

Montclair Environmental Commission Meeting

May 13, 2015 @ 7:30pm

Attendees: Lyle Landon (Co-Chair), Corliss Sprung (Co-Chair), James Sherman, Barbara Hedeem, Jerry Fried, Deborah Ellis, Keith Brodock (Planning Board/MEC Liaison), Siobhan McCarthy (Alternate #2)

Non-voting Attendee: Gray Russell (Township Liaison)

Guests: Steve Schuckman

Notetaker: Siobhan McCarthy

The meeting was called to order at 7:35pm.

The minutes from April were approved.

Introductions/Announcements

- This will be Corliss Sprung's last meeting as co-chair as she is relocating out of Montclair.
- The next Green Film series film will be next Thursday, May 21st. The topic of the film will be climate change.
- Tuesday, May 19th at 7pm is the next town council meeting, where they will have the final discussion with Gabel Associates about the Energy Aggregation Program. MEC should all attend if possible (with guests) to express support for the energy aggregation program. Public comment will be near the beginning of the meeting.
- LL or GR will write a summary of the Government Energy Aggregation (GEA) program that could be distributed to the public.

The announcements on the Agenda were read.

Last Month's Outreach Activities

- **Tree Giveaway (Deb Ellis):** The tree giveaway on April 11th was very successful; we gave away about 400 of the 500 trees and the rest were taken by the Verona Environmental Commission.
- **UMBA (Jerry Fried):** They have been in contact with the Upper Montclair Business Association regarding recycling and sustainability, and response has been positive so far.
- **SunSmart (Gray Russell):** GR attended the recent ribbon-cutting event on May 4th celebrating Montclair as the "SunSmartest Town in America". There was good turnout; the Deputy Surgeon General, mayor, town manager were all in attendance. A sunset maple was planted.

- **Sustainable Materials Management conference (Gray Russell):** GR attended the conference in MD, association is comprised of the state recycling associations. They discussed 1) broadening the scope of recycling to include sustainability and the lifecycle of materials (i.e. some types of packaging might be preferable, even if they aren't recyclable, because they have smaller lifecycle carbon footprints, and 2) food waste, which is an increasingly popular topic (focusing on getting methane out of landfills).

Discussion: Enforcement of the Tree Ordinance (Steve Schuckman, arborist)

James Sherman introduced the topic and expressed that the MEC is interested in the status of the program, and whether or not the ordinance is being enforced.

Steve Schuckman: When the ordinance was put into action, there was no enforcement included on the part of the arborist or the town. Under the ordinance, the contractor is responsible for ensuring that the tree is replaced, or that the homeowner must put in the \$250. There is currently zero enforcement.

James Sherman reiterates that we (the MEC) want enforcement of the ordinance, and since the MEC has no authority to enforce it, it should be the responsibility of Steve Schuckman, Steve Wood, and the town manager.

Some details provided by Steve Schuckman:

- From January 2013 (when the ordinance was implemented) through the end of 2014, 329 permits were taken out and 609 trees were removed; \$15 was collected per permit taken out.
- Contractors must be registered with the town to take out a permit.
- We cannot account for trees taken down by contractors without permits.
- About \$9000 has come in to the tree fund for trees not replaced.
- He estimates that less than 25% trees are being replaced, and this may be due to lack of enforcement (an issue that is not unique to Montclair.)
- Excuses are commonly made for taken down trees, saying that they are hazardous or diseased; however, these are not being inspected to be verified.

In Bloomfield and other municipalities, he has the power of denial over whether or not a tree can be removed under hazardous/diseased criteria. Other municipalities also have a much lower rate of permits being taken out for trees on private property. These municipalities have enforcement, including permits that must be displayed. For example, Maplewood has criteria including size limits, historic value, lifespan potential, etc. While some decisions do get challenged, most of the removal requests are justified. With the

Montclair permit system, he doesn't know what types of trees are being removed or what the reasons are.

Q (DE): What do you think Montclair should do to make this ordinance enforceable?

A: The town needs to commit to giving him more resources to be able to become more involved in the process and take more documentation. For example, he averages 5 calls/week in Bloomfield, 40 calls/week in Montclair. He only has 12hrs/week for Montclair.

James Sherman suggested that amendment to the ordinance may not be possible, nor may we be able to get power of denial for tree removal, but spot checks may be possible and may be enough to encourage adhering to the ordinance.

Lyle Landon asked if it was possible to figure out which contractors are paying the most into the fund, but Steve Schuckman said that it seemed to be proportionately equal.

Gray Russell suggested that while need enforcement, the ordinance itself should be reworded. Discussion followed of a reimbursement method (i.e. pay upfront, get reimbursed after proof of replanting), although it was decided through further discussion that this would be impractical. Occasional spot checks would be more feasible.

Q: What is done with the money in the account?

A: It's being put into the fund for street tree planting.

Q: Why are we going to the homeowners instead of the contractors?

A: Letters to the contractors were sent out, but unless he is told to do inspections, he has no way to know if there was follow-through. From his experience, the better contractors are complying with the ordinance. However there are too many contractors to track them all.

Steve Schuckman will write an email to provide the MEC recommendations for what resources he would need to be able to enforce the existing ordinance, including specific examples, and approximately how much time this will take.

