



PRINCETON SHADE TREE COMMISSION

Tuesday, October 26, 2021

5:00 p.m.

Virtual Meeting/Zoom Conference

AGENDA

OPENING STATEMENT

ROLL CALL

PUBLIC COMMENT

MINUTES - September 28, 2021

REPORTS

1. Arborist Report
2. Council Liaison Report

DISCUSSION WITH BERNIE HVOZDOVIC, ADMINISTRATOR

1. Shade Tree Ordinance Awareness and Enforcement– (Ainsworth/Airgood/Chen)
2. STC's Statutory Authority on Sidewalks – (Airgood/Chen)
3. ISP's for STC Member Email Addresses – (DeVoe)

NEW BUSINESS

1. STC Partnership with Princeton University Best Practices Program – (Ainsworth)
2. Nassau Street Holiday Tree Project – (Pirone-Lambros)
3. New Member Recruitment- (Radbil)

OLD BUSINESS

1. Fall Fest Update (October 16, 2021; 11:00 a.m. – 3:00 p.m.) – (Krauss/Stern)
2. Nassau Street Replanting Update – (T. Sapudar)
3. Witherspoon Street Landscape Update – (T. Sapudar)
4. Witherspoon Street Redesign/Bradford Callery Pear Tree Removal – (Pirone-Lambros)

OTHER

ADJOURNMENT

Join Zoom Meeting

<https://us02web.zoom.us/j/87910539964?pwd=Rkdybm9EUXIYS2RscldvUUlKS2x2QT09>

Meeting ID: 879 1053 9964

Passcode: 994579

One tap mobile

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Dial by your location

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Meeting ID: 879 1053 9964

Passcode: 994579

Find your local number: <https://us02web.zoom.us/u/ky8RWJY7a>

/jsm

October 21, 2021

cc: Clerk's Office
Michelle Pirone Lambros
Sharon Ainsworth
Victoria Airgood
Sandra Chen
Ray Devoe
Pat Frawley
Lily Krauss
Alexandra Radbil
Janet Stern

**Princeton Shade Tree Commission
Minutes of September 28, 2021
Virtual Meeting/Zoom Conference**

Members

Voting:

Sharon Ainsworth
Victoria Airgood
Patricia Frawley
Lily Krauss
Alexandra Radbil
Janet Stern

Non-Voting:

Sandra Chen: 2nd Alternate
Ray Devoe: 1st Alternate

Council Liaison:

Michelle Lambros

Town Arborist:

Taylor Sapudar

Guests: Danny Freund

The regular meeting of the PSTC was called to order on 9/28/21 at 5:01 pm by Ainsworth.

OPENING STATEMENT: Read by Ainsworth.

ROLL CALL: Radbil, Stern, Devoe, Krauss, Frawley, Chen, Sapudar, Ainsworth.

PUBLIC COMMENT: Mr. Freund said that he appreciated all that the STC does and noted several locations throughout the town where there are significant numbers of the SLF. He has been in touch with an official from Morristown who has a plan for the SLF and would give a presentation. Mr. Freund has a backyard full of tree of heaven which he has tried to eradicate. Stern stated that she has attended several online meetings regarding the SLF, including one in which an expert said that they have now decreased drastically in PA, where they were first seen in this region. Sapudar agreed that the center where the SLF were first reported has noted a decreased population. Sapudar indicated that the place where Mr. Freund lives also has wild grapevines, which are another host plant for the SLF. Krauss asked if we could identify the egg mass and address SLF diminution through egg mass removal. Sapudar indicated that this information is on the website. The problem has to be addressed on all levels. The insects are now found on river birch and other species.

MINUTES: The minutes of the July 27, 2021, meeting were approved, with corrections, by a motion made by Krauss and seconded.

Ayes: Radbil, Stern, Frawley, Krauss, Ainsworth.

Motion carried.

(Lambros entered the meeting at 5:07.)

REPORTS

Council Liaison Report

--The town administrator will attend the October STC meeting to discuss the issue of email addresses.

--Lambros indicated that the Bradford/Callery Pear trees on Witherspoon will be taken down in view of the new plantings. When the trees come down and are replaced there will be some questions. The Nassau streetscape is coming alive and much is being planned. The sidewalk issue also needs to be addressed.

--Ainsworth suggested that she would like to hold off on the pear tree issue until October when it will be an agenda item.

