

VILLAGE OF COLD SPRING
Advisory Committee to Develop a Tree Ordinance and Tree Management Plan

Committee Members: Jennifer Zwarich (Chair), Mary Saari, Stephanie Hawkins, Kory Riesterer, Charles Hustis, Richard Weissbrod, Dana Bol, Donald MacDonald, Kathleen Foley, Rich Franco, Tony Bardes

06/23/2014
MEETING MINUTES

7:30 Village Hall

Present: Jennifer Zwarich, Rich Franco, Donald McDonald, Kory Riesterer, Dana Bol, Stephanie Hawkins.

Absent: Charles Hustis, Mary Saari, Kathleen Foley, Richard Weissbrod, Tony Bardes

Meeting began at 7:35.

1. ON COMMENTS: Jen noted no member of the public present, but announced that tonight the committee would accept written comments on the provided forms. She noted that all comments are always welcome in writing and via email anytime, and that oral public comments were taken at the April public input session and that oral comments will be welcomed again at length at the VBOT workshop meeting where the ordinance will be discussed and every interested stakeholder can sit down in the same room and have a chance to weigh in on the details of the draft ordinance. (One member of the public came in late to observe and provided his written comment at the meeting.)
 - a. Rich asked about current comments received and noted their importance at this stage in the process.
 - b. Jen went over the written and emailed comments from the 3 members of the public that we'd received since the public input session on 4/15/2014. She will circulate a tabulated list of all comments to date [See document CSTAC Public Comments To Date.]
2. LAST MEETING MINUTES: Discussion of minutes from last meeting, Kathleen had emailed that she would like to amend them to reflect a fuller discussion around the number of appointees to sit on the Tree Commission. There was a review of this for the benefit of members who were absent last meeting. There was discussion and clarification that no formal motion was made or vote taken, but the informal poll had all of us agreeing to 5 members. No one had any further objections to previous meeting's agreement to number of members. The 06/09/2014 minutes were amended by Jen to read:

"--discussion of how many members of the Tree Commission (3 or 5) to specify. Some suggested having only 3 would keep it simple and ensure that

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- the positions are filled with qualified people (there was a worry that there would not be enough interest to sustain a 5 member body). Others noted that a greater breadth of experience, views and expertise would be more likely represented by a 5 member group and that the volunteer workload would be heavy enough to require the committed work of a 5 member board to manage it. The need for a quorum to conduct business likewise makes 5 a more workable number, and more likely to enable the Tree Commission to conduct business even with the occasional absence of a member at a meeting. An informal poll was taken of the group and all present agreed to 5 members.”
3. **EXPERTISE AND MAKEUP OF TREE COMMISSION:** Rich and Dana discussed their research with the tree commissions of Saugerties and New Paltz. Rich noted that Saugerties has 2 certified arborists on their commission, but that they don’t always come to meetings. Dana noted that New Paltz has _____. He further noted that requiring an arborist to fill one position on the commission would ensure a level of professional expertise. All agreed that the best expertise would be most ideal. Jen expressed skepticism that we could find an arborist in the village with enough time and the inclination to do this free work, though she thought it would be ideal if someone was willing. Current language in the ordinance draft is loose—allows the Trustees discretion to appoint folks with knowledge of arboriculture or horticulture. Language we have now is that it is “highly desirable”. Issue of whether we need to REQUIRE an arborist was discussed. No one thought that was preferable because of difficulty in filling the position. Rich suggested that we open one position on the committee to a non-resident of the village if they are a certified/licensed arborist. Stephanie thought that the VBOT would likely be interested to consider this option. Kory wondered if there was precedence. Stephanie noted that it had—lighting committee has a business owner but non-resident recently appointed. Jen suggested we open all the positions on the commission up to village business owners as well as residents. All agreed on that point. On the point of it being highly desirable to have an arborist, after some discussion the committee agreed to suggest opening one seat on the commission up to a non-resident if they are a licensed/certified arborist and to leave the language in the current ordinance draft that states that knowledge of arboriculture or horticultural is “highly desirable” in appointing all members of the commission.
4. **NAMING OF THE FUTURE TREE ADVISORY BODY:** Jen noted that one among many good comments received by village resident Carolyn Bachan [see document CSTAC Public Comments To Date for full text] suggested we do not

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use the the term “Tree Commission” but rather “Tree Advisory Committee” or some other language. Carolyn was under the impression that “commission” had legal implications related to a permit granting body (she gave the example of Rec Commission which can issue permits to use park for groups under a certain # of people). Jen noted that in her quick research she found conflicting examples in NY state of naming conventions for different kinds of municipal boards with differing duties. There didn’t seem to be a uniform standard, but we should consult the attorney for advisement on this point. Donald suggested whatever name we use should be consistent with what Cold Spring uses in its code. Asked whether the reason the Rec Commission has that name should be understood and the same convention applied here. There was extended discussion of the relationship between the advisory purpose of the future Tree Commission and it’s naming convention. Resolved to investigate with the attorney the naming conventions in current village code and if we should not call this a “Commission” for some legal reason.

