



# State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF PARKS & FORESTRY  
NEW JERSEY FOREST SERVICE  
MAIL CODE 501-04  
P.O. BOX 420  
TRENTON, NJ 08625-0420  
TEL: # 609-292-2520

PHILIP D. MURPHY  
*Governor*

SHAWN M. LATOURETTE  
*Commissioner*

SHEILA Y. OLIVER  
*Lt. Governor*

August 10, 2021

Dear Mayor,

On behalf of the NJ Forest Service, I would like to thank you for your municipality’s continued, active stewardship of your trees and forests. As you know, the basis for a great local program is a commitment to maintaining a healthy urban and community forest. An approved Community Forestry Management Plan (Plan) is the roadmap by which this is accomplished.

The NJ Urban & Community Forestry program (NJUCF) is currently working with the Rutgers Urban Forestry Program, the NJ Community Forestry Council, and the Delaware Valley Regional Planning Commission on revising the Plan guidelines. The new guidelines, expected to be released October 2021, will help you better plan for and manage your trees and forests, as well as integrate your Plan with other municipal and county plans.

Our records indicate that your current Plan will be expiring at the end of 2022.

As your Plan will require an update, we want to make sure this shift does not interfere with your NJUCF Accreditation status which provides you with a basis for liability protection and access to grants. It is for this reason that we are extending the approval of your plan for five (5) years from the current date of expiration.

<u>Current Plan Expiration Date:</u>	<u>Extended Plan Expiration Date:</u>	<u>New Plan Approved By:</u>
December 31, 2022	December 31, 2027	December 31, 2027

**It is important to remember that you must still complete the annual education and reporting requirements to maintain or achieve NJUCF Accreditation each year your plan approval is extended.**

Please feel free to contact either Emily Farschon ([Emily.Farschon@dep.nj.gov](mailto:Emily.Farschon@dep.nj.gov)) or Michael Martini ([Michael.Martini@dep.nj.gov](mailto:Michael.Martini@dep.nj.gov), 609-292-8191) if you have any questions or require any additional information.

Sincerely,

Carrie A. Sargeant  
NJ Urban and Community Forestry Program

CC: Emily Farschon, NJFS; Michael Martini, NJFS



# Community Forestry Management Plan

2018-2022

## Mayor and Council

Joseph DeSalvo, Jr. Mayor

Stephanie McGowan, Council President

Eddie Narucki

Mark Goldsack

Sean C. Walker

Frank Nunziato

Thomas Mullahey

Robert J. Kakoleski, Borough Administrator

Rose Inguanti, Executive Secretary

Chris Seidler, Department of Public Works Superintendent

## Rutherford Shade Tree Commission

Frank Sasso, Chairman

Steve Savitsky

Greg Goumas, DPW Tree Supervisor

Mark Goldsack, Council Liaison

Steve Addeo

Rick Hild

Margaret Scott

Chris Seidler, DPW Superintendent



## Prepared by:

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**1. Municipal Information**

**MUNICIPAL/COUNTY INFORMATION FORM**


Municipality Borough of Rutherford  
County Bergen County  
Address 176 Park Avenue  
Rutherford, NJ 07070

Contact Name and Title Chris Seidler, Department of Public Works Superintendent /  
Frank Sasso, Shade Tree Commission Chair

Phone Number 201-460-3038

Fax # and E-mail 201-438-8216 cseidler@rutherford-nj.com shadetree@rutherford-nj.com

Organization Name Borough of Rutherford Department of Public Works

Mayor's Signature   
Certify that this Community Forestry Management Plan was developed specifically and exclusively for our municipality.

Date of Management Plan Submission August 2018 (Updated January 2019)

Time Period Covered In Management Plan 2018-2022

- Community Stewardship Incentive Program (CSIP) Identified in Management Plan
- X CSIP# 1 Training
- X CSIP# 2 Community Forestry Ordinance Establishment
- X CSIP# 3 Public Education and Awareness
- X CSIP# 4 Arbor Day Activities
- X CSIP# 5 Tree Inventory
- X CSIP# 6 Hazard Tree Assessment
- X CSIP# 7 Storm Damage Assessment
- X CSIP# 8 Tree Maintenance and Removals
- X CSIP# 9 Insect and Disease Management
- X CSIP# 10 Wildfire Protection
- X CSIP# 11 Tree Planting
- X CSIP# 12 Tree Recycling
- X CSIP# 13 Sidewalk Maintenance Program
- X CSIP# 14 Storm Water Management
- X CSIP# 15 Other

**Official Use Only Certification**

The above-named municipality/county has made formal application to the New Jersey Forest Service. I am pleased to advise you that after our review, the NJ Forest Service has concluded that this plan meets the standards set forth by the State and the NJ Community Forestry Council and is approved for the period covered.  
  
Signed \_\_\_\_\_

**2. Introduction**

## **A. Scope**

The Borough of Rutherford applied for and received a 2017 Green Communities Grant to finance the development of this third five-year plan. The Borough of Rutherford Community Forestry Plan is being developed by the Rutherford Shade Tree Commission and is designed to build upon the successes over the ten years since the first plan was developed. The Shade Tree Commission has been extremely active and has met or exceeded many of the goals laid out in the first Community Forestry Plan.

The community forest resource is an important resource that contributes to the quality of life for the residents of the Borough of Rutherford. This community forest resource works to improve air and water quality, reduce energy costs, increase property values, increase economic stability, improve citizen health and beautify the borough. The current forest resource was planted by previous residents and must be maintained and improved by current residents for the future.

## **B. Mission Statement:**

The Borough of Rutherford Shade Tree Commission promotes the conservation and stewardship of trees throughout the Borough by advising and working with Borough officials, the Department of Public Works and Shade Tree Division regarding the planting, care and maintenance of public property trees. It is our heritage, responsibility and commitment for a long term investment in the beauty, health and character of our tree canopy.

## **C. Program Goals:**

The New Jersey Community Forestry Council has identified fifteen Community Stewardship Incentive Program (CSIP) practices that together compromise a complete and comprehensive community forestry program that continues to build on the successes of the last ten years.

Within each of the plan elements that follow, existing Borough programs, policies, and procedures are described, intermediate end element-specific goals are established, and five-year CSIP-based objectives are set.

## **Plan 3 Goals**

Specific goals and objectives laid out by the Rutherford Shade Tree Commission are:

### **1. Improve the health and safety of the Community Forest**

- a. Increase Commission involvement with inspections and annual surveys of hazard trees.*
- b. Increase DPW work crews through a second tree crew or increased private outsourcing to help maintain a healthy canopy and establish a pruning program.*
- c. Develop an approved list of contractors to work in the Borough.*
- d. Reduce conflicts with proper tree selection for given sites and by working with utilities.*
- e. Work to install root guards and barriers and review alternative sidewalks.*
- f. Increase safety of borough sidewalks while protecting long-term tree growth.*
- g. Maintain and update existing Shade Tree Ordinance.*

### **2. Reduce the annual tree deficit**

- a. Double staging from 90 to 180 trees per year.*
- b. Double planting 160-200 trees per year to restore canopy cover.*
- c. Use funds from the Tree Fund to increase planting.*
- d. Continue to develop the Tree Farm and expand its capacity.*
- e. Develop a tree-sponsoring program.*
- f. Reinvigorate the Backyard Tree Farm Steward Program.*
- g. Create a Policies & Procedures Handbook to encourage proper tree care and cooperation and coordination with other Borough Departments and volunteer organizations.*

### **3. Improve Community Forest resources in the Borough of Rutherford**

- a. Increase canopy cover from 25% to 35% in the next ten years.*
- b. Complete the Borough Forest Inventory, by Commission or hiring consultant via CSIP funds.*
- c. Maintain the database when trees are planted and removed.*
- d. Diversify tree species to be planted to vary and strengthen canopy, creating resilience through species diversity. The following species will be added: Blackgum/Sour Gum, Crepe Myrtle, Prunus Canada Red, Cladastris Yellowwood, Magnolia varieties, and common local native varieties. No more Ash will be planted and fewer Maples and Elms will be planted.*
- e. Increase the presence of native species along the Passaic River.*
- f. Develop a Private Property Ordinance to prevent further loss of canopy, to limit annual allowable removals.*

**4. Promote Tree Awareness and Stewardship among residents of the Borough of Rutherford**

- a. Reinstate the Heritage Tree Program with awards to acknowledge and promote the preservation of large specimen trees with plaques to be awarded for recognition.*
- b. Initiate Sidewalk Safety Program to assist residents to afford to fix root issues and lifting sidewalks.*
- c. Implement the Largest Tree in Rutherford Contest.*
- d. Continue development of the Lincoln Woods Environmental Study Park.*
- e. Utilize the borough Tree Nursery as an educational tool.*
- f. Create public awareness of potential forest health issues including insects, diseases & storms.*

**5. Maintain Tree City USA status throughout the planning period**

*Continue to celebrate Arbor Day with ceremonial plantings.*

**6. Improve and maintain public interest, appreciation, and support for public shade tree programs and encourage volunteer participation**

- a. Encourage and promote residential composting via Green Team composting barrels.*
- b. Promote awareness and stewardship through more Tree Festivals, seminars, updates to the Borough website, and distribution of educational material.*
- c. Work with schools undertaking tree planting programs and maintenance at Tree Nursery.*
- d. Develop recycling program for removed street trees to be used by residents as firewood or develop a partnership to utilize street trees as forest products.*

**7. Encourage the planting and proper care of trees on private property**

- a. Initiate Residential Assistance Planting Program with Town maintenance.*
- b. Increased enforcement of Tree Code 7 to prevent residents from conducting improper or damaging tree work by working through the Shade Tree Commission and Borough website*
- c. Promote self-watering on Main Street planters to increase canopy cover during the growing season*

**8. Meet all eligibility requirements of NJ Shade Tree & Community Forestry Assistance Act**

*Review the options for creating a recycling program.*

#### **D. Liability Statement**

Although street trees are an asset to the Borough of Rutherford, it is inevitable that they mature and require care, maintenance and eventual replacement. If the forest resource is recognized as green infrastructure, this cycle of preventative maintenance and care and replacement will be more clearly understood. Care and maintenance as well as planting the right tree in the right place cannot be underestimated at reducing future conflicts and potential hazards to public safety and optimizing the positive environmental and economic benefits provided to the community by the community forest.

