

The Minutes of the **Official Meeting** of the Township Committee of the Township of Cranford, County of Union, State of New Jersey on **April 7, 2015** at 8:00 p.m. in Council Chambers.

THIS MEETING IS IN COMPLIANCE WITH THE “OPEN PUBLIC MEETINGS ACT” AS ADEQUATE NOTICE OF THIS MEETING HAS BEEN PROVIDED BY MAILING THE ANNUAL SCHEDULE OF MEETINGS TO THE CRANFORD CHRONICLE, UNION COUNTY LOCAL SOURCE, AND THE STAR LEDGER, BY POSTING SUCH ANNUAL MEETING SCHEDULE ON A BULLETIN BOARD IN THE TOWN HALL RESERVED FOR SUCH ANNOUNCEMENTS AND THE FILING OF SAID NOTICE WITH THE TOWNSHIP CLERK OF CRANFORD. FORMAL ACTION MAY BE TAKEN AT THIS MEETING.

**PRESENT:** Mayor Andis Kalnins  
Deputy Mayor Lisa M. Adubato  
Commissioner Robert D’Ambola  
Commissioner Mary O’Connor  
Commissioner Thomas H. Hannen, Jr.

**ABSENT:** None

### **INVOCATION AND FLAG SALUTE**

The invocation was led by Commissioner O’Connor, followed by the flag salute led by Senior Girl Scout Troop No. 40605.

### **MINUTE APPROVAL**

On motion of Commissioner D’Ambola, seconded by Commissioner O’Connor and passed, the minutes of the Workshop Meeting of March 23, 2015 and the Conference and Official Meetings of March 24, 2015, were approved by the indicated vote of the Township Committee:

Recorded vote:

Aye: Mayor Kalnins, Deputy Mayor Adubato, Commissioners D’Ambola and O’Connor

Nay: None

Abstained: Commissioner Hannen

Absent: None

On motion of Commissioner D’Ambola, seconded by Commissioner O’Connor and passed, the minutes of the Special Meetings of March 30 and 31, 2015, were approved by the indicated vote of the Township Committee:

Recorded vote:

Aye: Deputy Mayor Adubato, Commissioners D’Ambola and O’Connor

Nay: None

Abstained: Mayor Kalnins and Commissioner Hannen

Absent: None

### **PAYMENT OF BILLS**

On motion of Deputy Mayor Adubato, seconded by Commissioner O’Connor and passed, the bills list dated April 7, 2015 totaling \$4,544,063.80, were approved for payment by recorded vote and are on file in the Office of the Township Clerk.

Recorded vote:

Aye: Mayor Kalnins, Deputy Mayor Adubato and Commissioners D’Ambola, O’Connor and Hannen

Nay: None

Abstained: None

Absent: None

### **MAYORAL ANNOUNCEMENTS**

#### **Days of Remembrance**

**WHEREAS**, the Holocaust was the systematic persecution and annihilation of Jews, and other ideological and political groups by the Nazi regime and its collaborators between 1933 and 1945, where six million men, women and children were murdered; and

**WHEREAS**, the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies, and governments; and

**WHEREAS**, we the people of the Township of Cranford should always remember the terrible events of the Holocaust and remain vigilant against hatred, persecution, and tyranny; and

**WHEREAS**, our global family regardless of race, religion or creed should actively rededicate ourselves to the principles of individual freedom in a just society; and

**WHEREAS**, the Days of Remembrance have been set aside for the people of our community to remember the victims of the Holocaust as well as to reflect on the need for respect of all peoples; and

**NOW, THEREFORE**, I, Andis Kalnins, Mayor of the Township of Cranford, pursuant to an Act of Congress (Public Law 96-388, October 7, 1980), do hereby proclaim the week of Sunday, April 12, through Sunday, April 19, 2015 as Days of Remembrance including the Day of Remembrance known as Yom Hashoah on April 16, 2015, in memory of the victims of the Holocaust and in honor of the survivors as well as the rescuers and

liberators, and further proclaim that we, as a community, should work to promote human dignity and confront hate whenever and wherever it occurs.

### **INFORMAL MEETING**

Mayor Kalnins opened the informal meeting portion of the meeting and asked if there were any questions or comments. Hearing no comments, Mayor Kalnins closed the informal meeting portion of the meeting.

### **ORDINANCES – Final Reading and Public Hearing**

#### **Ordinance No. 2015-07:**

The Township Clerk read by title only Ordinance No. 2015-07 entitled, “AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CRANFORD (VACATE A PORTION OF DIETZ STREET)”.