5. CLARIFICAITON OF AUTHORITY OF THE COMMISSION: section 122 a-k outlines this authority. Rich suggested we should make a simple line at the start of this section stating that the Tree Commission is an advisory body only so that it would be clear from the start.
 - a. Stephanie brought up relationship between budget item for tree maint and plant/remove in village budget and the authority of the board to ask to designate funds. Jen noted that Rec Commission has a line in their code that gives them authority over the Rec Budget—with reserved authority of the VBOT to revoke this, but notes that the tree commission as this is currently designed won’t have the same kind of direct discretion. It will be an advisory body only. The Tree Commission data crunchers and planning and grant writing hub. Instead there will be an annual action plan for each year that is part of the Tree Management Plan that will be formulated and prioritized by the Tree Commission based on updated information about the state of Cold Spring’s urban forest (formed in consultation/collaboration with other interested bodies like the Highway dept and the Rec Commission etc), with reserves of course for emergency work and then that annual action list will have to be approved by the Trustees and given the go ahead to spend listed amounts in the annual action plan.

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6. **TREE CITY USA STATUS:** Jen noted that Bachan's comments to the committee included that Tree City USA status is not a good goal for the Commission to pursue. Bachan felt it was meaningless in the grant process and that the per-capita budget requirement would require an increase in the budget. Jen stated she disagreed on both points. Since the budget requirement can absolutely be met by valuing certain kinds of volunteer labor as well as items like percentages of the salaries of staff, administrative time, equipment maintenance, etc., and that in all cases grant money expended for tree items may be counted (see full list of qualifying expenses in addendum 1 below) the village already spends much more than the Tree City requirement and already qualifies in that regard. The other requirements for Tree City status were reviewed, and it was understood that the village will easily qualify for Tree City status once the Tree Commission/Board and tree care ordinance are established. Jen stated that she felt Tree City status is a widely accepted way that municipalities demonstrate the village's commitment to its community forest. The value in demonstrating that to our community, to visitors to Cold Spring and to other communities is real and can't hurt. If it doesn't cost us anything except the time to apply then it seems a good goal. Additionally, Jen stated that we were told directly by our regional forester that Tree City status does give a leg-up on grant applications (if for no other reason than it demonstrates this same level of commitment). After some discussion it was generally agreed by the group that Tree City USA application would remain a part of this work.
7. **UTILITY SECTION OF ORDINANCE:** Agreed this needs further research. Jen will talk with Central Hudson for their concerns as well as to get a sense of their standard operating procedures etc. There was a question as to whether permits were the best option. Jen stated she didn't like the added layer of bureaucracy implied by a permitting process and asked if we can't just have a notification requirement. The goal being that somewhere in the ordinance it should support the utility and the village having good communication about goals and concerns. Stephanie and Dana will try to contact two municipalities we know have used permits as the method of requiring the utility to notify the municipality before tree work and they will see how compliant the utility is with those sections of their ordinance. It was agreed that if permits aren't followed in actual practice elsewhere we will reject the idea. Jen will work on further research and suggest other possible design of the utility section. It was repeatedly agreed that it is our goal to establish a good working relationship with the utility and to facilitate good communication that will benefit the interests of the utility (right trees in the right place for example)

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as well as the interest of the Village in the appearance and health of its public trees.

8. **SHRUBBERY and WOODY VEGETATION:** There was discussion of whether Tree Commission should be concerned to maintain shrubbery and woody vegetation on public property as well as trees. There is a separate section in current Village Code governing grasses and vegetation. Also the Rec Commission already maintains these as well as the trees in the village Parks so we'd need to gel with these established laws and administrative bodies. Discussion of this. Agreed that we'd leave in language that gives the option of Tree Commission consulting on these areas if needed but doesn't require it.
9. **RECREATION COMMISSION CURRENT TREE MANAGEMENT:** Discussion of Rec Commission code and the need to craft the Tree Ordinance so as to collaborate and support the work with trees in village parks that they already administer. This discussion should have happened during our research for the Tree Management Plan but was an oversight on our part (and was pointed out by public comments of Bachan). Rich volunteered to meet with the chair of the Rec Commission as well as the VBOT liaison to the commission Bruce Campbell to investigate how a future Tree Commission can aid their work with trees and how the work of both commissions could compliment each other. He will report on answers to the following questions: what are their current management practices for trees; do they have a management plan; would they be receptive to collaborating with a future Tree Commission and how might that future commission aid their work with trees; how might the two bodies best collaborate?
10. **COMMUNICATION WITH RELEVANT DEPARTMENTS:** It was generally agreed that the best course of action would be to have the future tree commission be designed to fill a niche for research, grant-writing and planning not currently being done and that this work should get with, not supplant or alter, how the Rec Commission and Highway department and Water dept currently work. Tree Commission needs to be designed and built on good communication and good collaborative relationships with the VBOT, the Highway Dept, the Water Dept and the Rec Commission. Would need to form a communication loop between the Tree Commission and the other relevant depts.: Water Dept, Highway Dept and Rec Commission. There was discussion of how this would work, and whether it was advisable to have this task taken care of by a single VBOT Liaison. Generally this seemed like not a good fit for (and too heavy a load on) a liaison position. Dana suggested building this communication function into the Tree Commission's work on