The Borough of Rutherford must work within a reasonable budget that may not be able to meet each and every need of the community immediately. Therefore, the intent of this plan is to focus available resources on the greatest need and prioritize steps to be taken towards a healthy forest commensurate with reducing risks to public safety.

By taking logical steps outlined in the Community Forestry Plan, the Borough will garner public support for plan implementation and demonstrate the long-term benefits to the environment and public safety.

The Borough also plans to become more pro-active in the management and care of trees. Through thorough inventory and hazard assessment, it will position the Rutherford Shade Tree Commission to take corrective action, where possible, and within the borough's budgetary constraints, prior to structural tree failure and other hazardous tree related conditions. It is acknowledged that not all hazardous conditions will be predicted, much like predicting when the next drought will occur. Good planning, maintenance and care will reduce the probability of negative effects but unexpected events may still occur.

Following this Community Management Plan will demonstrate that the Borough of Rutherford is devoting reasonable levels of resources in a planned manner to reduce the number and severity of tree related accidents and thereby reduce its exposure to liabilities and increase public safety.

### 3. Community Overview

#### *Rutherford Present*

The Borough of Rutherford is a suburban community covering approximately 2.81 square miles in southern Bergen County. Rutherford has a population of 18,464 residents based on 2014 City-data.com. This equals 6,570.81 residents per square mile.

The average age of Rutherford residents is 40.8. Age distribution is 17.2% <15 years, 16-24 years of age is 11.0%, 25-44 years of age is 32.6%, 45-64 years of age is 24.6% while over 65 years of age makes up 14.6% of the population of the Borough.

The median household income is \$92,730, while per capita income is \$45,100. Education attainment for those 25 and over in the Borough of Rutherford shows that 95.6% are high school graduates, while 52.8% hold a Bachelor's degree and 18.9% hold a Master's or doctorate degree.

The Borough of Trees has excellent forest cover and a very successful street tree program. Rutherford still holds its tree resource in high regard. Despite dedicated employees and residents, the borough removes more trees than are replanted. This tree deficit was drastically reduced over the last planning period but the Borough is still removing more trees than it is planting (with the exception of 2014). The goal for this planning period is to reverse the deficit and increase canopy cover.

The most commonly found trees during the partial survey conducted by the Consulting Forester while writing the first plan were Linden which made up approximately 22% of the trees sampled, Red Maple made up 15.3%, London Plane made up 14.0% and Norway Maple made up 14.0% of the trees sampled. The remaining species made up less than 10% each including Honey Locust, Austrian Pine, Callery Pear, Colorado Blue Spruce, Zelkova, Ash, Silver Maple, Pin Oak, Catalpa and Cherry. New species planted include Purple leafed Plum, Horsechestnut, Magnolia, White Fringe Tree, Columnar Hornbeam.

This variety shows some disproportionate diversity over the community where no tree species should make up greater than 10% of the total tree resource. On one street Linden made up 96% of the trees on that street. This makes for a very scenic and uniform appearance but can lead to massive losses of

canopy cover should an insect or disease vector attack Linden. On another street, London Plane tree made up nearly 42% of the trees on that street and Red Maple made up another 31.3%. This is typical of tree planting procedures 60-100 years ago. The Department of Public Works has been working to diversify the age class and species of the community forest. For the future, the Borough will be working towards a ratio of 10-20-30, with the ultimate goal of no tree species being more than 10%.

### *Rutherford Future*

Future Rutherford will continue to be the “Borough of Trees” with excellent forest cover. The Community forestry program will continue to be an efficient and active unit within the borough. Rutherford will reverse the tree deficit and improve forest cover in the borough and the ecological services provided by forest cover. Rubber sidewalk installation will prevent root sidewalk conflict and increase viability of the tree resource by reducing root damage and decline associated with root damage while reducing the risk of injury to residents and liability.

Tree purchases will be made via diverse and creative funding opportunities. As a volunteer base is built to assist the tree division, more trees will be planted and maintained, improving the overall health and vitality of the community forest. The Backyard Tree Farm Steward is an innovative program to be implemented in the Borough. This will allow the Borough to purchase less expensive seedlings, which will be nurtured by volunteers and then planted when they are the appropriate size for a street tree.



The Tree Nursery is well established and will be maintained to provide a steady source of future planting stock to fill vacant planting sites. Purchasing seedlings and growing them at the Nursery continues to provide the Borough a low-cost alternative to purchasing balled and burlapped planting stock.

The Tree Nursery has been updated to a Pot-in-Pot system. It includes 98 stabilizer pots with 15-gallon tree pots that sit inside. Plants are purchased in the spring and planted as time permits. The Nursery site is irrigated, and the Shade Tree Commission will continue to add pots as much as is practical.

The Community Forestry Plan will be adopted as a part of the Borough Master Plan. Through an active education and outreach program, the citizenry will be better informed concerning forest health issues and more involved in the maintenance and protection of the forest resource. The Borough has reinstated a Shade Tree Commission and has been approved as a Tree City USA since 2007, and serves as an example for excellent community forest management in suburban communities in Bergen County and everywhere in New Jersey.

The Shade Tree Commission has made huge strides during the first two planning periods becoming a model municipality for completing projects through an excellent public/private partnership. The Commission will continue its success during the third planning period, which should provide more opportunities to receive funding for tree related projects by building on past accomplishments.

## ***Another Five Years of Success***

### **2013 Highlights**

Obtained 16 CEU's

Three trees were planted to commemorate Arbor Day.

First trees moved from the Rutherford Tree Nursery to Borough Streets.

Green Goats used to control Poison Ivy and noxious weeds.

Arbor Day was celebrated with a ceremonial tree planting.

### **2014 Highlights**

Obtained 13 CEU's

57 trees were moved from the Rutherford Tree Nursery to the streetscape.

New trees were purchased to replace trees removed from the nursery.

Arbor Day was celebrated with a ceremonial tree planting.

Continued work on the Lincoln Woods Environmental Study Park/Arboretum Project.

## **2015 Highlights**

Obtained 8 CEU's

65 trees were harvested from the Rutherford Tree Nursery to Borough Streets.

Arbor Day was celebrated with a ceremonial tree planting.

Tree seedlings were given away as part of the NJ Tree Recovery Program.

Continued work on the Lincoln Woods Environmental Study Park/Arboretum Project.

Worked on revising the Municipal Tree Ordinance.

## **2016 Highlights**

Obtained 16 CEU's

Planted 79 trees.

Tree replacement was reduced due to unexpected high prices from tree suppliers.

Shade Tree Ordinance was adopted in March of 2016 establishing the Shade Tree Commission (was previously a Committee). The ordinance established procedures for evaluating the value of trees removed or damaged, with compensation funds going into a dedicated Shade Tree Fund to help purchase new trees.

Arbor Day was celebrated with a ceremonial tree planting.

Continued work on the Lincoln Woods Environmental Study Park/Arboretum Project. Opening ceremony for the upper end of the park.

Awarded \$150,000 CSIP grant to replace trees lost to storm damage, providing 350 trees over the next two years.

## ***Updated Shade Tree Ordinance***

The Borough of Rutherford's updated the existing tree ordinance which was last updated in 1991. After much work the ordinance was adopted by the Mayor and Council formally creating the Shade Tree Commission.

The updated ordinance is attached as an Appendix as adopted March 2016 by the Mayor and Council. The ordinance also determined value of removed trees and creation of a dedicated Shade Tree Fund to be utilized to purchase trees.

### ***Coordination with the Borough Master Plan***

In the Borough Master Plan, Section II Page 4, street trees and the community forest can assist preserving existing residential areas, improving the community appearance and revitalization of business districts. Tree plantings can be incorporated into off street parking areas which were noted should be built at the west end of the Union Avenue shopping district between Carmita Avenue and Raymond Avenue. Cooperation should be built between the Planning Board, Shade Tree Commission, and Aesthetic Review Board. Tree protections should be a high priority in development and redevelopment projects.

On page 37, the State Plan goals include: revitalizing the State's urban centers and areas, conserve natural resources, and protect the environment; in all of which trees can play a major role in meeting these goals.

Ideally, the Community Forestry Plan would be adopted as an element of the Master Plan.

### ***Relation to the New Jersey Sports and Exposition Authority***

The Borough of Rutherford continues its excellent relationship with the New Jersey Sports and Exposition Authority. The Authority often donates trees to the borough and has provided Rutherford assistance with its tree inventory and Lincoln Woods projects. The Community Forestry Plan will help to continue storm water retention and provide ecologic services which benefit not only Rutherford, but also the Passaic River and Hackensack River Basins and surrounding communities.