--Krauss returned the group to the Witherspoon redesign to identify trees that were being considered for that location. Radbil asked how the process came to be and who is making the decisions about Witherspoon. Krauss said she got the plan from Sapudar; it has not been agreed upon. Krauss has made comments about some of the choices informally. There is community backlash about the pear tree removal. Lambros said the design right now does not include saving the trees. There has been little outreach to the community, said Radbil, and it is a bit late in the process. She is troubled about the process. Lambros said she did not know about the timing of the process. Lambros is asking for an STC opinion about the pear trees. Ainsworth again indicated that she would like to have this discussion in October.

Radbil returned to the issue of the process, not the outcome. The STC should be part of the initial discussion, not brought in to approve end results and actions on which it was not consulted.

--Chen asked Lambros about the sidewalk issue. Lambros asked what Chen was referring to regarding sidewalks. Chen then clarified state law about STCs' jurisdiction re trees and sidewalks. Lambros referred to the process as part of Engineering. Lambros asked for the state statute so that this issue could be addressed with the relevant departments.

--Krauss referred back to the pear trees issue and asked if the trees themselves were part of the discussion in the ongoing meetings. Lambros agreed that the STC had been brought into the process too late.

Arborist Report

--Princeton has hired an Open Space Manager who will begin work the first week of November.

--72 trees have been planted this fall. Sunset Creations won the bid.

--Ash trees have been removed through a crane contract.

-- A commemorative grove will be planted in Harrison Street Park along with a commemorative ornamental Silver Bell in Marquand Park this fall.

--Spring 2022 has spots allocated for trees from the EJ subcommittee survey. Sapudar will look into the locations in more detail before the contract is posted in February.

- Reimbursement has been received from the CSIP contract.
- Tree of the Month has gotten many positive comments. The November tree is the sweet gum. Chen submitted information on Nyssa. December, January, and February will feature trees with winter interest if any STC member would like to do a write-up.
- Our Engage Princeton activity on 10/16 should include commemorative trees and the SLF.
- The Witherspoon redesign master list is still in process. At this point, suggested trees include medium to large shade trees that grow upright and can tolerate dry conditions, wet conditions, and urban problems.
- Nassau St. streetscape is an engineering project. What trees and where has not been decided.
- NJSTF conference is in mid-October.
- The inventory has been submitted for the 2022 budget. There is no need to renew the service contract with Davey if we are not going to use it.
- Krauss asked if the Witherspoon design is firm. Sapудар said it is not set firmly and has not been put out to bid.
- Chen asked if the STC conference would include the new management guidelines, since we will have to plan accordingly.
- Stern asked if the trees prompted by the EJ survey were for spring or fall planting. Sapудар responded that they are allocated spots for spring. Stern then asked if there was a way to engage the neighborhoods prior to planting. Sapудар said that could happen if it was appropriate. (Lambros left at 5:50.)

PLANNING BOARD SITE PLAN REVIEWS

1. Trustees of Princeton University Washington Road; Block 45.01, Lot 101 Health Services Building Preliminary/Final Major Site Plan

Krauss noted that this location has come under protest by many residents. At this point, there are sixteen trees to be removed, including a 36' elm, a 15' dogwood, and many more. The trees are being removed to put in a lawn.

Krauss protested this and asked for sugar maples, magnolia, shrubs and vines, hackberry, redbud, honey locusts, and Kentucky coffee trees.

Total trees consist of 51 being planted. Stern said that it was inexcusable and regressive, given what we now know about ecology, to replace mature trees with a lawn. Stern asked that we keep pursuing this issue. Airgood weighed in with the idea that the building code be tied to the tree and shrub ordinance.

Ainsworth suggested that we prepare an outline of enforcement issues for the mayor and town administrator meeting in October. Airgood offered to create a bullet list in preparation for this meeting.

(Airgood entered the meeting at 5:24)

2. Princeton (Edens) LLC 301 North Harrison Street; Block 7301, Lot 1.01 Preliminary/Final Major Site Plan and Minor Subdivision

Because it falls under an area in need of redevelopment, the trees and shrubs ordinance does not apply, according to the developers (but questioned by STC members). They are putting in 49 new trees and 540 perennials, and moving Walgreens to the Harrison St. side.

Some of the trees could be transplanted.

Water bags aren't recommended, said Krauss, and Sapudar agrees.

One of the trees proposed is Zelkova, which Sapudar does not recommend.

