

**BOARD OF SHADE TREE & PARKS COMMISSION
MEETING MINUTES
MAY11, 2016**

Present: W.R. Comery, J. Mawhinney, J.A. Sexton, K. Raschen, D. Minervini, D. Preis, J. D'Arco, S. Biondi, J. Warburton, B. Keppler, C. Hittel, Theresa and Robert Moggi, 798 Stella Court; T. Perides, 299 Paramus Road; Father John Hadodo, 38 Broad Avenue; Heather and Nick Lapari, 299 Spencer Road and Brian Witmore, Big Foot Tree;

Absent: M. Ivanicki

W. R. Comery called the meeting to order at 7:30 p.m. and stated that this meeting of the Shade Tree & Parks Commission, as required, has been made public and posted at Borough Hall.

B. Keppler moved to accept April 13th Meeting Minutes, seconded by J. Warburton 5-0 in favor

C. Hittel arrived at 7:31 pm

J. Warburton moved to close meeting, seconded by C. Hittel 6-0 in favor

RESOLUTION NO. 16-11-1

Dated: May 11, 2016

At a Regular Meeting of the Board of Shade Tree & Parks Commissioners, County of Bergen, State of New Jersey, held on May 11, 2016.

RESOLUTION OF THE BOARD OF SHADE TREE & PARKS COMMISSION OF PARAMUS TO ENTER CLOSED SESSION PURSUANT TO THE OPEN PUBLIC MEETING ACT

Whereas, The Open Public Meetings Act, N.J.S.A. 10:4-1, et seq., requires meeting of public bodies to be open to the public, with certain limited exceptions; and

Whereas, such exceptions include:

- (1) Any matter which, by express provision of federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of subsection a. of this section;
- (2) Any matter in which the release of information would impair a right to receive funds from the government of the United States;
- (3) Any material the disclosure of which constitutes an unwarranted invasion of individual privacy...;
- (4) Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body;
- (5) Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed;
- (6) Any tactics and techniques utilized in protecting the safety and property of the public; provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law;

- (7) Any pending or anticipated litigation or contract negotiation other than in subsection (4) herein in which the public body is, or may become a party;
Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer;
- (8) Any matter involving the employment, appointment, termination of employment, terms and conditions of employment...;
- (9) Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility; and

Whereas, the Board of Shade Tree & Parks Commission had entered a closed session on November 12, 2014, to discuss the following matters, consistent with exceptions above: employee; and

Whereas, the Open Public Meetings Act requires a public body to adopt a resolution authorizing such closed session and setting forth the matters to be discussed in closed session; and

Whereas, this resolutions satisfies the requirements of the Open Public Meetings Act; and

Now therefore be it resolved that the Board of Shade Tree & Parks Commission had entered closed session to discuss the matters set forth in this resolution.

adopted by the
Paramus on

I hereby certify that this is a true and exact copy of resolution
Board of Shade Tree & Parks Commission of the Borough of
11th day of May, 2016



Jill Mawhinney, Secretary to the Board of Shade Tree & Parks Commission

Motion: J. Warburton
Second: D. Preis
Ayes: 6 **Nays:** 0 **Abstain:** **Absent:** 1

J. D’Arco and S. Biondi left at 7:55 pm

W. R. Comery said that we will take the residents in the order that they arrived.

NEW BUSINESS

#1. **798 Stella Court:** they were put on the root list in 2009. They can’t cut the lawn any more. W. R. Comery let them know that we had personnel cuts. We need to address this issue. We used to do it 2 times a year.

T. & R. Mogni left at 8:02

#2. **818 Stella Court:** They were on the Agenda for a demo but did not show up. There are three existing trees on the property. They are claiming hardship because it is \$12,000.00 for the three trees.

SUPERINTENDENT’S REPORT

#3. **299 Paramus Road:** Mr. Perides got a Notice of Violation for cutting the roots of town trees for electric wires for Biagio's. He claimed he went through the proper channels and got his permits. The Shade Tree & Parks Commission will have to investigate.

T. Perides left at 8:18 p.m.

#1. **38 Broad Avenue:** Father Hadodo received a letter in 2015 regarding an 18" caliper Red Maple and 9" caliper Norway Maple. The 9" Maple was cut down and removed from the site and no preservation was paid for either tree. There was a stop work order on the site. Father Hadodo was issued a violation with restitution \$2,214.00 and \$350.00 for a new tree plus \$5,000.00 tree preservation for the Red Maple. He can't get a Certificate of Occupancy until Shade Tree signs off. Father Hadodo made a case for the tree having been removed prior to his buying the site. He claims to have built 25 homes in Paramus and this is the first time there has been a problem. We go out when we get the demo and check for the trees and due the preservation amount. W. R. Comery said that the Commission would have to look into this. Father John agreed to pay the \$2,214.00 and we will waive the bond because the house is finished.