Most of the vacant land in Rutherford is located within the Meadowlands Commission jurisdiction. Trees can be incorporated into planning projects in this area and improve tree cover and ecological services.

The Borough of Rutherford received a \$1000 grant from the Exposition Authority for tree purchases within the Borough in 2018.

## 4. Community Forestry Program Administration

In order to implement this plan, a fully appointed and functioning Shade Tree Commission has been established. The Rutherford Shade Tree Commission shall be responsible for the oversight of the management of the community forest resource for the Borough and coordinating the recommendations laid out in this plan. There are numerous borough employees and volunteers who will carry out the actions laid out in this plan including CORE Trained individuals on the Commission and within the Department of Public Works. The Shade Tree Commission is currently working with an LTE, who is assisting in implementing the program. The Commission is also working with the Rutherford Green Team on several projects including Sustainable New Jersey accreditation.

The Shade Tree Commission will jointly administer Arbor Day activities within the Borough, recommendations for potential planting sites, work closely with the Consulting Forester or LTE and Department of Public Works concerning hazard tree identification and prioritizing removals and pruning activities. Tree issues are forwarded to the Shade Tree Commission for review and inspection then referred to the Department of Public Works for work to be completed.

Roles of Elected Officials, Borough Employees and Volunteers

1. Rutherford Shade Tree Commission will be responsible for:

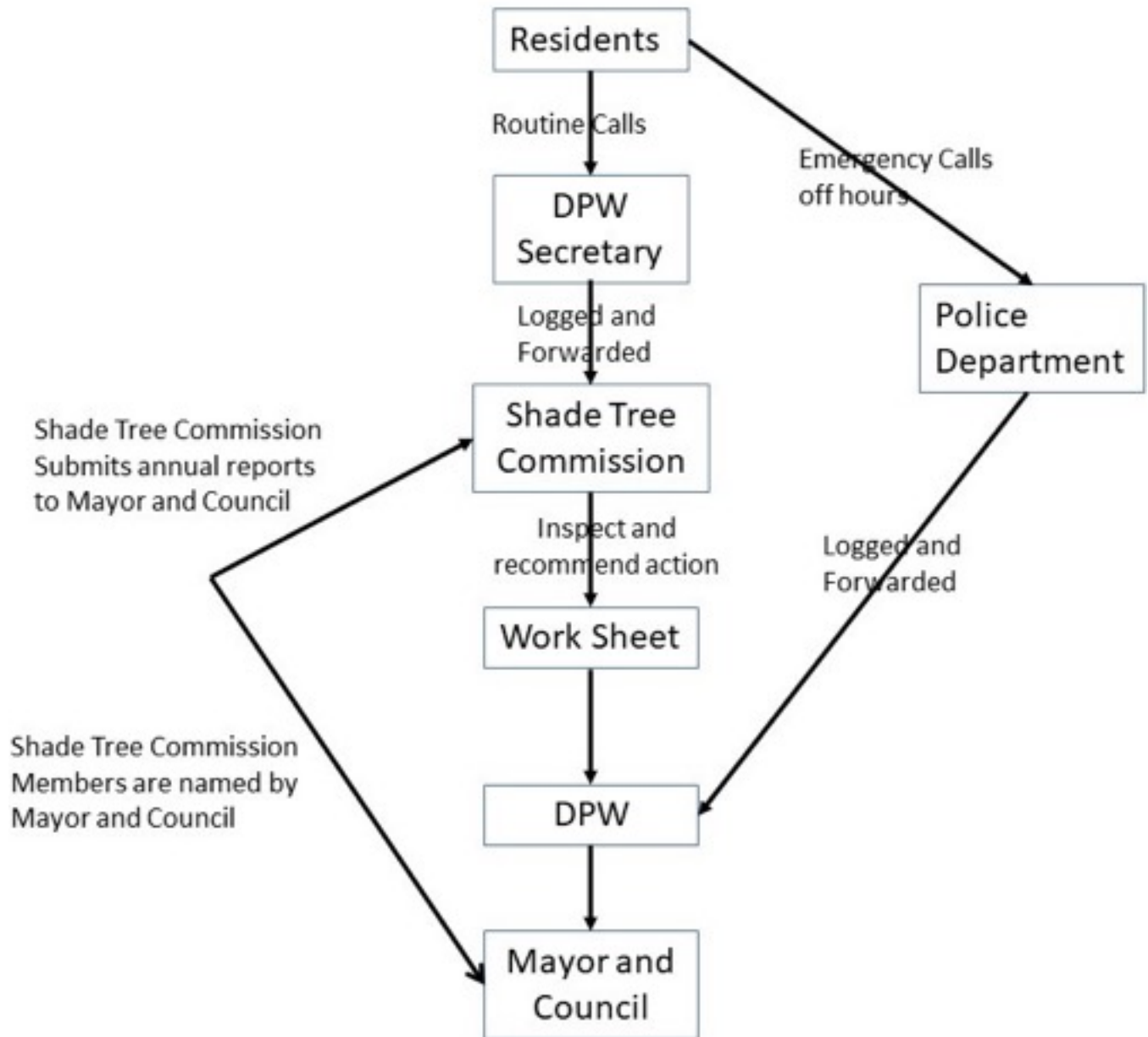
- Coordination and implementation of the Community Forestry Plan
- Establishment and maintenance of Lincoln Woods Environmental Study Park
- Recruitment of Volunteers
- Educational materials
- Interaction with Municipal Officials, Residents and Consulting Forester
- Research funding mechanisms
- Review, inspection and recommendations for tree complaints received
- Maintaining the Shade Tree Fund

2. Mayor and Council will:

- Review and approved proposed budgets.
- Review and approve proposed projects and grants regarding the Community Forestry.

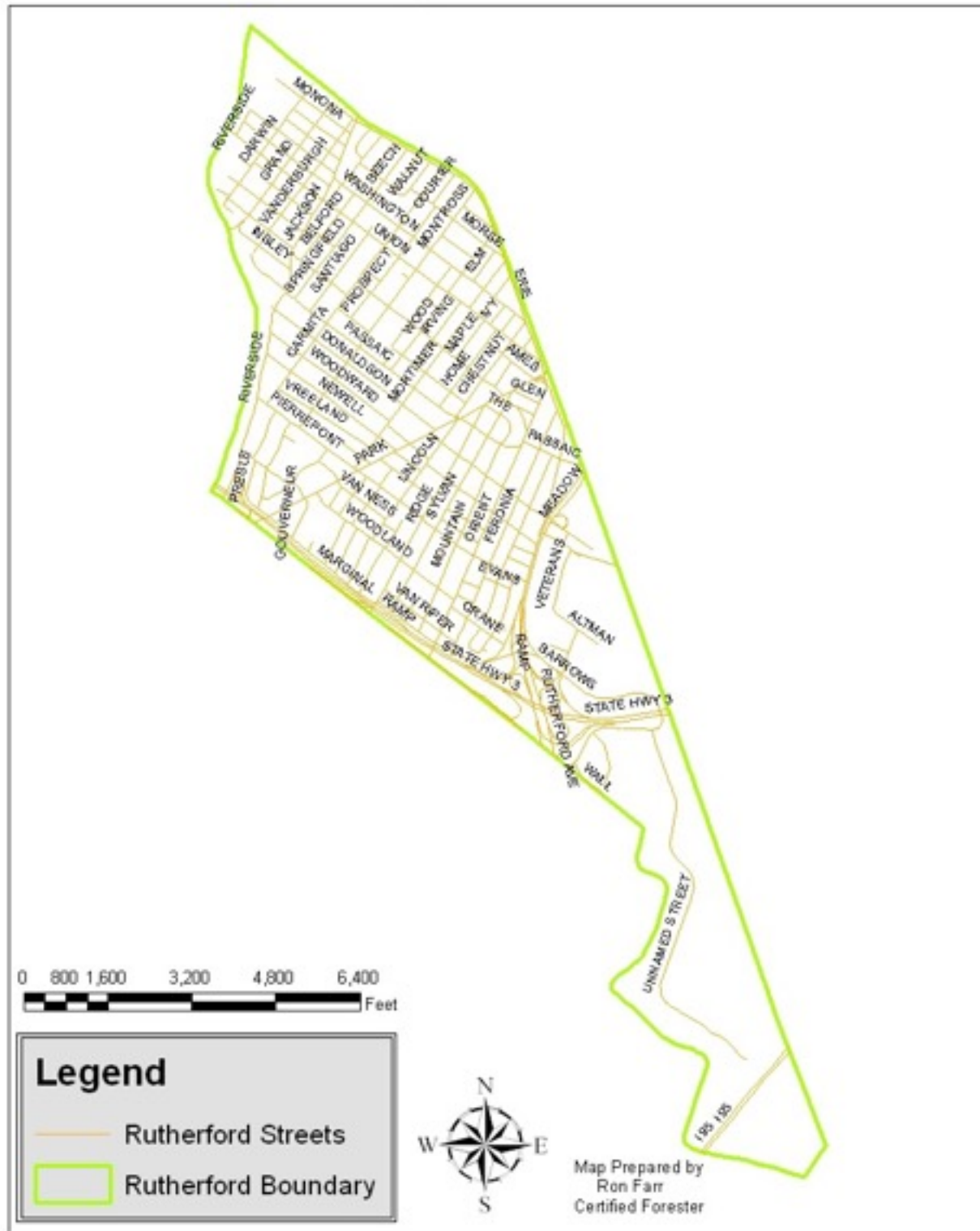
3. Borough Administrator's Office will be responsible for:
  - The Tree Coordinator will receive complaints, issue acknowledgement letters, issue notices to the Department of Public Works and Rutherford Shade Tree Commission and update the database with action completed.
  - Follow-up on resolution of issues where normal protocols are not adequate.
  