Discussion: Emerald Ash Borer

Steve Schuckman wants to bring attention to the Emerald Ash Borer, which has now been spotted in 4 counties in New Jersey. Montclair has 3,000-4,000 ash trees along its streets (excluding those on private properties). If Montclair were to have an infestation, the costs of tree removal, treatment, replacement, etc. could cost of \$2-3 million over the

next ten years. Effects of an infection don't show until the tree has been infected for 2-3 years. Treatments are effective, but the long incubation period is a problem in identifying those trees that are infected. Preventative treatments should begin now.

The council should develop a plan for how to deal with a possible infection, which should begin with the tree inventory and identifying high risk areas. A multifaceted plan would include harvesting low priority trees, determine which trees are worth treating, and go from there. Public education to homeowners will also be important. He would like to go in front of the council to discuss this. He will let the MEC know if he needs anything to go towards accomplishing these goals. He has also talked with Steve Wood extensively on this issue. This is not related to climate change, it's an invasive species from China. Deb Ellis noted that this is why we should educate against planting monocultures. Treatment will need to be applied every two years for the remainder of the lifespan of the tree.

He also emphasized that it is extremely important to plan for the long term when planning tree planting, as species are being threatened by climate change, pests, infections and other invasive species. Many trees planted decades ago are all in decline, especially shade trees.

Discussion: Master Plan (Jerry Fried, Keith Brodock)

- JF sent out an e-mail with his comments on the Master Plan to the MEC, which he summarized in the meeting.
- Referred to comments from the Montclair Times from May 5.
- He would like to craft a statement for the public stating the changes in the Master Plan contrasted with what the MEC recommended.
- KB emphasized that any issues regarding planning need to be discussed during the official meetings, which are recorded for the official record. Public comments are welcomed on specific items up for discussion. He gave examples from the recent CVS plan for ADA parking. As the EC liaison, he can make sustainability related suggestions but will need regulations to back them up.

Discussion: Job Descriptions & Commission Vacancies (Lyle Landon)

- LL will check with Linda Wanat to see if there are any applicants for volunteers to fill the Alternate #1 vacancy. If anyone knows of any interested parties, they should let them know to fill out an application.
- Volunteer duty descriptions will need rewording before posting to the website. LL will clarify.

Action Items (for Discussion Topics):

- **Trees:** Bring up the issue of Emerald Ash Borer to the Council.
- **Trees:** Distribute educational information to residents regarding the Emerald Ash Borer and climate change effects on tree species and the local environment.
- **Tree Ordinance:** Raise the issue of enforcing the tree ordinance with the Council, upon receiving a description of what resources Steve Schuckman would need to do so.
- **Energy:** Draft a short explanation of Government Energy Aggregation (GEA) that could be distributed to residents and posted to the website.

Subcommittee Reports

Waste Management & Recycling (Gray Russell, Lyle Landon, Deb Ellis, Corliss Sprung)

- GR has not yet heard back about when it would be possible to schedule a tour of the incinerator. He will follow up.
- LL will continue to follow up regarding the compliance of the recycling ordinance.
- GR has received the list of ordinances that need updating to be in compliance. GR will send the updated list to Lyle, who will follow up with the town attorney.
- GR clarifies that updating the ordinances will not actually change anything regarding the practice of recycling in Essex County, it's just for clarification. Craig Brandon is the recycling coordinator.

Water & Open Space (Gray Russell, Lyle Landon)

- Regarding Rita Singer's letter: Comments need to be submitted regarding the specific map revision that she is referring to. There have been a few amendments since the last major update in 2007. Janice Talley has the updated maps.

Trees (Barbara Hedeem, Deb Ellis)

- The Community Forestry Management Plan (CFMP) has been resubmitted to Trenton with revisions.

Energy (Gray Russell, Lyle Landon)

- *See announcements above re: Government Energy Aggregation (GEA).*

Website & Social Media (Siobhan McCarthy)

- We collected 40+ e-mails at the tree giveaway for the mailing list, 9 e-mails were confirmed. The list of e-mails will be saved if we switch mailing list services.
- Website and social media stats are getting slow but steady traffic; please share links.
- She will collect questions from residents via social media to post to the website.

- Based on the issues brought up by Steve Schuckman, she will post information regarding the Emerald Ash Borer and the effect of climate change on local tree species.

Non Subcommittee Reports

FEMA's Community Resource Services (Keith Brodock, Corliss Sprung)

- *No additional updates (see Water & Open Space, above)*

Sustainable Jersey (Jerry Fried, Keith Brodock, Gray Russell)

- JF will circulate the chart of additional information about sustainable jersey challenges. SM will try to put information on the website to see what residents might be interested in participating in.
- Sustainability Summit is on Wednesday, June 10 at The College of New Jersey. The keynote speaker will be Shelley Poticha from NRDC.

Outreach/Montclair Community Learning Fair

- The Community Learning Fair will be taken off upcoming agendas until further notice as it will not be happening in 2015.
- DE will have a table on behalf of Rutgers Master Gardeners on native gardening at the Bullock School fair on June 6th.
- Discussion of establishing a table at the Farmers Market(s) to distribute educational materials; the times are Tuesdays from 1-7pm & Sat 8-2pm. LL, BH, SM, and DE will meet to discuss outreach tables for the Farmer's Market. BH has offered to host the meeting. BH will contact Barb Conover regarding the recycling display that was used at previous Farmer's Markets.

The meeting was adjourned at 9:48pm.