

# Hamden Tree Commission

SPECIAL Meeting of Tuesday, January 26, 2021 at 6:30 p.m.

## Minutes

**MEETING ID – 943 5350 9087 – PASSWORD CONIFER**

**CALL IN 1 646 558-8656**

Commissioners in Attendance: Mr. Parlapiano, Ms. Nathanson, Ms. Sternberg, Mr. Cummings, Mr. Montgomery

Others in Attendance: Town Attorney Sharkey, Legislative Council Representative Macdowall, HAT Representative Hoffman, Consulting Arborist Harris, Commission Clerk Tobin

### Call to Order

Mr. Parlapiano called the meeting to order at 6:30 p.m.

Approval of minutes of regular meeting of November 17, 2020

Pg. 2, Other Old Business, 4<sup>th</sup> line, change Parlapiano to Montgomery and received to posted..

Item 2, first line, change Mr. to Ms., Page 3, third line, change Mr. to Ms.

**Ms. Sternberg made a motion to approve the minutes of the November 17, 2020 meeting as amended. Ms. Nathanson seconded the motion. The vote was unanimous in favor.**

Public comments on agenda items – none

Other Old Business - Tree Ordinance Update from Town Attorney's Office

Assistant Town Attorney Brendan Sharked addressed the commission to present an update on the proposed Tree Ordinance. He said the good news is the Ordinance has been vetted from the perspective of the Town Attorney's office and is mostly good. The challenge is regarding clarification of the respective roles of the people involved, the Mayor, Tree Warden and the Director of Public Works. It is imperative that the Town comply with the State Statute, which defines the role of the Tree Warden. GS 2359 gives a lot of authority to the Tree Warden for everything that involves Town trees. The Tree Warden is appointed by the Mayor every two years. It doesn't define if the Tree Warden is a Town Employee. The Tree Warden has certain responsibilities that he or she has to fill in order to become a Tree Warden. The position is responsible for issuing permits for trimming or removal of trees being proposed by individuals or utilities. Over the years Town has developed a

practice where the Tree Warden is not only an employee of the Town but also the Superintendent of Trees, a union position within the Department of Public Works. The Tree Warden/Superintendent of Trees reports to the Director of Public Works. That status is problematic in some ways because the Tree Warden has a lot of authority, so that fact that he has to report to the Director of Public Works is problematic. Attorney Sharkey has added a section regarding the Public Works Director stating that the Public Works Director is responsible for activities authorized by the Tree Warden. This change is consistent with State Statutes, but there is some ambiguity if the Tree Warden could override the Director of Public Works. The Town Attorney's Office is trying to get clarity from Union, Personnel Director and the Director of Public Works, but is not making a lot of headway in getting the responses that we could act upon. That is where the logjam is.

Mr. Montgomery said it used to be that we had a Superintendent of Trees and Parkways. His experience was it seemed he was working with Assistant Public Works Director Siciliano rather than Mr. Green. He sees why Attorney Sharkey is wanting to speak with Town personnel as to how to handle the position of Tree Warden in the future.

Mr. Parlapiano asked is it a good idea to uncouple the Superintendent of Trees and the Tree Warden. The unions have not engaged on the question. If we could get them to engage we might get some clarity. The Director of Public Works can't be subordinate to the Tree Warden. If we could separate the Tree Warden from the Department of Public Works and make the position that of an independent part time staff person to perform the statutory requirements of the Tree Warden and provide direction to the Department of Public Works.

Does the Legislative Council want to create a new outside position appointed by the Mayor who works under contract with a separate salary item? We do not know the position of the unions yet.

Mr. Montgomery said he was never clear to him how much the Tree Warden was responsible for including trees in town parks. That needs to be considered. The Parks Department, a division of Public Works takes care of the trees in parks. Perhaps the position of taking care of Town Roads should be called the Superintendent of Parkways instead of Superintendent of Trees.

Attorney Sharkey said the Tree Warden statute is very clear regarding the care and maintenance of trees, issuance of permits. It is up to the Town to decide with its unions. Attorneys Gruen and Sharkey have asked the Personnel Director to take the lead in getting the parties together. Mr. Cesare has been willing and able to discuss this. They need the union representatives and the Personnel director to respond. Care and control means oversight.

Trees in our parks have been in control of the Parks Commission. This is an internal issue for the Town to resolve. The Tree Commission could assist by asking the Mayor to get the parties together to talk. Commissioners thanked Attorney Sharkey for his help and his presentation.