4. Department of Public Works will be responsible for:
  - Tree maintenance (pruning, tree removals and insect control).
  - Annual leaf and branch clean-up
  - Tree planting cooperatively with the Shade Tree Commission
  - Emergency tree removal and pruning.
  - Maintenance of Lincoln Woods.
  
5. Board of Education will be responsible for:
  - Care of trees on school grounds
  - Participation in Annual Arbor Day Contest Participation
  - Cooperate with educational efforts with the Shade Tree Commission.
  
6. Residents and Businesses will be responsible for:
  - Grassroots identification of tree problems, insect and disease outbreaks, potential hazard tree.
  - Participation in Arbor Day and Rutherford Day contests and activities.
  - Volunteers for Adopt a Tree Programs and Backyard Tree Farm Steward.
  
7. The Green Team will be responsible for:
  - Community Gardens
  - Will participate in all of the above and continue to create innovative partnerships.

The flow chart below provides a graphic representation of how maintenance or removal requests are handled by the Borough of Rutherford.



## 5. Community Map

# The Borough of Rutherford



# Borough of Rutherford



## 6. Training Plan

### **Training and Professional Development**

As required by the New Jersey Shade and Community Forestry Assistance Act, P.L. 1996, Chapter 135, members of the Rutherford Shade Tree Commission have received CORE training to facilitate implementation and success of the Community Forestry Plan. Grants for future training shall be sought when available through the New Jersey Forest Service or philanthropic entities.

In order to maintain the approved plan status, the Borough of Rutherford will continue to accrue a minimum of 8 Continuing Education Units (CEU's) annually, completed by at least 2 people representing the municipality (one volunteer and one Borough employee). Sources for gaining continuing education include the Consulting Forester, New Jersey Forest Service, New Jersey Shade Tree Federation, the National Arborist Association, International Society of Arboriculture, and courses offered by the Rutgers Cooperative Education Programs. The Borough has been excellent at attaining Continuing Education Units for the Borough.

Training in the following areas will be pursued to maintain certification: techniques for the proper Planting & Pruning of young trees, Tree Identification & Inventory skills, proper tree planting methods, Hazard Tree identification, installation of Root Barriers, wood recycling, leaf composting, public relations, tree biology, tree/sidewalk/utility conflicts, tree disease and insect vectors and control methods, disaster planning, and municipal tree budgets. The highest priority training shall focus on Hazard Tree identification and pruning methods, to create additional volunteer and municipal work crews to better maintain the Community Forest.

To that end, the Rutherford Shade Tree Commission will organize seminars for its Commissioners and Borough DPW employees on Hazard Tree Identification in the Urban Landscape, as well as educational seminars for the public to attend. Other courses for the next planning period will include iTree Training to work towards completing a full inventory of the street trees of Rutherford, and Nursery Maintenance and Management courses for the volunteers with proper planting and pruning of young trees.

## **7. Public Education/Awareness/Outreach**

Public Education, Awareness, and Outreach is the most vital portion of this plan and the cornerstone for a successful program. The overall goal is to continue building on the successes realized during the first planning periods, by improving the community's awareness of the community forest and the value and benefits of maintaining and improving the critical resource. With increased awareness will come improved volunteer recruitment and more successful activities and a continuing successful Community Forestry Program. Public education projects will be coordinated and implemented by the Shade Tree Commission in cooperation with the Green Team and the Department of Public Works.

Rutherford's participation in the Tree City USA Program will continue to be demonstrated to the public, for further awareness and education, through the use of the Tree City banner at Tree events and the annual Arbor Day ceremony. Rutherford has been a Tree City since 2007, and will continue to highlight the benefits of the Program, showing the public the value of their trees in terms of property values and energy savings, funding opportunities, as well as being part of a great national conservation and sustainability effort. The annual Arbor Day celebration will include a Mayoral Proclamation, memorial tree plantings, Tree Festival, and will coordinate with a Clean Up Rutherford Day program.

In addition to educational seminars, the Commission will continue to host Tree events and festivals like the annual Rutherford TreeFest held each Spring to boost awareness of Arbor Day, featuring educational booths and demonstrations as well as crafts and food; the annual Arbor Day celebration with memorial tree plantings; and a strong presence at the annual Labor Day Street Fair with an informational booth and distribution of free tree seedlings.

To increase tree awareness in residents at an early age, the Commission will foster greater cooperation between the School Board, the Shade Tree Commission, Green Team, other borough volunteer organizations. Additionally, the Commission will work with schools on tree planting programs and maintenance of the Tree Nursery, will continue developing the Lincoln Woods Environmental Study Park, and will register all third-grade classes in the district for free trees available through the New Jersey Forest Service.

Information concerning forest health issues, accomplishments of the Shade Tree Commission and coordinated projects completed with the Green Team, such as special cleanup projects on Earth Day and Tree Planting on Arbor Day and other educational events will be publicized and distributed. The Borough of Rutherford website, <http://www.rutherford-nj.com/shadetree/> will continue to feature the notice of special events and articles. Additionally, more tree information will be released on the Shade Tree Commission page of the borough website, helping the public better understand planting procedures and laws.

At least two press releases on tree planting or forest management activity will continue to be submitted annually to local and regional newspapers. This serves three objectives: building a relationship with local reporters who at a later date may be more likely to publish future articles; creating an identity of the Shade Tree Commission/Green Team/Department of Public Works as a valuable source for credible information concerning natural resources; and increasing the understanding of the plan, the accomplishments which can be attributed to this plan and public awareness of the community forest resource. Sample articles are found in the Appendix.

Annually, an Accomplishment Report will be presented to the Mayor and Council to further enhance the relationship between the Shade Tree Commission and the governing body, and to reinforce the importance of the Commission as a resource to the entire community. Funding requests and requirements to manage tree resources and enact Forestry goals will also be presented. The fact that a Councilman has a seat on the Shade Tree Commission provides an excellent route of communication.

## 8. Statement of Tree Budget

One of the goals of the Rutherford Shade Tree Commission is to continue to be recognized as a Tree City USA. One the requirements of this program is that the Borough must have an annual budget for tree related projects of \$2/capita.

The Borough has an excellent full-time tree department which is dedicated to maintaining the forest resource and exceeds the requirements for Tree City USA designation.

2013								
Trees Pruned	Trees Planted	Trees Removed	Tree Planting	Tree Maintenance	Tree Removals	Community Forestry Management	Volunteer Time	Total Expenditure
337	27	67	\$ 4,050.00	\$ 168,500.00	\$ 40,200.00	\$ 128,039.50	\$ 5,462.70	\$ 346,252.20
2014								
Trees Pruned	Trees Planted	Trees Removed	Tree Planting	Tree Maintenance	Tree Removals	Community Forestry Management	Volunteer Time	Total Expenditure
306	111	77	\$50,619.00	\$ 139,545.00	\$ 35,114.00	\$ 64,347.00	\$10,005.00	\$ 299,630.00
2015								
Trees Pruned	Trees Planted	Trees Removed	Tree Planting	Tree Maintenance	Tree Removals	Community Forestry Management	Volunteer Time	Total Expenditure
268	65	93	\$16,717.00	\$ 166,024.00	\$ 53,893.00	\$ 67,609.00	\$ 5,033.28	\$ 309,276.28
2016								
Trees Pruned	Trees Planted	Trees Removed	Tree Planting	Tree Maintenance	Tree Removals	Community Forestry Management	Volunteer Time	Total Expenditure
255	79	91	\$11,850.00	\$ 127,500.00	\$ 54,600.00	\$ 186,052.00	\$10,840.00	\$ 390,842.00

A requirement of the Green Communities Grant which is funding this plan also requires matching funding which can be made up of in-kind services including volunteer time which can be counted at \$21.00/hour. Given the dedication of the volunteers on the Shade Tree Commission and Green Team they have more than surpassed the in-kind match.

The average cash equivalent of volunteer services over the last planning period was \$7,835.00. This is an indicator of the dedication of the Shade Tree Commission volunteers.

The Borough of Rutherford will easily realize the \$2 per capita expenses to qualify for Tree City designation and continue to receive the Growth Awards. Rutherford has been recognized as a Tree City since 2007.

#### *Future Budgetary Allocation*

Now that the Shade Tree Commission has been formed and is actively managing the forest resource and forming creative partnerships it improves the profile of the resource and ultimately funding.

Municipalities that are financially strapped but keep the forest resource at the forefront should help with funding opportunities in the future.

Other potential funding for the Shade Tree Commission could utilize grants from the State of New Jersey Community Forestry Program through the Community Stewardship Incentive Program (CSIP) and other sources, including grants from other philanthropic organizations or other government agencies or local businesses. This may include Foundations, Professional Sports Teams, and other philanthropic groups including those related to pharmaceutical, banking institutions, utilities, etc.

Funds expended by the Department of Public Works will provide enough expenditure to qualify the Borough for Tree City designation. Continued donations of planting material if continued will also provide in-kind dollars that should be provided in the Annual Report submitted to the New Jersey Forest Service.

The dedicated Shade Tree Fund will supplement tree planting funding.