Said ordinance having been advertised and posted in accordance with law, Commissioner D’Ambola opened the public hearing. Hearing no comments, Commissioner D’Ambola closed the public hearing. On motion of Commissioner D’Ambola, seconded by Deputy Mayor Adubato and passed, said ordinance was adopted by indicated vote of the Township Committee:

#### **Recorded vote:**

Aye: Mayor Kalnins, Deputy Mayor Adubato, Commissioners D’Ambola, O’Connor and Hannen

Nay: None

Abstained: None

Absent: None

#### **Ordinance No. 2015-08:**

The Township Clerk read by title only Ordinance No. 2015-08 entitled, “AN ORDINANCE AMENDING CHAPTER 172 PROPERTY MAINTENANCE OF THE TOWNSHIP OF CRANFORD CODE”.

Said ordinance having been advertised and posted in accordance with law, Commissioner D’Ambola opened the public hearing. Hearing no comments, Commissioner D’Ambola closed the public hearing. On motion of Commissioner D’Ambola, seconded by Deputy Mayor Adubato and passed, said ordinance was adopted by indicated vote of the Township Committee:

#### **Recorded vote:**

Aye: Mayor Kalnins, Deputy Mayor Adubato, Commissioners D’Ambola, O’Connor and Hannen

Nay: None

Abstained: None

Absent: None

### **RESOLUTIONS – By Consent Agenda**

On motion of Commissioner O’Connor, seconded by Commissioner Hannen and passed, the following resolutions were adopted by consent agenda:

#### **Resolution No. 2015-169:**

**WHEREAS**, Timothy Meyer, Equipment Operator within the Department of Public Works, is qualified for a leave of absence pursuant to the Federal Family Medical Leave Act (FMLA), New Jersey Family Leave Act (NJFLA) and the New Jersey Paid Family Leave Act (NJPFLA) for the birth of his child.

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Cranford that Timothy Meyer is approved for a FMLA/NJFLA/NJPFLA leave of absence from March 31, 2015 through April 21, 2015, using accumulated time as available as employee so elects;

**BE IT FURTHER RESOLVED** that Timothy Meyer shall comply with all provisions of law during the FMLA/NJFLA/NJPFLA leave of absence, including providing all required medical proofs.

#### **Resolution No. 2015-170:**

#### **RESOLUTION REQUESTING APPROVAL FOR AUTHORIZING AN EMERGENCY**

#### **TEMPORARY APPROPRIATION IN ACCORDANCE WITH N.J.S.A. 40A:4-20 CURRENT FUND**

**WHEREAS** an emergent condition has arisen due to the anticipated delay in the adoption of the 2014 Budget, and adequate provision has not been made in the 2015 Temporary Budget for the appropriations specified on the attached page; and

**WHEREAS** the total emergency temporary resolutions adopted in fiscal year 2015 pursuant to the provision of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total \$5,008,135.00.

**NOW, THEREFORE, BE, AND IT IS, HEREBY, RESOLVED** by the Governing Body of the Township of Cranford, County of Union, State of New Jersey, (not less than two thirds of all members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A40A:4-20:

- 1. Emergency temporary appropriations be and the same are hereby made as specified on the attached page in the amount of \$5,008,135.00; and
- 2. That said emergency temporary appropriations will be provided in the 2015 budget under the headings as specified on the attached page.
- 3. That one certified copy of this resolution be filed with the Director of Local Government Services.