## Old Business

### 1. Tree Activity Report

- Public Works: Trees planted/Removed/Pruned/Permits issues
- UI Vegetation Management Status

Mr. Harris reported that lots of tree work has been going on. He described several streets that he looked at. He did a resistograph test at 79 Harmon Street because of a complaint. He found it to be a sturdy tree in no imminent danger of falling. He described an interesting situation on Bowen Street regarding a hazardous tree in front of a rental property. Lewis tree was looking at extensive pruning that he felt would kill the tree. There was a complaint re a tree on Raelin Road that was removed and probably shouldn't have been. The wood was left behind, and wood was left behind on another property. Crews are working in Hamden every day, and Lewis Tree lets him know where they are. He hasn't heard anything from Asplundh and assumes they are not working. All of the sites that were listed as completed and weren't have been revisited and finished, probably with expired permits.

### 2. Notable Trees

Ms. Nathanson reported was a pin oak. The December tree appeared in the Advisor. Ms. Tobin mentioned seeing a photo of a tree on Facebook that the woman who posted said she sent it in as a notable tree request. It was an evergreen at the corner of Sebec and Leo. No one received the nomination. Mr. Montgomery suggested an eastern white pine for February. Lots of this variety were broken by storms. Ms. Sternberg mentioned one that she can see from her house, which she will check. The other one discussed is on Klarman Drive. Mr. Montgomery mentioned he would like to do the tree where the eagles live on State Street. It is a cottonwood and might make a good winter picture. The Japanese hornbeam on Ralston Street was also mentioned.

Mr. Cummings said the gaiters are still on the trees planted near where he lives two years ago. He will remove them.

### 3 Tree Planting

Mr. Montgomery reported no additional tree requests. He has 30-35 requests on his list. He will have to talk to Mr. Cesare regarding planting plans. He doesn't have enough money to plant all the trees requested. Mr. Parlapiano mentioned a grant program for between \$3,500 and \$5,000 offered by the Environmental Professionals Organization of Connecticut to assist with reforestation efforts. He wrote to the organization to see if municipalities were eligible.

Mr. Montgomery mentioned the need for trees in southern Hamden. There was discussion on adding information for making a tree request to the notable tree article.

4. Educational Programs/Ideas

There was discussion on a socially distant tree pruning event. We would need an okay from Public Works. There was also discussion on making a video on pruning.

5. Other Old Business

There was no additional Old Business

**New Business**

1. Letter from Hamden Alliance for Trees regarding proposed solar farm on Gaylord Mountain Road

Mr. Parlapiano said he was not aware that the Siting Council was still taking comments regarding the proposed tree farm. Ms. Hoffman asked the Commission to reiterate what we've already said and if we had anything new to add. Inland Wetlands just reiterated their rules. Commissioners discussed whether to add further comments. Ms. Sternberg suggested going to their website to see if there was any new information. Mr. Cummings asked about the concern of leaving the wood chips on the site. Mr. Montgomery said they are taking water away from a wetland, which is not addressed in the comments. The developer did not have his homework done. The DEP foresters are not allowed to comment. They said it is not a core forest. There is a transmission line next to the site making it a good wildlife corridor. The wildlife division can comment. Mr. Montgomery said this was a poorly done proposal. Ms. Sternberg will check to see if they have submitted a storm water management plan.

2. Trees and Sidewalks

There was discussion about a sidewalk contract that had no protection for trees. We addressed this problem in the proposed Tree Ordinance. Mr. Parlapiano said he is not sure what we can do except perhaps offer advice and make the Town understand that the trees are under the jurisdiction of the Tree Warden and he could inspect areas where sidewalks are being installed to see what pruning is to be done and have it done by the Town, not by the sidewalk contractor.

Mr. Montgomery mentioned when installing a sidewalk you have to go down 12". The Town Engineer is requiring thicker gravel. Cornell Structural Soil, which is patented, was mentioned. He also mentioned that tree roots won't grow through gravel. He feels the Town sees the value of having a Town Arborist.

Mr. Parlapiano will ask the Town Engineer about the sidewalk contracts and will pass the information on to Commissioners.

3. Other New Business

Mr. Parlapiano asked Mr. Cummings to explain his new role on the Commission. Mr. Cummings is now the liaison to the Hamden Alliance for Trees. He Attended their meeting on their mission statement last night. They would like to get involved with the Tree Commission for tree planting. He attended the Clean & Green Commission last night and said they are doing important work regarding trash, composting, etc. He will also attend some Natural Resources and Open Space Commission meetings. His goal is to see if we can interact with some other commissions on projects. We will add Mr. Cummings reports to Old Business on future agendas.

### **Adjournment**

**There being no further business to discuss, Mr. Parlapiano asked for a motion to adjourn.**

**Ms. Sternberg so moved. Ms. Nathanson seconded the motion. The vote was unanimous in favor. The meeting ended at 8:25 p.m.**

Submitted by \_\_\_\_\_  
Gerry Tobin, Clerk of the Commission