## 9. Statement of Plan Implementation

Successful implementation of the Forestry Management Plan requires continued development and maintenance of a dedicated core of volunteers, community acceptance, and cooperation from municipal employees and elected officials. Based on the participation during previous planning periods and completion of projects by volunteers, Rutherford Borough is becoming a model program for innovative small towns everywhere.

This plan lays out the specific actions to be carried out each year for the next five years and the group responsible for carrying out these actions. The Implementation Timetable is a projected schedule. There may be unforeseen circumstances that may result in an alteration to this timetable. For this reason, some projects may be completed earlier or later than projected in this plan. At each Shade Tree Commission meeting it will be clearly laid out who is responsible each task, who will assist in completion of the task, and clear deadline for completion of the task. It is also understood that the Borough of Rutherford has a limited pool of employees available to carry out this plan. Success breeds interest and each successful project should result in a press release.

The community forest is an investment in the future, and much like any infrastructure it needs constant maintenance to maximize its value. Pruning is one issue that is often cut from tight budgets and results in loss of function and an increase in safety hazards. Other maintenance issues include watering and mulching newly planted trees. Rutherford shall continue to improve its tree maintenance, including its pruning and assessment programs, working with utilities like PSEG, and looking at alternative solutions to tree-sidewalk issues like root barriers and rubber sidewalks. To ensure the safety of sidewalks while still protecting long-term tree health, the Borough will continue to maintain sidewalks as necessary, and will apply for CSIP funding to review options for alternative sidewalks, which was reviewed in the past but never implemented. Currently, 80% of tree work is completed by the Rutherford DPW.

The Borough of Rutherford began a thorough inventory and assessment of its forest resource during the first planning period utilizing a CSIP grant, although it was not completed. During this 2018 – 2022 planning period the Shade Tree Commission will complete and maintain this database in its current

excel format to track tree removals and plantings. To conduct the Tree Inventory, the Borough will be divided into 3 sections for identifying across 3 years — 2019 for section 1, 2020 for section 2, 2012 for section 3. All newly planted street and park trees shall have dates of planting, maintenance activities, and corrective actions logged into the computer database. The Commission will also investigate utilizing college interns as possible work resources to assist.

A hazard tree assessment was completed during the second 5-year planning period. The Borough will continue to monitor the other potential hazard trees which were listed and conduct annual monitoring of these and other trees which may decline over time to reduce potential hazardous situations. Hazard trees will be removed and/or pruned to reduce hazardous situations as funding permits. The Commission will establish a pruning program and protocol for all newly planted trees, including maintaining trees to allow for clear view of traffic signals, signs, and street lights, and selecting proper tree species for given sites to reduce conflict with utilities both above and below ground.

To further complete its goals of improving forest resources, Rutherford will develop a list of certified contractors for private outsourcing for tree maintenance and plantings, find alternative nurseries and sources of new trees for plantings, and train tree inspectors and add second tree crew to Borough DPW.

The Shade Tree Commission will continue to plant trees throughout the Borough in an attempt to reverse the loss of tree canopy due to removal of hazard trees and death of the aging large canopy trees. The planting program will assure canopy cover into the future. In 2014, the Borough planted more trees than were removed and closed the gap during the other four years of the second community forestry plan. With more tree plantings planned annually, this growth will continue. Trees will continue to be nurtured in the borough Tree Nursery and increased as space permits, and through the Backyard Tree Farm Steward Program. To reduce future conflicts, new trees will be planted in the right of way on the other side of the sidewalk/tree belt where practical. In addition to current ceremonial tree plantings, a tree-sponsoring program for local businesses or citizens to adopt a tree can be created, which will be planted and placarded and maintained in honor of the named resident.

The current CSIP grant is in its final phase of planting due in the Spring of 2019. Approximately 370 trees have been planted to date through the current CSIP grant.

The Shade Tree Commission and the Department of Public Works will develop a recycling program where trees can be used as firewood for residents or utilizing trees removed as timber products or utilized for other products within the Borough. The Borough will investigate utilizing large material traditional forest products, and possibly develop a relationship with sawmills to take large logs.

The Borough will continue to expand the Tree Nursery and replace trees as they are removed for planting within the Borough, utilizing it as a main source for the future street trees. It will promote the importance of the tree resource and build public ownership by increasing volunteer caretakers and nurturers of trees on their property for future tree plantings. This program will be resurrected to gauge interest during the planning period. The Shade Tree Commission and Green Team as well as the Borough will work to remove non-native species, improve aesthetics and work with Nereid Boat Club to incorporate the same principles on adjacent county owned land.

For insect and tree disease management, the Shade Tree Commission will continue to stay up to date on current conditions and potential forest health issues which may affect the community forest such as the Emerald Ash Borer, making its way through New Jersey. Other insect and disease issues that are looming are Gypsy Moth which is currently in a low population cycle, Bacterial Leaf Scorch which studies are showing that it is found not only on the streetscape but also in the forest and others. Spotted Lanterfly has also been found in New Jersey and its movements will be closely monitored.

## Implementation Timetable

<b>Date</b>	<b>Activity</b>	<b>Responsible Party</b>
2018	Arbor Day Celebration and Memorial Tree planting	Shade Tree Commission Dept. of Public Works Mayor and Council School Board and PTA Volunteers
2018	Review the existing Shade Tree Ordinance	Mayor and Council Shade Tree Commission Consulting Forester
2018	Submit forest related articles to local media outlets	Borough Administrator Shade Tree Commission Volunteers Consulting Forester
2018	Attain CORE training for at least 1 Borough employee and CEU's for CORE trained individuals	Dept. of Public Works Shade Tree Commission Borough Administrator Mayor and Council
2018	Continue and improve education and outreach efforts at Labor Day Street Fair and other community events	Shade Tree Commission Volunteers Consulting Forester
2018	Review tree resource and designate trees of concern for future PSEG pruning cycles	Shade Tree Commission Dept. of Public Works Consulting Forester

2018	Apply to continue being recognized as a Tree City USA	Dept of Public Works Borough Administrator Shade Tree Commission Mayor and Council Consulting Forester
2018	Evaluate the possibility of creating an approved list of contractors to do tree work within the Borough	Dept. of Public Works Shade Tree Commission
2018	Plant 100 street trees	Dept. of Public Works Shade Tree Commission
<b>2019</b>		
2019	Apply for CSIP 5 funding for a Forest inventory and hazard tree assessment.	Shade Tree Commission Mayor and Council Consulting Forester
2019	Continue to expand the tree nursery	Shade Tree Commission Department of Public Works
2019	Arbor Day Celebration and Memorial Tree planting	Shade Tree Commission Dept. of Public Works Mayor and Council School Board and PTA Volunteers
2019	Continue and improve education and outreach efforts at TreeFests, Labor Day Street Fair, and other community events	Shade Tree Commission Volunteers Consulting Forester
2019	Submit forest related articles to local media outlets	Shade Tree Commission Volunteers Consulting Forester

2019	Increase the ability of Commission Members to complete inspections and maintain training for those members	Shade Tree Commission Department of Public Works
2019	Designate focus areas for future tree planting to showcase the work being done by the Commission	Shade Tree Commission Dept. of Public Works Volunteers Consulting Forester
2019	Reinstate the Heritage Tree Program to acknowledge and promote large tree preservation	Shade Tree Commission
2019	Formalize the Adopt a Tree Program	Shade Tree Commission Dept. of Public Works Consulting Forester
2019	Solicit public input concerning the need for improvement of the forest resource	Shade Tree Commission Dept. of Public Works Volunteers Consulting Forester
2019	Attain CORE training for at least 1 Borough employee or volunteer and CEU's for CORE trained individuals	Dept. of Public Works Shade Tree Commission Borough Administrator Mayor and Council
2019	Submit yearly report to NJ Community Forestry Program and file for Tree City USA	Shade Tree Commission Dept. of Public Works Consulting Forester
2019	Complete the process for creating an approved list of tree contractors for outsourcing	Shade Tree Commission Dept. of Public Works

2019	Find nurseries and new sources of trees to plant	Shade Tree Commission Dept. of Public Works
2019	Plant 125 street trees	Dept. of Public Works Shade Tree Commission
2019	Remove invasive species along the Passaic River	Shade Tree Commission Green Team Neried Boat Club
<b>2020</b>		
2020	Complete a thorough Forest Inventory and Hazard Tree Assessment of the Borough	Shade Tree Commission Dept. of Public Works Consulting Forester Volunteers
2020	Arbor Day Celebration	Shade Tree Commission Dept. of Public Works Mayor and Council
2020	Submit yearly report to NJ Community Forestry Program and file for Tree City USA	Shade Tree Commission Dept. of Public Works Consulting Forester
2020	Survey the entire Borough for potential hazards	Shade Tree Commission Dept. of Public Works Consulting Forester
2020	Attain CORE training for at least 1 Borough employee or volunteer and CEU's for CORE trained individuals	Dept. of Public Works Shade Tree Commission Borough Administrator Mayor and Council
2020	Train DPW staff for tree inspection to create second tree crew for plantings and maintenance	Shade Tree Commission Mayor and Council Dept. of Public Works

