the authority of another part of the government.

- Status of Virtual meeting platform: Google Meets is the platform that is officially used by the Borough. **The Commission needs to get access information to use this platform for future meetings** (versus the current use of interim-secretary's Zoom account). If Google Meets is user-friendly, will plan to utilize.
- Bradley Beach Shade Tree Trust Reserve:
As of 9/30/20 the balance in this fund is \$2,646.01. Balance was left over from the previous Shade Tree Commission.
This is where application fees, in lieu of tree replacement fees, and penalties will be deposited. George indicated that a \$50 application permit fee was received by the Borough, per Dave Brown.

Currently, the Commission has a Purchase Order for interim Shade Tree Expert Bill Brash of \$3,000, with an additional available \$3,250 for 2020. These funds are not within the Trust Reserve.

Shana asked if it was possible to receive a monthly accounting from the CFO and asked how other Commissions manage accounting practices. Per Al, Fletcher Lake Commission is more self-contained, and they manage their own books. He remarked that the Shade Tree, over time, will accumulate greater sums of \$ and may choose to manage its own funds.

The Commission submitted Tree Expert Brash's invoice, and reimbursement for Larry Bagwell for the NJ Tree Conference registration to Dave Brown for payment. All future invoices should be sent directly to CFO Sandy Rice.

- Grants: All grant applications will be processed through the B.A. to ensure a Resolution is approved and that a match can be made by the Borough, if applicable. Lauren has identified the "Green Communities Grant" through the State of NJ, and we submitted to B.A. This grant will provide up to \$3,000 for 2 years in matching funds for use in developing an Initial 5-year Community Forestry Management Plan. The grant requires matching funds of same amount. If granted, funds are provided on a reimbursement basis. B.A. is currently handling details.
- Availability of town mailing for resident literature (Sewer bill mailing?): Per Al, Sewer bill likely goes out in mid-December. This timeframe negates the option of utilizing that mailing for Shade Tree information as it is too soon; Phase III communication to residents is targeted for February.

Shana suggested we consider an alternative and do our own mailing. Lauren mentioned some other practices of door handle notices. Per Al, who used this in his campaign – it was quite costly.

We will reach out to Colleen, Tax Collector, to get an exact date on sewer mailing.

- RFP Process: An RFP to hire a Tree Expert for 2021 is only required if we plan to expend more than \$17,500. **An RFP for 2021 must go out by mid-November 2020 with a return date of mid-December 2020 and be awarded at the January 1, 2021 Reorganization Meeting.**



It was discussed that we have an initial conversation with Tree Expert Brash. Lauren requested that B.A. Brown be in attendance at a discussion with Brash, all agreed. Thinking is that we can discuss our scope with Expert Brash: cost for a 5-year plan, town tree survey, and more, so we can get a better handle on our priorities. Al felt there was no conflict of interest in speaking with Brash, as a possible hire. Lauren suggested that perhaps a long-term contract might allow the negotiation of a lower cost hourly fee, which was generally agreed. It was also discussed that we could negotiate the inclusion of some consultation as part of the scope of service and not within an hourly rate.

George will go to B.A. Brown to discuss plans to meet with Brash and to schedule a meeting. George will be away next week, but Shana will participate in these discussions.

- Annual Report: The Commission should present to the Borough Governing Body with a copy to the Borough Administrator an annual report for CY2020 by **January 31, 2021**.
We will get a template from Erica to prepare report.
Per Shana, the Ordinance references what must be included in the Annual Report.
- 2021 Budget: **Budgets for CY2021 are due November 30, 2020. We can get a best practice template from CFO Sandy Rice.**

George asked if anyone in the Commission has budget experience.

Shana mentioned that we would need to back in Tree Expert \$ needs.

Lauren inquired about the cost of planting/maintaining a tree as a measure to inform our budget regarding planting, as well as the cost of a 5-year plan and town tree inventory.

Lauren asked if George could check with Spring Lake Tree Committee, who mentioned they hire an outside nursery, at a cost of (he recalls) \$300/tree.

These are things we can also glean from Mr. Brash in conversation.

George will reach back out to Spring Lake and check with them.

- Emergent meetings/communication: George raised the option to schedule meetings outside of 2x/monthly when needed. It is required that 48 hrs. advance notice be given to Borough (Erica) and posting in newspaper. Per Al, it would be the Asbury Park Press.

6. Tree Expert – Interim

Mr. Brash examined two sites per tree applications submitted.

Commission reviewed Brash's current invoice of \$1,050 of all work to date.

We discussed what we want Brash to do next.

Shana pointed out the cost of the 2 applications at a total of 4.5 hrs. of work including a report – a high cost at \$125/hr., given the Commission would receive \$50 per application. It was suggested that an annual contracted rate be lower to mitigate these expenses and create a plan that the Tree Expert could routinely visit town a specific number of times per month and make more efficient use of his time.