3. Tenacre Foundation

884 Great Road; Block 3501, Lot 9

West Cottages and Multipurpose Building

Preliminary/

Final Major Site Plan with Variances

Removal of 26 trees will be replaced with 57 trees; Krauss indicated that it was not a bad list. The area is surrounded by wetlands and includes 4 bioretention basins. There is a diesel truck entrance that encroaches on the wetlands. Krauss asked that the driveway be raised and a rain garden be installed.

NEW BUSINESS

1. Fall Fest -October 16, 2021, 11:00a.m.-3:00 p.m. (Ainsworth)

The time slot of 12:30 to 2:00 pm is an opportunity for recruitment, so we should talk to visitors about the vacant STC seat. We should also focus on an exhibit for the commemorative tree program, the SLF, and mulch volcanoes.

Sapudar has a list of native trees and shrubs that are recommended to be planted.

Krauss will bring handouts, and Stern will set up and staff the table with Krauss.

Radbil noted that QR codes would be preferable to handing out paper.

OLD BUSINESS

1. STC Statutory Authority (Airgood/Chen)

Chen said she felt the project was completed except for the sidewalk issue.

Ainsworth returned to the bullet items that would be addressed at the October meeting. We need to go through issues with Lambros and Mayor Freda and review them with the new town administrator--issues that we would like to discuss, combined with recommendations to Lambros that the manual be changed to address STC statutory authority for trees threatened by sidewalk and curb problems. It was suggested that an email be sent to Lambros to address this issue.

2. ISPs for STC Member Email Addresses (Devoe)

Devoe asked if the domain issue could be included in October's meeting. He cited a lawyer who provided information on the pros and cons of using a municipal-based system. Devoe indicated some issues with which he was not familiar that would impact municipal email implementation.

(Devoe left the meeting shortly after this statement.)

3. Municipality Input on STC Sidewalk Powers (Ainsworth). October agenda.

4. **Environmental Justice: Block Tree Plantings (Sapudar)**
Spots will be allocated for spring 2022 contract. Sapudar will be happy to meet with the EJ subcommittee and address any items that are presented.
5. **Nassau Street Replanting Update and Witherspoon Street Landscape Update (Sapudar). October agenda.**
6. **Johnson Park Walking Path (Ainsworth/Airgood/Krauss/Sapudar)**
The path has a great number of invasive weeds and grasses. A management plan needs to be developed to handle the invasives in this area. Most likely this will be addressed in the spring. Radbil asked if there might be a possibility to recruit volunteers to weed the invasives. Sapudar asked if the plan could be made in early spring for this project. The new Open Space Manager has the ability to schedule volunteer events to help clear out the invasives. Chen noted that there are some good plantings in the area that need to be maintained. Krauss said that the 10/16 event would be a good time to recruit some volunteers. Sapudar will ask the new Open Space Manager to attend an STC meeting.
7. **Noticing Letter to Newspapers (Airgood/Stern)**
Stern asked if Ainsworth had received the list of topics she sent that might be included in a series of articles about trees. Stern and Airgood suggested the Witherspoon streetscape: description of the plan, removal, replanting, etc. Ainsworth indicated that this sounded like a good idea. Related topics could include block tree planting, EJ, best time for plantings, etc. Highlighting the provisions of the ordinance would be the second article. A third article could be about what it means to be a tree city and the importance of a tree canopy. Ainsworth indicated that all the topics were good ideas. Airgood said that to write the articles we need more information. Sapudar will share a spreadsheet about plantings that identify urban-tolerant trees. He will send this to all STC members.

OTHER

--Stern said there are two sentences under "Adopt an Ash Tree" on the web site that should refer to the Princeton Shade Tree Trust Reserve. All references to this fund must be worded consistently and precisely.

Also, the tab about donating to tree planting doesn't match what comes up when one clicks on it. There are two ways to donate trees. Ainsworth will correct this with Janice.

--We received one request for a new tree and a one-hundred-dollar donation.

--Radbil requested to be put on October's agenda to discuss a possible new member.

ADJOURNMENT

Motion to adjourn made by Airgood and seconded.

Ayes: Stern, Airgood, Frawley, Krauss, Radbil, Ainsworth.

Motion carried.

Meeting adjourned at 6:58 pm.