Title	Emergency Appropriation
ADMINISTRATION (1101-0011) Administration: Salaries and Wages	30,000.00
CHANNEL 35 (1101-0017) Channel 35: Salaries and Wages	5,000.00
TOWNSHIP CLERK (1101-0012) Clerk: Salaries and Wages Clerk: Other Expenses	15,000.00 2,000.00
FINANCIAL ADMINISTRATION ((1106) Finance: Salaries and Wages	38,000.00
REVENUE ADMINISTRATION (1108) Revenue: Salaries and Wages Revenue: Other Expenses	25,000.00 8,000.00
TAX ASSESSMENT (1107) Assessor: Salaries and Wages	15,000.00
PLANNING BOARD ((1117) Planning Board: Other Expenses	300.00
ZONING BOARD (1118) Zoning Board: Other Expenses	1,000.00
ZONING & PLANNING OFFICE Zoning & Planning Office: Salaries and Wages	24,000.00
CONSTRUCTION CODE OFFICIAL (1206) Construction Code: Salaries and Wages	75,000.00
POLICE DEPARTMENT (1202-0058) Police: Salaries and Wages Police Department: Other Expenses	543,000.00 32,500.00
POLICE COMMUNICATIONS (1200) Communications: Salaries and Wages	46,000.00
FIRE DEPARTMENT (1201-0053) Fire Chief: Salaries and Wages	380,000.00
FIRE: EMS (1202-0063) EMS: Salaries and Wages	12,000.00
DPW: PUBLIC WORKS (1301-0074) DPW: Salaries and Wages	134, 000.00
B&G MUNICIPAL BUILDING (1114-0030) B&G Municipal Building: Other Expenses	2,000.00
B&G COMMUNITY CENTER (1114-0035) B&G Community Center: Other Expenses	8,000.00
BOARD OF HEALTH (1601-0087) Health: Salaries and Wages Health: Other Expenses	9,000.00 1,100.00
RECREATION: ADMINISTRATION (1701-0096) Rec. Adm: Salaries and Wages	20,000.00
LIBRARY (1707-0133) Library: Salaries and Wages	110,000.00
UTILITY EXPENSES (1115-0041) Utilities: Other Expenses	50,000.00

Title	Emergency Appropriation
STREET LIGHTING (1302-0078) Street Lighting: Other Expenses	46,000.00
RAHWAY VALLEY SEWERAGE AUTH (2111-0230) RVSA: Other Expenses	854,417.00
SOCIAL SECURITY (1908) Social Security: Other Expenses	80,000.00
SHARED SERVICE AGREEMENTS Court: Salaries and Wages Court: Other Expenses	26,000.00 2,000.00
SPECIAL IMPROVEMENT DISTRICT SID: Salaries and Wages	15,000.00
SWIM POOL OPERATING Swim Pool: Salaries and Wages	24,000.00
LEGAL SERVICES Legal Services: Other Expenses	50,000.00
PUBLIC EMPLOYEE RETIREMENT SERVICES PERS	521,469.00
POLICE & FIRE RETIREMENT SERVICES PFRS	<u>1,803,349.00</u>
Total	<u>5,008,135.00</u>

**Resolution No. 2015-171:**  
**REMOVED FROM AGENDA.**

**Resolution No. 2015-172:**  
**BE IT RESOLVED** by the Township Committee of the Township of Cranford that the Mayor be, and hereby is, authorized to execute a Certification of Construction and Operation of Infrastructure Improvements and Acknowledgement of Transfer in connection with Centennial Avenue Corridor Intersection Improvements.

**Resolution No. 2015-173:**  
**WHEREAS**, there were 563 motor vehicle fatalities in New Jersey in 2014; and  
**WHEREAS**, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a safety belt; and  
**WHEREAS**, use of a safety belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and  
**WHEREAS**, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975-2000; and  
**WHEREAS**, the State of New Jersey will participate in the nationwide *Click It or Ticket* safety belt mobilization from May 18 - 31, 2015 in an effort to raise awareness and increase safety belt usage through a combination of enforcement and education; and  
**WHEREAS**, the Division of Highway Traffic Safety has set a goal of increasing the safety belt usage rate in the state from the current level of 87.59%; and  
**WHEREAS**, a further increase in safety belt usage in New Jersey will save lives on our roadways;  
**THEREFORE, BE IT RESOLVED** that the Township of Cranford declares its support for the *Click It or Ticket* safety belt mobilization both locally and nationally from May 18 - 31, 2015 and pledges to increase awareness of the mobilization and the benefits of safety belt use.

**Resolution No. 2015-174:**  
**BE IT RESOLVED** by the Township Committee of the Township of Cranford on the 7<sup>th</sup> day of April 2015 that the Tax Collector be and hereby is authorized to refund the following payments of 2014/2015 real estate/sewer taxes for reasons noted:  
**Overpayment of 2015 Taxes Due to Homestead Rebate:**  
Block 302 Lot 6  
Dennis & Denise Powell  
254 Bloomingdale Ave.  
Cranford, N.J. 07016

**Refund: \$703.66**

Block 501 Lot 2  
Robert & Anna Maurer  
110 Pine St.  
Cranford, N.J. 07016

**Refund: \$240.77**

Block 554 Lot 93  
Michelle Kaufman  
343 Centennial Ave.  
Cranford, N.J. 07016

**Refund: \$410.71**

**Overpayment of 2014 Sewer**

Block 525 Lot 5  
Estate of Stephen Cymbaluk  
309 Douglas Road  
Far Hills, N.J. 07931