Discussion ensued that the Commission has the power to determine when the Expert is needed and when the Commission can render decisions. Not all applications will require the tree expert.

It was raised that Brash may also not be aware that unlike Spring Lake, BB does not have the means to manage/plant/prune its planting strip trees but relies on residents to do so.



It was agreed that we go ahead with an RFP for 2021.

Shana suggested a conversation with Brash informally, and not “on the clock.” Lauren asked that we reach out to Spring Lake. Al remarked that as Council, they develop relationships with other professionals which are pretty fluid, and perhaps we can do the same, in the case of Spring Lake, and Brash.

George asked for consensus on what we need Mr. Brash for now:

- Start creating a 5-year plan (this year or for 2021)
- Finding grants
- Comprehensive borough tree inventory (trees & stumps)

Per Lauren, we need an idea of what tree inventory entails and cost.

George mentioned having seen two trees cut to stump on 616 LaReine, and the installation of a utility pole. Both appear to have been healthy and of a DBH within the requirement of replacement. Lauren asked if we could have Brash examine. Could we require that utility comply with Ordinance? Al will check with DPW on those two stumps, with the hope that there could be some restitution.

Lauren pointed out that, per Ordinance, Utility is required to give 5 days’ notice to tree expert, including any pruning for oversight by arborist. Further, she reinforced requiring tree companies to register with Borough and sign off on having read and understood current Ordinance.

7. Forms

- Application Form:
Add lot size, per Ordinance.
Lauren finds first chart on this version of form confusing. Suggested that we remove “Check all that Apply”. She asked to bring up first draft of her modified Princeton form, adapted for BB.

Commission asked Summer D. (public in attendance) to weigh in as an outside perspective.

- Move # of trees below under sketch to avoid confusion.
- Move reference to stump and “No Permit required for planting on private property” to bottom of application form. George countered that it was important that this information be clear at outset.
- Perhaps move “No Permit Required...” to top of form, as alternative.

Shana raised the question of whether the permit fee of \$50 be for private property only, and not strip for trees, as the Ordinance is unclear. Lauren conferred, adding that in looking at other towns, they varied across the board on this.

George suggested this as a possible Ordinance change if we decide to require \$50 fee for both private property and planting strip area.

Al added that this should be clarified in Ordinance and that a permit process and fee be required for any changes (except for private property planting) that the resident initiates.

Lauren asked to review Word document.

Shana suggested that in Lauren’s absence at last meeting there was significant review of this form and recommended that Lauren take on the next edit.

It was agreed that Shana would send Word format of version 1 and most recent version of Tree Application form for Lauren to revise and share with Commission for review.



- Decision Notification Form:
Regarding “Stump Removal to Grade” - Lauren commented that in reviewing other town practices that some required stump removal to 8” below grade and suggested this consideration.

It was agreed that we would check with Tree Expert on best practice and go forward with that.

Private Property Replacement Trees: The issue of approved tree planting requirements was discussed. The current Approved Tree Planting List is designed for planting strip requirements. Shana pointed out that residents are required to follow Arborist-approved trees for private property when mitigating replacement trees, which is indicated in the Ordinance under each table, Schedules A & B “Replacement trees must be on approved Shade Tree Commission species list and measure at least 2.5” in caliper.”

It was suggested and agreed that we have Tree Expert Brash provide a list for private property similar to the format of the Approved Tree List for planting strips, to inform replacement tree selection. This list, we all agreed, should be generous in possible variety, giving residents appropriate options based on size, space, and proximity to ocean and salt air.

To address to Mr. Brash:

- **George to reach out to Mr. Brash on stump removal to grade or below grade and how much.**
 - **He will also get recommendation on how far apart spaced strip trees should be planted.**
 - **Create a list of approved appropriate private property trees for replacement mitigation.**
- Preferred Tree Planting List:
Commission reviewed updated Tree Planting List, newly named: Approved Tree Planting List. This replaced formerly “Preferred” to read “Approved,” in order to clarify for residents the requirement to plant from this list for planting strip.

George pointed out the issue of the first block of each of the e/w streets as more vulnerable to wind and salt air and future consideration to *not* plant strip trees.

Preferred Tree Planting List in current format was approved by Commission.

8. Public Tree Management Plan

Larry Bagwell has registered and enrolled in this week’s NJ Commissioner Training Conference. He is taking 2 courses per day M-F this week. We look forward to hearing from him about this.

Unfortunately, the Commission missed the deadline to participate in the Core courses which were a part of this conference. Mr. Brash has indicated that he can provide this training, though based on his fee, we would need to explore viability.

9. Ordinance Review

- Amend Ordinance: For changes to be made in Ordinance, we address this to Mr. Greg Cannon, Borough Attorney. He will bring to Council for approval.



George has asked all Commission members to review the current Ordinance and raise points of ambiguity for us to address. He is keeping a list and we will plan to bring this forward to Attorney Cannon for one single Ordinance modification process.