2020	Continue to expand the tree nursery and in turn street tree planting	Shade Tree Commission Dept. of Public Works Consulting Forester
2020	Submit forest related articles to local media outlets	Shade Tree Commission Volunteers Consulting Forester
2020	Promote self-watering planters on Main Street to increase canopy cover.	Shade Tree Commission Dept. of Public Works Mayor and Council Consulting Forester
2020	Plant 150 street trees	Dept. of Public Works Shade Tree Commission
<b>2021</b>		
2021	Develop a Policies and Procedures Handbook to encourage proper tree care and coordination with other Borough Departments	Shade Tree Commission Dept. of Public Works
2021	Remove high hazard trees based on the threat posed	Shade Tree Commission Dept. of Public Works Consulting Forester
2021	Arbor Day Celebration and Memorial Tree planting	Shade Tree Commission Dept. of Public Works Mayor and Council School Board and PTA Volunteers
2021	Submit yearly report to NJ Community Forestry Program and file for Tree City USA	Shade Tree Commission Dept. of Public Works Consulting Forester

2021	Plant 175 street trees	Shade Tree Commission Dept. of Public Works Consulting Forester
2021	Attain CORE training for at least 1 Borough employee or volunteer and CEU's for CORE trained individuals	Dept. of Public Works Shade Tree Commission Borough Administrator Mayor and Council
2021	Submit forest related articles to local media outlets	Shade Tree Commission Volunteers Consulting Forester
2021	Continue and improve education and outreach efforts at Labor Day Street Fair and other community events	Shade Tree Commission Volunteers Consulting Forester
2021	Approve a Private Property Ordinance to prevent canopy loss and limit annual removals	Shade Tree Commission Dept. of Public Works Mayor and Council
<b>2022</b>		
2022	Remove high hazard tree based on their threat	Shade Tree Commission Dept. of Public Works Consulting Forester
2022	Arbor Day Celebration and Memorial Tree planting	Shade Tree Commission Dept. of Public Works Mayor and Council School Board and PTA Volunteers
2022	Submit yearly report to NJ Community Forestry Program and file for Tree City USA	Shade Tree Commission Dept. of Public Works Consulting Forester

2022	Plant 200 street trees	Shade Tree Commission Dept. of Public Works
2022	Survey the entire Borough for potential hazards	Shade Tree Commission Dept. of Public Works Consulting Forester
2022	Attain CORE training for at least 1 Borough employee or volunteer and CEU's for CORE trained individuals	Dept. of Public Works Shade Tree Commission Borough Administrator Mayor and Council
2022	Submit forest related articles to local media outlets	Shade Tree Commission Volunteers Consulting Forester
2022	Begin discussing goals that will serve as the basis for the next 5-year planning period.	Shade Tree Commission Dept. of Public Works Volunteers Consulting Forester
2022	Strategic planning, goal development, and evaluate the successes and failures of the first planning period.	Shade Tree Commission Dept. of Public Works Consulting Forester
2022	Review tree resource and designate trees of concern for the next PSEG pruning cycle	Shade Tree Commission Dept. of Public Works Consulting Forester
2022	Continue and improve education and outreach efforts at Labor Day Street Fair and other community events	Shade Tree Commission Volunteers Consulting Forester

## **10. Community Stewardship Incentive Program (CSIP)**

To help implement the Management Plan, the following practices will be used to seek grants:

### **CSIP # 1 - Training and Professional Development**

See page 18

### **CSIP # 2 - Community Forestry Ordinance Establishment**

See page 13

The Borough will review the current ordinance created in 2016, which will be constantly evaluated and updated to ensure that it fully meets the intent of the ordinance and the needs of the municipality.

### **CSIP #3 - Public Education/Awareness/Outreach**

See page 19

### **CSIP #4 - Arbor Day**

See page 19

### **CSIP #5 - Tree Inventory and Assessment**

See page 23

### **CSIP #6 - Hazard Tree Identification**

See page 23

### **CSIP # 7 - Storm Damage Assessment**

A storm damage assessment has not been completed due to a lack of funding. The Borough DPW works cooperatively with neighboring county municipalities DPW's to handle large-scale tree emergencies. As this process has worked in ice storms and wind events, the current status will remain in place.

### **CSIP # 8 - Tree Maintenance and Care**

See page 23

### **CSIP # 9 - Insect and Disease Management**

See page 25

### **CSIP # 10 - Wildfire Protection**

Wildfire is not a significant threat to the forest resource in the Borough of Rutherford.

**CSIP # 11 - Tree Planting**

See page 24

**CSIP # 12 -Tree Recycling**

See page 25

**CSIP # 13 - Sidewalk Maintenance Program**

See page 6, 23

**CSIP # 14 - Storm Water Management**

The Borough has a Storm Water Management Plan backed by a Storm Water Management Ordinance. It is also referenced in the Borough Master Plan. It may be possible to develop a grant for CSIP grant funding.

**CSIP# 15 - Other**

See page 6, 24, 25



# Appendix 1

## SHADE TREE ORDINANCE

### Chapter 95. Shade Tree Commission

[HISTORY: ~~Adopted~~ by the Borough of Rutherford Council 3-14-2016 by Ord. No. 3392-16. Amendments noted where applicable.]

[1]

*Editor's Note: Former Ch. 95, Shade Tree Commission, adopted 11-16-1915 by Ord. No. 858, effective 11-16-1915, was repealed 8-6-1991 by Ord. No. 2614-91.*

#### § 95-1. Purpose and intent.

A.

The Mayor and Council of the Borough of Rutherford find that the preservation, protection, and planting of trees and other plants conserves and enhances the Borough's physical and aesthetic appearance, and generally protects the public health and safety and general welfare.

B.

The intent of this chapter is to limit the adverse impact of damage and removal of Borough trees associated with construction. This chapter preserves and perpetuates the Borough's tree stock located on public property within the public right-of-way through the establishment of regulatory controls for the preservation of street trees.

C.

This chapter contains Shade Tree Commission rules and regulations for the planting, control, protection and improvement of shade trees upon streets and highways in the Borough of Rutherford and provides penalties for the violation thereof.

#### § 95-2. Definitions.

A.

As used in this chapter, the terms hereinafter set forth shall have the following meanings:

##### **COMMISSION**

The Shade Tree Commission of the Borough of Rutherford, including any of its duly appointed members and any of its duly authorized agents, representatives, or employees.

##### **DRIPLINE**

A boundary on the soil surface delineated by the outer branch spread of the tree or group of trees.

##### **LANDMARK TREE**

Any tree designated and identified as such by the Shade Tree Commission as to be of rare species, or of significant age, or of superior height or trunk or dripline diameter to be considered an outstanding specimen for a tree of its species, or of significant local history.

##### **PERMITS**

Written permission of the Commission. Whenever, pursuant to any provision of this chapter, the Commission shall have occasion to deny an application for a permit, it shall, in determining whether or not to approve such permit, take into consideration the nature, species, size, age and condition of any tree involved; the location thereof in the street, park and Borough property; the planting, care, protection, maintenance, or removal procedures involved; the public safety and welfare; and the improvement and advancement of the Shade Tree Program of the Commission.

##### **PERSON**

Any individual, firm, partnership or corporation, or any combination thereof and/or agents of the same. Where, in the proper context, it is so required, this term may be construed to designate the plural as well as the singular.

##### **REPLACEMENT ASSESSMENT**

The value of a tree as determined by the appraisal of a trained forester or licensed tree expert retained by the Commission for that purpose.

**SHADE TREE**

Any deciduous tree with an erect perennial trunk at least two inches in diameter four inches from root flare, definitely formed crown of foliage and a height of at least 15 feet at maturity within the Borough's right-of-way and/or within 10 feet of the curblines, but not including private property or Borough parks.

**STREET**

Any road, avenue, street or highway dedicated to the public use for street purposes. A street shall be deemed to include all portions lying between the dedicated or established right-of-way lines and/or planting easement thereof, said lines being identical with the front property lines of lands abutting the street.

**TREE**

Any shade tree, shrub or plant, or any root, branch, flower or other part thereof that is located in or upon any street, except those located or planted on county or state parks, parkways and highways.

**TREE PROTECTION ZONE**

The area designated by the Rutherford Shade Tree Commission to be free of equipment, supplies or building materials and to be delineated by an orange construction fence.

**B.**

Any term or provision of this chapter that contemplates, directs, regulates or prohibits the doing of any act may, in applicable cases and where the context so requires, be construed to include the causing, allowing, permitting or suffering of such act to be done by others under the direction, control or supervision of the person charged therewith. Every such act shall be deemed to be within the scope of this chapter, regardless of whether it is a deliberate, intentional or purposeful act, or a careless, negligent or unintentional act.

**§ 95-3. Commission; personnel; appointment.**

The regulation, planting and care and control of shade and ornamental trees and shrubbery upon and in the streets and highways of the Borough of Rutherford, except state highways, unless the State Department of Transportation shall assent thereto, and except county highways, parks and parkways, unless a county shade tree commission or county department of parks and recreation is operative and shall assent thereto, shall be exercised by and under the authority of the Rutherford Shade Tree Commission, which is hereby created. The Commission shall be appointed by the Mayor with the advice and consent of the Council. The membership of the Shade Tree Commission shall consist of:

**A.**

Five residents of the Borough of Rutherford, one of whom may also be a member of the Borough of Rutherford's Department of Public Works Shade Tree Division. Each of these members shall serve without compensation, except as hereinafter provided, and shall have the right to vote on matters properly before the Shade Tree Commission; and

**B.**

One member of the Borough Council who shall serve as a nonvoting liaison between the Shade Tree Commission and the Mayor and Council and the citizens of Rutherford.