**Refund: \$ 140.00**

**Resolution No. 2015-175:**

**BE IT RESOLVED** by the Township Committee of the Township of Cranford on the 7<sup>th</sup> day of April 2015 that the following checks will be refunded by the Tax Collector to the lien holder according to statutory requirements:

**Redemption of Certificate# 14-00016**

Block 265 Lot 2 Qual. C032B  
US Bank Custodian for BV001 Trust  
50 South 16<sup>th</sup> St. Suite 2050  
Philadelphia, Pa. 19102-2513

**Refund: \$ 374.02**

**Premium: \$ 500.00**

**Redemption of Certificate# 13-00016**

Block 282 Lot 2  
US Bank Custodian for TLCF 2012A, LLC  
50 South 16<sup>th</sup> St. Suite 1950  
Philadelphia, Pa. 19102-2513

**Refund: \$ 709.87**

**Premium: \$2,300.00**

**Redemption of Certificate #14-00021**

Block 311 Lot 1  
US Bank Custodian for PC4 Firstrust  
50 South 16<sup>th</sup> St. Suite 2050  
Philadelphia, Pa. 19102-2513

**Refund: \$ 739.98**

**Premium: \$ 900.00**

**Recorded vote:**

Aye: Mayor Kalnins, Deputy Mayor Adubato, Commissioners D'Ambola, O'Connor and Hannen  
Nay: None  
Abstained: None  
Absent: None

**RESOLUTION – By Roll Call Vote**

On motion of Commissioner O'Connor, seconded by Commissioner D'Ambola and passed, the following resolution was adopted by **roll call vote**:

**Resolution No. 2015-176:**

**BE IT RESOLVED** that the Township Committee of the Township of Cranford be and hereby authorizes the property owner of 21 Norman Place to encroach into the Township's right-of-way for the installation of a fence.  
**BE IT FURTHER RESOLVED** that the Township Committee authorizes the Mayor and Township Clerk to execute a Right-of-Way Agreement in a form acceptable to the Township Attorney.

**Recorded vote:**

Aye: Mayor Kalnins, Deputy Mayor Adubato, Commissioners D'Ambola and O'Connor  
Nay: None  
Abstained: Commissioner Hannen  
Absent: None

**PUBLIC COMMENTS**

Mayor Kalnins opened the public comments portion of the meeting and asked if there were any questions or comments.

Tina Helmstetter, 70 Burnside Avenue, Tree Advisory Board, discussed her membership on the Tree Advisory Board and seminars she attended regarding the care of hazardous trees. Feels she should have informed the community of this knowledge in order to allow the Township to make a more educated decision about the Pepperidge tree. Discussed a conversation she had with State Forrester Alec McCartney and referenced reports and studies that were conducted with respect to the Pepperidge tree. Ms. Helmstetter then asked Neil

Hendrickson of Bartlett Tree Laboratories to speak to the Township Committee and explain risk assessments that are conducted on trees.

Neil Hendrickson, Bartlett Tree Research Laboratories, discussed his background and informed the Township Committee that he has obtained Tree Risk Assessment Qualifications (TRAQ) and explained how trees are evaluated through this standard. Discussed how the Pepperidge Tree was rated and the risk factors associated with failure. Explained that assessment includes the likelihood of an event happening, and the consequences of that event. Stated that it is his professional opinion, based upon a visual assessment, that the Pepperidge tree would not overturn from its roots. However with respect to the top of the tree, which has already sustained damage, Mr. Hendrickson feels that it is likely or probable that failure could occur within three (3) years. The second part of the assessment is determining the likelihood that a target would be struck when failure occurs. Feels that because the likelihood of failure pertains to a limb issue, not the tree overturning, believes the likelihood of it striking a target is low. Feels that people would not be under the tree during conditions in which the tree might fail. Explained that the Township must decide if it could tolerate a low risk assessment.

Deputy Mayor Adubato discussed the report of the Pepperidge tree prepared by Bartlett Tree Research Laboratories and pointed out that while the risk of a failure striking a target is low, if it were to occur, the consequences would be severe.

Mr. Hendrickson explained that the report is based on the likelihood of a target being struck at the time of failure, which is low, but agreed with Deputy Mayor Adubato that if that were to happen, the consequences would be severe. Also explained that while making his assessments he made sure to mark every category at the highest risk level possible.