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the Tree Management Plan—specifically the work of formulating an annual action plan for pruning, planting, etc should include the plans of these other departments—the idea being that the Tree Commission would do the legwork and would have to consult each relevant department (Highway, Water and Recreation) and formulate a central list of their concerns and action items and incorporate these into the annual work plan. This would centralize the ‘to-do’ list for trees and make it easiest for the Trustees to get a clear picture of what needs to be done each year and how this gels with the longer term Tree Management Plan.

11. TREE NURSERY: Rich suggested that Tree Nursery not be a part of the ordinance because he was questioned the use of this investment of time (when it could be used doing something else), the ability of non-professionals to grow good stock, as well as the cost efficiency of the nursery in the long term. He would prefer to leave the growing of suitable street and park tree transplants to professional nurseries. Others suggested that the nursery was designed to save the village a significant amount of money, that seedlings cost a few cents and therefore it is a low-risk investment that has the potential, if designed and managed correctly, to yield a strong set of replacement trees. The care of Village Nursery trees, including watering, periodic pruning of young trees to ensure good structure and strength, root pruning to develop a suitable structure that will support transplanting, etc. is relatively easy to do and will be done by knowledgeable volunteers. There was discussion of this. Stephanie suggested that the attorney advised her that structuring the ordinance to include nursery manager appointee protects the investment of time and interest in the nursery initiative and asks the VBOT to commit to it and institutionalize a structure that will continue the legacy. Dana noted the importance of the educational benefit and opportunity represented by the development of the nursery. Jen used the metaphor of investing in “children” as well as the “elderly” in a community—both are important. Investing in young trees is cheap and potentially of great benefit. Emphasized that the nursery project was cheap, and would save money. Other discussion...

12. LINE BY LINE REVIEW OF DRAFT:

13. New Draft language will be circulated

- a. Took out “specimen tree” from definitions section since it wasn’t used in language of ordinance.
- b. Section 122-3: split “A” into two parts. Composition & Authority and spell out that the Tree Commission is an advisory body. Added

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language to “F” about annual action plan in consultation with Water, Highway and Recreation Comm.

- c. Meeting at least 6 times a year, but language stating day of week taken out.
- d. Utility section—more research and editing needed.
- e. Sidewalk section—more research needed—Jen will suggest language based on other ordinances.
- f. Other sections minor adjustments.

14. Next meeting set for July 14, 7:30, location TBD.

15. The last little bits of research on questions that came up above will be circulated to the group via email beforehand. The next meeting we will briefly review that research and review “final” language of this stage of the draft ordinance (which will be circulated to everyone). We will then take a vote on whether to pass the ordinance draft on to the Trustees (and schedule a workshop meeting at which all interested parties and members of the public will be able to sit in a room to discuss the draft.

Meeting adjourned at 9:58 pm.

ADDENDUM 1:

QUOTED from:

<http://www.arborday.org/programs/treeCityUSA/documents/sample-expenditure-sheet.pdf>

“The following expenses for public tree care (street, park, cemetery) may be counted in meeting the \$2 per capita requirement for Standard 3:

- city workers' salaries (or percentage thereof if tree care is only a portion of their job)
- contract work
- tree board salary (most are volunteer, some are paid)
- tree purchases
- watering
- fertilizing

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- insect control
- staking
- mulching
- dead tree removal
- stump removal
- pruning by city employees
- leaf and brush pick-up
- biomass recycling
- survey or inventory expenses
- computer inventory software
- equipment purchases
- equipment rental
- equipment maintenance
- Arbor Day program
- prizes for Arbor Day contests
- tree care conferences and workshops attended by city workers
- memberships in and donations to tree organizations

- public education materials—brochures, newsletters, etc.
- administrative time
- insurance

(grant monies expended for any of these items may be counted)".