**§ 95-4. Commissioner's term lengths; subsequent appointments.**

The first Commission members shall be appointed within 60 days after the effective date of this chapter and the terms shall commence upon the day of their appointment and shall be for the respective periods of one, two, three, four and five years. The initial term of each appointee shall be designated in his or her appointment. All subsequent appointments, except to fill vacancies, shall be for the full term of five years, to take effect on January 1 next succeeding each appointment. Any vacancy occurring during the term of any Commissioner shall be filled in the manner provided herein for the unexpired term only. In the event that membership of any Commission is increased, the new members shall be appointed in such manner that the terms shall expire in accordance with the foregoing.

**§ 95-5. Alternate members.**

The Mayor may appoint up to two alternate members to the Shade Tree Commission. Alternate members shall be designated at the time of appointment as "Alternate No. 1" and "Alternate No. 2" and shall serve during the absence or disqualification of any regular member or members. The term of each alternate member shall be five years, commencing on January 1 of the year of appointment; provided, however, that in the event two alternate members are appointed, the initial term of Alternate No. 2 shall be four years and the initial term of Alternate No. 1 shall be five years. The terms of the first alternate members appointed pursuant to this section shall commence on the day of their

appointments and shall expire on the fourth or fifth December 31 next ensuing after the date of their appointments, as the case may be. An alternate member may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member.

§ 95-6. Organization; salary of secretary.

The Commission shall organize within 30 days after the appointment of its total membership for the remainder of the then calendar year, and thereafter annually, by the election of one of its members as Chairperson and the appointment of a secretary, who need not be a member. The salary of the secretary, who may be compensated, even if a member of the Commission, shall be fixed by the Borough of Rutherford Mayor and Council.

§ 95-7. Powers of Commission.

The Shade Tree Commission organized under this article shall have the power to:

A.

Exercise full and exclusive control over the regulation, planting and care of shade and ornamental trees and shrubbery now located, or which may hereafter be planted, in any public street or highway, except such as are excluded pursuant to § 95-3, including planting, trimming, spraying, care and protection thereof;

B.

Regulate and control the use of the ground surrounding the same, so far as may be necessary for their proper growth, care and protection;

C.

Remove or require the removal of any tree or shrub, or part thereof, that is dangerous to public safety;

D.

Make recommendations to the governing body regarding the creation, alteration, amendment and repeal of any and all ordinances, written rules and regulations, as may be necessary or proper for carrying out the provisions of this chapter, provided that the ordinances, written rules and/or regulations do not conflict with this chapter and conform to applicable state statutes;

E.

Care for and control such streets; encourage arboriculture (and/or regulate and provide recommendations to the Department of Public Works Shade Tree Division in matters pertaining to the removal and enforcement of tree removal on all lands);

F.

Designate landmark trees.

§ 95-8. Annual report of Commission; appropriations.

A.

During the month of December each year, the Commission shall render to the Borough of Rutherford Mayor and Council an annual report of the work it has accomplished in the prior year and the estimated sum necessary for the proper conduct of its work during the ensuing fiscal year, which shall include the sums estimated to be expended for such of the following items as it is anticipated expenditure will be made:

(1)

Expenses for services of a licensed tree expert;

(2)

Expenses of Commission members in discharging official duties, including expenses incident to attendance at professional meetings;

(3)

Purchase of trees and shrubbery;

(4)

Purchase of necessary equipment and materials and the cost of services for the prudent promotion of the work;

(5)

Other maintenance expenses, (including stump work, crane work needed by outside contractors, etc.).

B.

The Borough of Rutherford Mayor and Council shall annually appropriate such sum as it may deem necessary for the proper conduct of the work of the Shade Tree Commission.

§ 95-9. Permit required.

No person shall, without first having obtained a permit from the Shade Tree Commission, do any of the following acts:

A.

Tree injury.

(1)

Cut, prune, break, injure, remove, disturb, or interfere in any way with any tree, including the root system;

(2)

Spray with any chemical any tree or near a tree that is deleterious to tree health;

(3)

Place salt, brine, oil or any other substance injurious to plant growth in any street, park or any public property in such a manner as to injure any tree;

(4)

Fasten any rope, wire, sign or other device to a tree or to any guard around such tree; provided, however, that nothing herein shall prevent any agency of government from affixing, in a manner approved by the Shade Tree Commission, public notices upon a tree in connection with the administration of governmental affairs;

(5)

Remove or damage any guard or device placed to protect any tree;

(6)

Close or obstruct any open space provided about the base of a tree to permit the access of air, water and fertilizer to the roots of such trees.

B.

Construction protection.

(1)

Build any fire or station any tar kettle, road roller, fuel oil dispensing truck, or other engine in any street or any other place in such a manner that the heat, vapors, fuel, or fumes therefrom may injure any tree as determined by a licensed tree expert;

(2)

Store equipment, supplies or building materials in the tree protection zone or pile any debris such as soil and rocks against any shade tree;

(3)

Excavate, change grade or pave within four feet of any tree;

(4)

Use or operate any power equipment or any other implement or tool in such a manner as to damage or destroy any tree;

(5)

Make any site improvement, erection, alteration, or repair of any structure or building without placing required protection around all street trees and nearby trees as will effectually prevent injury to such trees as directed by the Shade Tree Commission (the owner, contractor, or other person in charge thereof).

C.

Plant any tree in any park, street or public property.

D.

Obstructions.

(1)

Place or maintain in any street or park any stone, cement, sidewalk or other substance within four feet of any tree which shall impede the free access of air or water to the roots;

(2)

Where any tree is to be surrounded by pavement of stone, cement, asphalt or any other substance tending to impede the free access of air and water to the roots of the tree, no portion of such pavement shall be nearer to any portion of the base of the trunk than four feet;

(3)

Shade tree permits shall not be required for any necessary work performed by the Department of Public Works during normal work operations.

### § 95-10. Wires and utility trimming.

#### A.

No person or utility company shall string any wires in or through a public park or property or prune any trees without a permit.

#### B.

Every person having or maintaining any electric, telephone, telegraph, cable TV, or other wires running in or through a street, public property, or park shall securely fasten and maintain such wires in such manner as will safeguard all trees against any damage therefrom and shall make periodical adjustments whenever necessary to prevent damage to all trees.

#### C.

No person shall, without a permit, attach or fasten any wires, insulator or any other device for holding any wire to any tree.

#### D.

Whenever the Commission shall deem it necessary to prune or remove any tree, any persons having a wire running in or through any street, park or public property shall temporarily remove such wire within 24 hours after the service upon the owner or their agent of a written notice to do so.

#### E.

Any public utility or its agents may not proceed to prune or remove trees for line clearance of utility wires in nonemergency situations pursuant to a line clearance program without submitting a work plan 30 days in advance of work and obtaining a permit.

#### F.

All tree work done while trimming around utility lines in and along the Borough's streets, parks and parkways shall be by target pruning. All trimming is to be conducted with consideration for the health of any tree while allowing for proper utility line clearance, as determined by the Rutherford Shade Tree Commission. Any improper work will void the issue permit. Any work performed under permit from the Shade Tree Commission shall be performed in accordance with current recommendations and approved standards of the National Arborist Association,<sup>u</sup> American National Standards Institute (ANSI), ANSI-Z133.1 and 300A, and the New Jersey Certified Tree Experts Board.

#### [1]

*Editor's Note: See now the Tree Care Industry Association.*

#### G.

Any public utility or its agents may undertake emergency tree work to restore electrical service or limited spot work to prevent interruption of electrical, telephone, telegraph, cable TV or other wire services. In such event, the utility will notify the Commission and the Department of Public Works of said work within three business days of its occurrence.

#### H.

A public utility company shall exercise reasonable diligence in the installation and maintenance of its facilities, including underground and overhead utility lines, so as to avoid damage to trees. Periodic adjustments may be required whenever necessary to protect the tree.

#### I.

The Shade Tree Commission may grant to a public utility a blanket permit for the installation and the maintenance of subsurface and aboveground plant construction.

### § 95-11. Planting and removal of trees; notice and hearing; emergencies.

In every case where the property of an abutting owner will be chargeable with the cost of the removal and/or planting of any shade tree or trees, the Commission shall give notice of the meeting at which it is proposed to consider said planting by publishing the notice at least once, not less than 20 days before the meeting, in a newspaper circulating in the municipality, or by personal service of a copy of the notice upon the abutting owner at least 10 days before the meeting. The notice shall specify the street, streets, or portions thereof, on which such planting is proposed and require all persons who may object thereto to present their objections, in writing, at the office of the Commission at or before the meeting. Before final action shall be taken, all objections so filed shall be considered. The Commission shall give reasonable notice of its intention to remove, or cause the removal of, a tree, or part of a tree, dangerous to public safety,

unless public safety requires immediate removal, in which case no notice shall be necessary. The determination as to whether immediate removal is necessary to protect the public safety shall be made by the Superintendent of the Department of Public Works or his/her designee.

### § 95-12. Public improvements affecting trees and consent of Commission.

No statute, ordinance or regulation giving any person, state, county or municipal board, body or official, power or authority to lay any sidewalk along, or to open, construct, curb or pave any street, or to do any similar act, shall be construed to permit or authorize any interference with or injury to a street shade tree without the consent of the Shade Tree Commission within whose jurisdiction such tree shall be located. In all cases, such Commission shall reasonably cooperate with such person, board, body or official for the general public good. Nothing contained in this chapter shall be held to take away or diminish any of the powers or authority of the Bergen County Parks Department over the trees or shrubbery in any county park or parkway within its jurisdiction.