Deputy Mayor Adubato discussed the fact that the report conducted by Bartlett Tree Research contained disclaimers indicating that the report should not be considered when making safety, legal and architectural decisions. Deputy Mayor Adubato also discussed the fact that the assessment ratings included in the report were based upon a visual inspection.

Mr. Hendrickson explained that tree failure occurs when load exceeds strength. Explained that while the strength of the Pepperidge tree has been somewhat compromised by the failure at the top, it withstood “Sandy”, and discussed mitigation recommendations that would reduce the tree’s dead weight/load.

Commissioner Hannen discussed past weather conditions such as heavy wet snow which caused many trees to fall or lose branches. Requested clarification as to whether the Pepperidge tree would pose more of a risk during this type of storm, if it were properly fenced, than a tree along the sidewalk.

Mr. Hendrickson explained that all trees are different so he must qualify them differently. Explained that the snowstorm Commissioner Hannen referred to occurred at a time in which the leaves were still on the trees. Further explained that the Pepperidge tree is the type of tree that does not have large leaves like other trees, and for that reason it probably did not take carry as much of a load during that storm. If you add a heavy snow or an ice load to limbs that are large, the dead load becomes fairly great. Feels that if the Pepperidge tree were to get a heavy snow or ice load, it would be more likely to fail than another tree because of its large limbs and because of the current defect in the tree. If the tree were fenced, it would not change the likelihood of failure, but would change the likelihood of striking a target. Also explained that “normal” conditions versus extreme events such as high winds and heavy snow and ice loads would impact the risk assessment.

Commissioner Hannen requested that Mr. Hendrickson provide his expert opinion concerning removal of the tree and asked if he would recommend its removal if the tree were properly fenced.

Mr. Hendrickson discussed mitigation options and explained that providing the tree with structural support and protection from lightening would not eliminate the risk of failure. The only way to eliminate the risk entirely is to remove the tree. However his personal opinion as an arborist would be to preserve the tree.

Township Administrator Wall requested clarification as to the likelihood of a failure occurring within three (3) years and whether the fact that the tree is located in a children’s recreational area was considered in the risk assessment.

Mr. Hendrickson explained that the three (3) year period included in his assessment is a default period. Also explained that the recreational area was not considered in the risk assessment because the area in question, or the target zone, is the area directly beneath the tree and the area just outside of the tree’s perimeter. Explained that the recreational area is outside of the target zone. Also explained that because he does not feel the tree would overturn and failure of the tree would involve a limb failure, feels it would not reach the recreational area. In addition, Mr. Hendrickson explained that it is the frequency of occupancy in the target zone that is considered in the assessment and he feels that the frequency of occupancy in the target zone at a time when the tree would be more likely to fail, such as high winds or a storm, would be rare. Stated that failure on a calm day is often less common.

Commissioner O'Connor discussed the risk of an injury if a fence were installed and if a person were standing at the fence at the time of failure. Feels a person would be in danger in this scenario.

Mr. Hendrickson agreed that a person would be in danger of injury in the scenario described by Commissioner O'Connor, but explained that this also depends upon the frequency of occupancy and the likelihood that a person would be standing at the fence at the time of failure. Reiterated his previous statement that the Township must decide the amount of risk it is willing to tolerate. If it is not willing to tolerate any risk, the only mediation option that eliminates risk is removal of the tree.

Commissioner O'Connor discussed the fact that the Township would be installing new playground equipment in that area because it is attempting to increase use of the park. Referred to Mr. Hendrickson's statement concerning the amount of risk the Township feels is acceptable, even if that risk is "one person being injured in all of the days of a year".

Mr. Hendrickson feels the tree should be reevaluated if a playground is going to be installed in a closer proximity to the tree, and if another assessment is done, recommended that it be conducted by a qualified assessor because that is the industry standard.

James Nichnadowicz, 20 Adams Avenue, stated that he is member of the New Jersey Shade Tree Federation and the Union County Shade Tree Advisory Board. Discussed his support to preserve the Pepperidge tree. Stated that he appreciates the debate the Township Committee is going through regarding the removal of the Pepperidge tree. Discussed the history of the tree and feels the tree deserve the Township's respect and consideration. Also feels the Township should protect the tree with a fence instead of taking it down.