ADDENDUM: ACTION PLAN

ACTION	DUE DATE	RESPONSIBILITY
Follow-up for ISPs for STC members' Email Addresses	October STC Meeting	Devoe/Lambros (for Discussion with Mayor and Town Administrator)
STC's Statutory Authority on Sidewalks	October STC Meeting	Airgood/Chen/Lambros
Johnson Park Walking Path Project and Planting List for Review	Ongoing	Sapudar/Ainsworth/Krauss/Airgood
STC Review of Proposed Plans for Witherspoon St. Redesign (with particular focus on the Bradford/ Callery Pear tree removal)	October STC meeting	Lambros and STC
Bullet List of Topics Related to Tree Ordinance Enforcement by Municipal Departments and Boards	October STC meeting	Airgood (for Discussion with Mayor and Town Administrator)
Nassau Hoiday Tree Project Discussion	October STC meeting	STC and Laambros
Nassau St. Replanting Update	October STC meeting	Sapudar
Input from Municipality on STC Sidewalk Powers	October STC meeting	Ainsworth/Lambros

To: Bernard Hvozdovic Jr.
Municipal Administrator
Municipality of Princeton

From: Sharon Ainsworth
Chair
Shade Tree Commission

Date: October 21, 2021

Re: Background for STC meeting Oct 26

The STC appreciates your acceptance of our invitation to attend next Tuesday's STC meeting. Below are some items we would like to discuss with you along with the related background material.

Tree Ordinance Awareness and Enforcement: The STC has powers granted under State law and by town ordinance. The 2021 municipal "Board, Commission, Committee and Task Force Members' Handbook "enumerates some but not all the STC's powers.

The attached document offers a summary of the relevant State law and town ordinance along with proposed amendments to the Handbook. Councilwoman Lambros has agreed to take leadership on working with Council, the Mayor, and the Administration to consider the STC Handbook recommendations.

At the upcoming meeting, we would like to focus on two key items found in the attached document. Specifically, Item 2: Sidewalk Statutory Authority and Item 4: Review and comment on removal plans and planting plans accompanying land development and variance applications coming before the Planning and Zoning Boards. It has been the STC's experience that other town departments and Boards would benefit from more awareness of the STC's statutory role and the standards and enforcement provisions of the tree ordinance. In addition, earlier involvement of the STC in the decision-making process on such matters would enhance our ability to manage our public trees and community tree canopy more effectively.

Email for STC business: At the annual Shade Tree Conference last year, it was strongly recommended that Shade Tree Commission members have a separate email designated for official use rather than using one's private email. The rationale being that if the STC were involved with litigation, all of each member's private emails would be subject to discovery. Currently we use our private email accounts for STC business. We have suggested that the town provide members with an email address exclusively for STC matters. Other town Boards and Commissions might also benefit from this proposed action.

Thank you again for accepting our invitation. Should you have any questions or need further clarification, please feel free to contact me.

**Princeton's 2021 Board, Commission, Committee
And Task Force Members' Handbook**

The following is a summary of the State Statute provisions used to recommend amendment of page 4-5 of the 2021 Handbook : "SPECIAL POWERS" LISTING FOR THE SHADE TREE COMMISSION.

Shade Tree Commission (N.J.S.A. 40:64-1 et seq. and N.J.S.A. 40:48-2)

- Has policy making responsibility for the regulation, planting, care and control of shade and ornamental trees and shrubbery along Princeton's streets and in parks and other public places, except State and county roads and lands. This responsibility includes policy making for:
 - Control of the ground surrounding the trees and shrubs on municipal lands, so far as may be necessary for the trees' proper growth, care and protection;
 - Prevention of injury or damage through the removal of any tree, or part thereof, dangerous to public safety;
 - Care of trees and shrubs in parks;
 - Encouragement of arboriculture; and
 - Proposal of ordinances, and/or amendments or repeals thereof.
- Determines whether laying a sidewalk along a municipal street, or opening, constructing, curbing or paving a municipal street, may proceed if such activity would interfere with or injure a shade tree on municipal land.
- Decides, or recommends informal resolution of, appeals to decisions of the Enforcement Officer (municipal arborist) regarding trees on private and public property.
- Reviews and comments on the tree surveys, removal plans and planting plans accompanying land development and variance applications coming before the Planning and Zoning Boards.