Father Hadodo left at 8:37 p.m.

#2. **299 Spencer Place:** Big Foot Tree was stopped from removing a tree from 299 Spencer Place by the Police. Restitution for the tree is now required. The homeowners did not know that it was a town tree. W. R. Comery said that someone has to come up with the \$8,700.00 because the tree has to come down now. Homeowner had a proposal from Ace Tree Service and when Big Foot came in with less they thought it was OK. Because of the misunderstanding, the Commission agreed to have Big Foot finish removing the tree and pay \$500.00 for a new tree. They will also have to refund the money to the homeowner because as the contractor, they should have checked further.

Mr. & Mrs. Lapari and Big Foot left at 9:00 p.m.

#6, **233 Concord Drive:** RGM Builders request permission to remove a 14" caliper tree to the left of the driveway. They needed the water turned off and when the water company came out to shut it off, they found the line under the tree. The tree is a town tree. It is not in line with the other trees on the street. They want to demo the house and put up a new house. They would like to either transplant the tree or remove it and replace it with a new one. We have a strict policy not to remove live, healthy trees. It is a native tree. W. R. Comery would meet them on site to help them work out the situation. They will set up a meeting with K. Raschen.

RGM Builders left at 9:10 p.m.

#4. **208 Lentz Avenue:** Homeowner doesn't want the two town trees planted and feels it is too much money per tree. The Commission will work with him on the location and the type of tree to put in the location. The trees are a requirement for the permits.

#5. **58 Diaz Place:** Mrs. Clark sent a letter about her feelings on the tree planting after her husband agreed with the move by the Commission.

#7. **279 Wedgewood Drive:** The neighbor saw the homeowner cutting the roots on the town tree. Now the neighbor is afraid that the tree will fall on his car. The roots have been cut right through. If the neighbor makes an official complaint, then we can make the homeowner pay for the trimming and fertilizing of the tree.

#8. **266 Farview Avenue Update:** PSE&G has taken responsibility for the death of the tree. PSE&G and Downes Tree Service will be removing the tree. The Borough of Paramus will supply the police detail.

- #9. **Tree City Awards:** There are only 13 towns in the nation that have received the 40 year Tree City Award from the National Arbor Day Foundation. New Jersey has two, Paramus and Parsippany-Troy Hills. W. R. Comery accepted the award for us and also received recognition on his own. We need to arrange a time for the Commissioners to have their picture taken with the 40th Flag.
- #10. **Certificate of Appreciation from the Environmental Commission:** Earth Day was celebrated at the Band Shell behind the library. The Environmental Commission has sent us a Certificate of Appreciation. Bev Kepler came and assisted J. Sexton and K. Raschen at our table giving out the seedlings. Liz Stewart of River Edge took what we had left.
- #11. **Sidewalk Program:** W. R. Comery and K. Raschen will go out to find out what sidewalks are out there.
- #12. **Roots Program:** We went from 24 employees to 17 and something had to give. The residents still want all the same services. We have to get the root program going again. It has happened since 2009.
- #13. Done
- #14. **Authorization to pay bills:** D. Preis moved, seconded by J. Warburton 6-0 in favor

ASSISTANT SUPERINTENDENTS REPORT

- #1. **Earth Day:** We distributed our own trees on Earth Day from the Tree Recovery Program.
- #2. **Tree Recovery:** We distributed 23,000 seedlings to 22 municipalities given to us by the State of New Jersey.
- #3. **CSIP Grant Update:** All trees have been fertilized and trimmed and we have received the Purchase Order for the Dogget fertilizer.
- #4. **Community Forestry Management Plan Update:** It has been signed by the Mayor and will be sent to the state for approval.
- #5. **No Net Loss Grant Update:** We are trying to set up a meeting with the Board of Education and Mr. Cowie for next week. This will be done over phases.
- #6. **Arbor Day:** We will be holding Arbor Day on June 14th at the High School.
- #7. **Tree City 40th:** done
- #8. **Spring Planting:** 167 of 300 trees planted. W. R. Comery suggested that K. Raschen request overtime from Mr. D'Arco for 1 ½ hrs. while planting. He would like to see the trees all planted before Memorial Day.
- #9. **Removals and Stumps:** here are 6 removals left, 5 need PSE&G's assistance. There are 37 stumps left that need a Police detail.
- #10. **Court Case:** Covered in closed.
- #11. **Imprelis:** We will be getting a check for \$33,175.00. W. R. Comery said that it is

imperative that this goes into the Shade Tree Trust Account for tree planting.

AGENDA

OLD BUSINESS

NEW BUSINESS

J. Warbuton moves to close meeting, seconded by D. Preis 9:58 p.m.

6-0 in favor

Respectfully submitted by,



Jill Mawhinney, Secretary