Barbara Krause, 20 Pittsfield Street, Tree Advisory Board member, discussed a dedication ceremony of the Pepperidge Tree that occurred in 1964 and read excerpts from the dedication's program. Discussed the many reports and studies conducted on the tree by various tree experts and feels the report conducted by Maser Consulting was "heavy handed", exaggerated many negative aspects of the tree, and did not mention any positive aspects. Feels Maser Consulting's report was prepared to satisfy "overly jittery" Township Committee members. Also discussed recommendations to preserve the tree that were submitted by the Tree Advisory Board in 2012 which were not acted on by the Township Committee. Questioned why the Township Committee is willing to remove the tree based upon a recent vote taken by the Tree Advisory Board via email, but would not take action on the Tree Advisory Board's recommendations in 2012. Referred to the various reports conducted by tree experts and stated that they all indicated that the trunk of the tree is sound. Stated that the Township Committee was not in favor of the various remediation options presented in these reports. Feels the Township Committee's failure to take action up until this point has led to the decision to remove the tree. Mrs. Krause also implied that the playground is purposely being placed in this location to facilitate removal of the tree. Feels the tree should be fenced immediately, as a fence would protect the tree from children. In addition, stated that this could be done at no cost to the Township because there have been offers to donate a fence for the Pepperidge tree.

Fran Drew, Chatham Township, stated that she was a Cranford resident for twenty (20) years and is a current member of the Chatham Shade Tree Commission. Stated that she stands before the Township Committee tonight because of her love of trees and discussed her support for preserving the Pepperidge tree. Feels many trees were removed unnecessarily in many municipalities after Superstorm Sandy because residents were afraid. Feels a two hundred and fifty (250) year-old tree should be celebrated, not removed. Urged the Township Committee to install a better fence around the Pepperidge tree and to change the current signage. Feels the signage should not warn people to stay away from the tree, but should encourage people to stand at the fence and admire the tree.

Edward Helmstetter, 70 Burnside Avenue, informed the Township Committee that his son participates in the Township's recreation programs at Lincoln Park and he has no concern for his son's safety with the Pepperidge tree being in the same park. Also discussed the fact that the tree was able to withstand Superstorm Sandy and other storms while many other trees did not. Requested clarification as to whether removal of the tree is the only option to eliminate risk, and if it is, could the tree be memorialized. Feels the tree should be commemorated in a way that would preserve it forever.

Mayor Kalnins discussed the fact that Commissioner D'Ambola has been requesting for several weeks that residents submit ideas to memorialize the tree.

Commissioner D'Ambola explained that that the tree would be removed to a certain point and when that occurs, the Township would request recommendations for a memorial from the Tree Advisory Board and the Historical Society.

Mr. Helmstetter asked if there is any type of fence that would satisfy the risk concerns.

Commissioner D'Ambola discussed the type of fencing that was recommended, explaining that it must be ten (10) feet high and must be the type of fence that could not be climbed.

Commissioner O'Connor stated that a fence would not prevent failure of the tree.

Mr. Helmstetter repeated his question and asked if a fence, even if it were one hundred (100) feet high and of a certain structure, would eliminate the risk.

Mayor Kalnins feels it is a question of whether a fence should be installed around a failing tree.

Gus DiBlasio, Partner with Maser Consulting, discussed the report conducted by Maser Consulting and his involvement with the preparation of that report. Also discussed his credentials as a tree expert. While he understands the support to preserve the Pepperidge tree, feels there are serious safety concerns, and disagrees with opinions regarding the tree's integrity. Explained that the tree is severely unbalanced due to damage to its canopy. In addition, there are wounds to the trunk and feels there are signs of internal decay. Also feels that if a limb were to fail, it would not drop straight down, it would bounce beyond the boundary of the fence. Also expressed concern with the tree being in close proximity to the roadway. Feels the homeowner whose home is adjacent to the tree should support the Township Committee's decision for the tree's removal because he does not believe the tree would not overturn. Stated that it is his opinion that the tree could overturn because it is unbalanced, and because he believes the tree is not structurally sound. In addition, feels a fence would not provide adequate protection because of his concerns with the tree's balance and structure. Stated that all of the reports prepared by tree experts suggest that the tree should be contained, which he feels is an indication in itself that the tree is not safe.

Commissioner Hannen thanked Mr. DiBlasio for attending the meeting and asked if he was invited to speak tonight.

Commissioner D'Ambola stated that he invited Mr. DiBlasio to attend tonight's meeting. Also asked Mr. DiBlasio if at any time the Township Committee told him what they wanted from his tree report.