- Develops and maintains a recommended tree species list for planting on public and private lands.
- Develops and maintains an inventory of trees and shrubs upon and in the streets, public places, public rights-of-way, and parks of the municipality.
- Develops and recommends tree removal, tree replacement, and tree protection standards for trees located on private property.
- Recommends criteria for and oversees the use of funds in the Princeton Shade Tree Trust Reserve.

Princeton's 2021 Board, Commission, Committee And Task Force Members' Handbook

PROPOSED UPDATE OF "SPECIAL POWERS" LISTING¹ FOR THE SHADE TREE COMMISSION

NOTE: In this annotated version, all recommended additions are underlined; all recommended deletions are ~~crossed-out~~. Footnotes show the source in law for inclusion of each special power. Some powers are given to the Commission directly under State law; in those cases, the provision in State law is cited. Some powers, given to the municipality by State law at N.J.S.A. 40:48-2, have been delegated by the municipality to the Commission by ordinance; in those cases, the ordinance is cited.

Shade Tree Commission (N.J.S.A. 40:64-1 et seq. and N.J.S.A. 40:48-2²)

- Has³ policy making responsibility⁴ for ~~Monitors~~ the regulation, planting, care and control of shade and ornamental trees and shrubbery along Princeton's streets and in parks and other⁵ public places, except State and county roads and lands. This responsibility includes policy making for:⁶

--Control of the ground surrounding the trees and shrubs on municipal lands, so far as may be necessary for the trees' proper growth, care and protection;

--Prevention of injury or damage through the removal of any tree, or part thereof, dangerous to public safety;

--Care of trees and shrubs in parks;

¹ Found on p. 4 of the January 2021 edition of the BCC Handbook.

² Throughout, underlines denote recommended additions to the text in the 2021 edition of the Handbook; and ~~cross-outs~~ denote recommended deletions.

³ This initial bullet point is taken from paragraph (a) of Section 22-4, found in Article II (Shade Tree Commission) of Chapter 22 of Princeton's ordinances. In turn, paragraph (a) of Section 22-4 is based on authorities delegated to the municipality under State law at N.J.S.A. 40:64-1 (Shade tree commission; members; appointment).

⁴ The wording "policy making responsibility" is taken directly from paragraph (a) of Section 22-4.

⁵ Paragraph (a) of Section 22-4 also specifies that the Shade Tree Commission's responsibility applies to trees and shrubbery in parks and other public places, not just to those along streets.

⁶ State law at N.J.S.A. 40:64-5 (Powers of the Commission), in paragraphs (b), (c) and (d), sets forth the following items.

- ~~Consults with and advises~~ Decides, or recommends informal resolution of, appeals to decisions of the Enforcement Officer (municipal arborist) regarding trees on private and public property.¹
- Reviews and comments on the tree surveys, removal plans and planting plans accompanying land development and variance applications coming before the Planning and Zoning Boards.²
- Develops and maintains a list of sites on municipal lands for the planting of new or replacement trees.³
- Develops and maintains a recommended tree species list for planting on public and private lands.⁴
- Develops and maintains an inventory of trees and shrubs upon and in the streets, public places, public right-of-ways, and parks of the municipality.⁵
- Develops and recommends tree removal, tree replacement, and tree protection standards for trees located on private property.⁶
- ~~Prepares standards~~ Recommends criteria for and oversees the use of funds in the Princeton Shade Tree Trust Reserve.⁷

¹ From municipal ordinance at 22-4(k).

² From municipal ordinance at 22-4(d).

³ From municipal ordinance at 22-4(f).

⁴ From municipal ordinance at 22-4(g).

⁵ From municipal ordinance at 22-4(h).

⁶ From municipal ordinance at 22-4(i).

⁷ From municipal ordinance at 22-4(e).

40:64-10. Public improvements affecting trees; consent of commission; county park commissions unaffected

No statute giving any person or State, county or municipal board, body or official, power or authority to lay any sidewalk along, or to open, construct, curb or pave any street, or to do any similar act, shall be construed to permit or authorize any interference with or injury to a highway shade tree without the consent of the shade tree commission within whose jurisdiction such tree shall be located. In all cases such commission shall reasonably co-operate with such person, board, body or official for the general public good.

Nothing in this chapter contained shall be held to take away or diminish any of the powers or authority of any county park commission over the trees or shrubbery in any county park or parkway within its jurisdiction, or to give any other commission or board any power or authority with respect to such trees or shrubbery.

Amended by L.1958, c. 42, p. 139, s. 7, eff. May 20, 1958.