Al mentioned that he reported at the last Mayor/Council meeting that the Commission has approved the appointment of a Vice Chair. (This information will need to be included among Ordinance changes.)

- \$50 fee assessment: for Removal-Healthy - both private and strip. The Ordinance indicates \$50 fee for private property but makes no mention of fee for planting strip applications, though it is clear that review by the Commission is required.

Per earlier comments, it was generally agreed that the fee be required for both planting strip and private property tree removal as it will require the review of the Tree Expert and/or Shade Tree Commission. (As mentioned in earlier meetings, the \$50 fee will be required upfront and if there is a clear diagnosis by the Expert or Commission that the tree is significantly diseased or dead, fee assessment may be waived and returned to the applicant.)

- Pruning a Strip Tree: Per Ordinance, this is currently not permitted for strip trees. As it is the responsibility of the homeowner to care for the tree, the question was raised as to the requirement of review by the Commission for pruning. The possibility of having a "Tree Pruning Guide" made available to residents was discussed. It was also suggested that we confer further with the Tree Expert, and that pruning be a professional concern. Further, it is unclear if we are in a position of regulating and monitoring this.

Lauren raised the point that we hold off on this issue until we get other more pressing concerns addressed.

- Re-order Ordinance to begin with Chapter 425 Trees: Lauren suggested that Ch. 425 be listed first and move General Ordinance, Article IV Shade Tree Commission portion of the Ordinance to the end. Ch. 425 spells out precisely what is required under the Ordinance.

We would also like to post the Ordinance on our Shade Tree Commission website.

- Stump Removal: the issue of removing stump, to grade or below grade, per recommendation from Tree Expert. (*Per public comment, consider requiring soil filled-in to grade.*)

10. **Organizational Phase Chart:**

George distributed to the Commission a phased Chart to guide us in prioritizing goals and serve as a timeline, also shared on screen at the meeting.

- Phase I – on target and nearing completion in initial document and protocol creation.
- Phase II – will begin in early November and entail establishing relationships with all constituencies related to Ordinance governance. In this discussion, George articulated the importance in having all Commission members actively engaged in creating protocol for borough departments: DPW, Police,



Code/Planning/Zoning; building contractors and tree removal companies; as well as the Utility (JCP&L). Commission members can work in groups of 2. The goal is for this to commence by early December.

- Phase III – will involve further developing the Commission, creating informational material for residents to educate on the new Ordinance; the hiring of a permanent Tree Expert and establishing protocol; as well as securing grants, working toward tree certification, and doing a tree survey of the town.

We will need to determine if Core Training by Mr. Brash is feasible.

- Phase IV – to launch in spring with plans for community planting, an Arbor Day celebration, and involving cohorts in the community on arbor appreciation.

Per Lauren, this requires a budget, which needs to be submitted to Borough by November 30, 2020. As mentioned previously, George will meet with Mr. Brown, and plan to meet with Mr. Brash & Mr. Brown asap. George is away next week; Shana will take his place if we can schedule a meeting with Brash while George is away.

Lauren asked George to reach out to Spring Lake on sense of budget and indicated that she would do some digging.

11. Committee Comments

Lauren raised the issue that per Ordinance, meetings should be recorded and filed for public access. She suggested that this would reduce the density of the current Meeting Minutes to action items and points of reference.

Shana indicated that currently the Zoom meetings are being recorded and files are available. If we move to Google Meets, which the borough uses internally, would need to get up to speed on platform including recording.

George noted that we do not yet have a full Commission, which is required, per Chapter 425 of Ordinance, Section 24-31, stating that within 30 days of appointment of its total membership, that we would be required to follow this guideline.

Shana stated that we still need one more full Commission member and 2 alternates.

12. Council Comments

Al pointed out that he was excited to see the progress of the Commission with limited resources. He suggested considering a larger Commission size given the scope of work required to create the Commission anew. Lauren felt it was a good point to consider.

13. Public Comments

Rich Despina, community member was unable to get his mic working and sent comments, as follows:

- After a quick search I found that tree companies vary from 6" to 12" the level below grade they grind stumps. I urge that whatever dimension is settled upon to assure the successful restoration of grass or other plantings, it must be specified in your restrictions and not left at stating "grade level". Question that has to be addressed: *Does below grade level necessitate having to specify that soil is to be placed level to grade level to overcome hazards?*



- I had spoken to John about what tree to use for replacing our lost trees, two that came down in a storm and the other that we reluctantly had to take down for safety reasons. We decided on one of his remediations and after research we chose the **Japanese Zelkova** variety. We selected this for severability in urban soil areas in the NE, beatification reasons, that they grow nicely about 20 inches a year, they do not get overly large and they are known to be less of a sidewalk destroyer than other popular trees. Information on this tree can be found at: <https://www.arboday.org/trees/treeguide/TreeDetail.cfm?ItemID=941>

14. Close

Shana made a motion to close; Lauren seconded.

*Respectfully submitted by
Shana Greenblatt Janoff
10/23/20*