Mr. DiBlasio stated that the Township Committee did not contact him concerning the contents of the report and explained that he was "a little misled" because he learned after his report was read that reports and studies had already been conducted with similar findings. Stated that while he was "a little taken back" it was nice to know that his report was substantiated by other professionals.

William Curtis, 6 Blake Avenue, Historical Society member, discussed tree damage that occurred on his property due to inclement weather. Feels there were no injuries because people were inside when these trees failed. Also discussed the limb the Pepperidge tree lost and believes this occurred when there was no one in the area. Discussed Superstorm Sandy which caused many trees to fail, but did not impact the Pepperidge tree. Feels the tree is not failing because no branches fell during recent high wind gusts. Also feels the likelihood of failure when a person is in the area is low. Discussed the wound on the tree and questioned why it was not patched because the open wound allows water to get into the tree. Feels the Pepperidge tree is a "treasure" and feels its removal should be determined by referendum. Also feels it would be a big expense to take the tree down and was surprised to learn that the cost estimate the Township obtained was only \$2,500. Feels this process should be more democratic.

Jack Drew, Chatham Township, discussed the assessments conducted by Maser Consulting and Bartlett Tree Research Laboratories and the fact that they differ so greatly. Feels people need to recognize that our culture, which includes the natural beauty of the community, is paramount and not secondary to safety. Feels reasonable safety could be included but not at the expense of our culture. Feels additional opinions from experts should be obtained since two (2) expert opinions differ so greatly.

Matthew Touché, Borough of Roselle, stated that he lives in Roselle but grew up in Cranford. Informed the Township Committee that these types of trees could live up to six hundred (600) years and feels the Township should reconsider removal of the Pepperidge tree.

Jane Crane, 32 Denman Road, feels the playground should be moved and the tree should be fenced to allow the playground and the tree to cohabitate. Feels there is no reason for the tree to come down and the Township is "encroaching on the tree". Also feels the Township Committee should not sacrifice the tree because it is worried about "life happening". Stated that the Township Committee is representing the Cranford community and must be responsible and protect what is important. Feels nature is important. Feels a poll should be taken regarding the tree's removal because she feels the community wants its nature.

Neil Hendrickson, Bartlett Tree Research Laboratories, stated that there is no such thing as a safe tree and that any tree could fail under the right circumstances. Discussed recent data which indicates that older trees are not necessarily in decline. Explained that studies have shown that older trees sequester more carbon and grow faster with age, and the Pepperidge tree might not be as physiologically old as it might be. Stated that he uses the same methods that Maser Consulting used but he used the industry standard or best management practices for tree risk assessment. Feels the difference in opinion might be "damped out" if they were both using the industry standard.

Commissioner Hannen asked Mayor Kalnins if a motion to reconsider the removal of the Pepperidge tree would be in order at this time.



Mayor Kalnins stated that a motion would not be order at this time.

Hearing no further comments, Mayor Kalnins closed the public comment portion of the meeting.

## **PROFESSIONAL COMMENTS**

### **Township Attorney Dabulas**

- Discussed the Superior Court's ruling on Affordable Housing regulations. Explained the general impact of the court's decision as well as the impact to Cranford;
- Provided an update of litigation involving Cranford Development Associates (CDA). The Township would be filing a brief objecting to the Department of Environmental Protection's permit that was issued to CDA. Also announced that no date has been set for the appellate argument.

## **COMMISSIONER REPORTS/COMMENTS**

### **Commissioner Thomas H. Hannen, Jr.**

- Thanked residents and professionals for attending the meeting this evening. Feels this is democracy in action and extended his apologies for being unable to accommodate the viewpoints that were shared this evening. Discussed the children's book, "The Giving Tree" by Shel Silverstein and compared the book to the issue with the Pepperidge tree. Discussed the Pepperidge tree's historical value to Cranford and expressed disappointment with the decision to remove it. Stated that he hoped that the installation of a pool code fence to mitigate the risk the Township Committee is concerned about would have been considered. Discussed the protection and safety a pool code fence provides to prevent children from climbing into a pool, and feels this type of fence being installed around the tree would have provided the same protection and would have prevented children from climbing under the tree. Read an excerpt from the "Giving Tree"

### **Commissioner Robert D'Ambola**

- Expressed his appreciation to the residents in attendance. Explained that the Township Committee was elected to serve in the best interest of the community and while he appreciates the beauty of the tree, he is against the "uglification" of the park by erecting "horrible" fencing around it. Discussed cabling that was installed to help support the tree that snapped, and he would not want to see the tree have to be cut down to the point where it would look bad. Assured residents that this is not a "rush to judgment" and is an issue that has been considered for six (6) years. Feels this issue should have been addressed by prior Township Committees and also feels upkeep of the tree should have started fifty (50) years ago. Explained that the Township obtained at least nine (9) reports on the tree which all indicate that there is rot and decay inside, and all indicated that the tree would fail. Stated that he agrees that the chance that someone would be standing near the tree during a hurricane at the time the tree fails is unlikely, but he has a large tree in his yard and he finds fallen branches on calm days. Explained that because the Township has "constructive" knowledge of a hazard that exists in a park, the tree is a tremendous liability to the Township. Discussed litigation that occurred in Kenilworth in which the police found an inoperable traffic signal and did not man the signal. Read an excerpt from that argument which indicated that "a public entity is liable for injury caused by a condition of its property if the plaintiff establishes that the property was in a dangerous condition at the time of the injury, that the injury was proximately caused by the dangerous condition, and that the dangerous condition created a reasonable foreseeable risk of the kind of injury which was incurred". Feels the issue with the Pepperidge tree fits all of those categories. Also read an opinion by the Township's Joint Insurance Fund which indicated that the tree is a major liability because the Township has constructive notice of a defect which has no remedies, and because of the age of the tree the deterioration cannot be reversed. The opinion also indicated that the "emotional reaction by the public to remove such a landmark of the Township will not be the basis by which to get out of a claim". Also informed residents that the Township Committee wants to commemorate the tree in some way;
- Thanked Senior Girl Scout Troop No. 40605 for leading the flag salute this evening;
- Announced that the river cleanup is scheduled for Saturday, April 25, 2015;
- Informed residents that two hundred (200) seedlings would be available at the Conservation Center for Arbor Day on April 17, 2015;
- Announced that West Holly Street would be milled this weekend and concrete work would be completed on Dunham Avenue;
- Discussed various events being hosted by the Friends of the Public Library and provided contact information for those interested in attending.

### **Commissioner Mary O'Connor**

- Announced the selection of Daniel Czeh as Fire Chief and feels the subcommittee that handled the selection process was fortunate to have interacted with both officers and firefighters during the process. Also stated that she was impressed with the experience, skills and the management abilities of all of the candidates. Feels the Fire Department will be in good hands with solid leadership. Thanked all of the

candidates for their professionalism. Stated that she appreciates their dedication to Cranford and looks forward to working with the new Fire Chief and staff;

- Discussed the struggle she has had with the decision concerning the Pepperidge Tree. Explained that she is in the unique position of being the only Commissioner who has grown up in Cranford, and she has admired the tree at least once a day for the better part of fifty (50) years. However the reports and recommendations have convinced her that the tree she loves would not exist anymore. Discussed the steps necessary to preserve the tree which would include removing limbs, weaving cables through its crown, installing lightening protection insulation in the tree, and surrounding it with a ten (10) foot metal fence. Feels the Pepperidge tree is a proud tree and these steps would diminish it. Also stated that she has spoken to several of Cranford's public safety professionals and not one officer wants to respond to a call in that park at that playground if there is a catastrophic failure of the tree. Stated that she is not willing to risk the loss of a human life, especially a child. Explained that she has personally experienced that type of loss and does not want to see it trivialized any longer, and she is not willing to accept that risk for anyone else's child.

**Deputy Mayor Lisa M. Adubato**

- Stated that she echoes the comments of Commissioner O'Connor and Commissioner D'Ambola with respect to the Pepperidge tree;
- Extended best wishes to all Cranford student athletes for a great spring season and encouraged residents to attend Cranford athletic events.

**Mayor Andis Kalnins**

- Discussed upcoming recycling programs being sponsored by Union County;
- Discussed the capital budget and projects to be included in the budget;
- Congratulated the newly appointed Fire Chief, Daniel Czeh, and thanked the Township Committee members involved with the hiring process;
- Announced that the Days of Remembrance Ceremony would be held on April 22, 2015 at Hillside Avenue School;
- Discussed the Pepperidge tree and the planting of its saplings in Lincoln Park. Also discussed plans to commemorate the tree. Encouraged all residents with ideas to commemorate the tree to contact the Township Committee.

On motion of Commissioner O'Connor, seconded by Deputy Mayor Adubato and passed, the Township Committee adjourned at 9:40 PM.

Respectfully submitted,

Date: April 7, 2015

---

Tara Rowley, RMC  
Township Clerk