### § 95-13. Hindrance of duties prohibited.

No person shall prevent, delay or in any manner interfere with the Commission or its authorized agents in the performance of their lawful duties.

### § 95-14. Violations and penalties; restitution; enforcement.

#### A.

Any person who violates any provisions of this chapter or who fails to comply with the terms and provisions of any permit issued pursuant hereto shall, for a first offense, pay a fine of \$200. For all subsequent offenses, upon conviction in the Municipal Court, any person who violates any provisions of this chapter or who fails to comply with the terms and provisions of any permit issued pursuant hereto shall pay a fine of not less than \$200 nor more than \$1,500 for each violation. Each day that a violation shall continue shall constitute a separate offense. This chapter shall be enforced by the Superintendent of the Department of Public Works or its duly authorized agents or employees, with the advice and consent of the Executive Secretary, by like proceedings and process consistent with the practice for the enforcement of ordinances of the Borough of Rutherford.

#### B.

A copy of any ordinance of the Commission, certified under the hand of its Secretary or Chairperson, shall be received in any court of this state as full and legal proof of the existence of the ordinance and that all requirements of law in relation to the ordaining, publishing and making of the same, so as to make it legal and binding, have been complied with, unless the contrary be shown.

#### C.

In addition to the penalties authorized by § **95-14A** of this chapter, the Commission requires that a person who removes, damages, or otherwise destroys a tree in violation of a municipal chapter pay restitution or a replacement assessment to the municipality, to be placed in the Shade Tree Commission Trust Fund account to be set aside for use pertaining to trees. The replacement assessment shall be the value of the tree as determined by the appraisal of a trained forester or licensed tree expert (LTE) retained by the Commission for that purpose. The cost of hiring said LTE is part of the replacement assessment cost being paid by the person being penalized. In lieu of an appraisal, the Commission will use a formula and schedule based upon the Council of Tree and Landscape Appraisers Guide for Plant Appraisal, 9th Edition (or latest edition) guidelines. The Commission shall evaluate the value of the tree based upon its species, variety, location and its condition at the time of removal or destruction and based on the current value per square inch at diameter breast height (DBH).

#### D.

Stop-work orders.

##### (1)

Stop-work orders on behalf of the Commission may be issued, in writing, by the following, in order of hierarchy, for any tree work or other activity which he/she believes is carried on in violation of any provision of this chapter:

##### (a)

The Superintendent of the Department of Public Works or its duly authorized agents or employees; but if unavailable or impractical then

##### (b)

A duly authorized police officer; but if unavailable, or impractical then

(c)

The Executive Secretary.

(2)

A copy of the order shall be served upon any person engaged in such tree work or such other activity. If no such person is present upon the property, then the order shall be served upon the owner of the property in question. Thereafter, any further work shall comply with the terms and conditions of any permit issued by the Commission or its designee with respect to such property and the provisions of this chapter.

### § 95-15. Disposition of penalties and restitution.

A.

All monies collected, either as fines or penalties, for any violation of a rule or regulation of the Shade Tree Commission or as a charge against real estate, under any provision of this chapter, shall be forthwith paid over to the Custodian of the Municipal Funds.

B.

Restitution shall be paid to the Rutherford Shade Tree Commission as set forth in § **95-14C** for the value of a tree removed, destroyed or damaged and for the value of labor and materials required. The Rutherford Shade Tree Commission shall administer the Shade Tree Commission Trust Fund for the care, protection, and enhancement of Borough trees, parks and public properties.

### § 95-16. Appeals.

Any person aggrieved by an action, decision or directive of the Commission shall have the right within 14 days to appeal such action, decision or directive by submitting a written request to the full Commission setting forth the reasons for the appeal. Any person aggrieved by the Commission's action, decision or directive on such appeal shall then have the right, within 21 days, to appeal to the Borough Council. The appeal to the Borough Council must be in writing with a copy sent to the Commission. The Borough Council shall, by resolution, within 30 days of the submission date of the appeal, modify, affirm, or deny the Commission's decision with such conditions as may be appropriate. If the Borough Council fails to act within the thirty-day period, then the decision of the Commission shall stand.

### § 95-17. Liability.

Nothing in the chapter contained shall be construed to make the Commission or any member thereof responsible for the death or injury of any person, or for any injury to any property or street tree or shrub.

### § 95-18. Fee schedule.

The Shade Tree Commission shall adopt, from time to time, a fee schedule for permits and services. The Commission shall review it periodically and shall amend same by a majority vote.

### § 95-19. Repealer.

All other provisions of this chapter which are not affected by this amendatory chapter are hereby ratified and confirmed and shall remain in full force and effect. However, all ordinances or parts of ordinances which are inconsistent with the provisions of this amendatory chapter are hereby repealed to the extent of such inconsistency.

### § 95-20. Severability.

If any portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this chapter but shall be confined in its effect to the provision directly involved in the controversy in which such judgment shall have been rendered.

### § 95-21. When effective.

This chapter shall take effect after final passage and publication as required by law.

## Appendix 2

### Chapter 120: TREES AND SHRUBBERY

[HISTORY: Adopted by the Borough of Rutherford Shade Tree Commission 7-29-1941 by Ord. No. 1-41. Amendments noted where applicable.]

#### GENERAL REFERENCES

Littering — See Ch. 21 and Ch. 53.

Collection of vegetative waste — See Ch. 40.

Playground and recreation areas — See Ch. 73.

Tent caterpillar control — See Ch. 116.

#### § 120-1. Protection of trees and shrubbery. [Amended 8-6-1991 by Ord. No. 2617-91]

No person, firm, corporation or individual connected with such firm or corporation shall do or cause to be done by others, either purposely, carelessly or negligently, without the written permit of the Borough of Rutherford and/or its agents, any of the following acts: cut, prune, break, climb, injure or remove any living tree, shrub or plant; or cut, disturb or interfere in any way with the roots of any trees, shrub or plant; or place any rope, sign or poster or other fixture on any tree or guard; or injure, misuse or remove any device placed to protect such tree, shrub or plant, upon any highway, public place or park under the supervision or control of the Borough of Rutherford.

#### § 120-2. Regulations governing planting; costs; exception. [Amended 4-14-1959 by Ord. No. 1-59; 8-6-1991 by Ord. No. 2617-91]

- A. No shade or ornamental tree, shrub or plant shall be planted in any of the parks, public places or highways until such tree, shrub or plant shall have first been approved and the place where it is to be planted designated by the Borough of Rutherford and/or its agent and a permit granted therefor.
- B. Except as hereinafter provided, the initial cost of all trees planted by the Borough of Rutherford and/or its agents, the cost of planting the same and the cost of posts, boxes and guards used for the protection thereof shall be a charge upon the real estate, in front of which such tree or trees shall be planted, as an improvement thereof. Such costs, unless paid directly to the Borough of Rutherford, shall be certified by it to the Collector of Taxes of the Borough of Rutherford.
- C. The provisions of this section shall not apply to a planting to replace a tree or trees theretofore planted by the Borough of Rutherford.

#### § 120-3. Protection of roots; spacing.

- A. No person, firm or corporation shall, without the written permit of the Shade Tree Commission, *Editor's Note: The Shade Tree Commission was abolished by Ord. No. 2614-91. Permission is required from the Borough of Rutherford or its agent.* place or maintain upon the ground in any park or public highway any stone, cement, building material or other matter or substance which shall impede the free passage of water, air and fertilizer to the roots of any tree, shrub or plant in such highway or park.
- B. An open space of not less than two feet outside the trunks of trees at their bases on all sides must be maintained on all trees on public highways.

#### § 120-4. Protection of trees during construction.

- A. In the erection, alteration or repair of any building or structure, the owner and contractor thereof shall place such guards around all nearby trees in public highways and parks as will effectually prevent injury to such trees.
- B. No person shall pile any building material or make or mix any mortar or cement within six feet of any highway trees or shrubs.
- C. No person, firm, corporation or individual shall do any excavating within two feet of any growing tree or shrub without the written permission of the Shade Tree Commission.
- D. Steam shovels and all other implements, machines and tools shall be used or operated in such a manner as not to damage or destroy any tree, shrub or plant in any public highway or park.

#### § 120-5. Use of salt restricted.

No person shall place salt or pour salt water upon any public highway or park in such a manner as to injure any tree, shrub or plant growing thereon.

**§ 120-6. Attachment of electrical or other wires. . [Amended 8-6-1991 by Ord. No. 2617-91]**

No person shall, without the written permit of the Borough of Rutherford and/or its agent, attach or fasten any electric, telephone, telegraph or other wire or insulator, or any device for holding any of the foregoing, to any tree growing or planted in any park or public highway.

**§ 120-7. Regulations governing wires.**

Every person, firm or corporation having or maintaining any electric, telephone, telegraph or other wires running through a public highway or park shall securely fasten and maintain such wires in such a manner as will safeguard the trees and shrubs against any damage therefrom and shall make periodic adjustments whenever necessary to prevent damage to trees and shrubs growing in any public highway or park.

**§ 120-8. Interference with officials prohibited. [Amended 8-16-1991 by Ord. No. 2617-91]**

No person, firm or corporation shall prevent, delay or in any manner interfere with the Borough of Rutherford and/or its agents in the performance of their lawful duties.

**§ 120-9. Compliance with park signs required.**

No person shall enter upon any portion of the lawn or ground within a public park when notified by a sign placed in such park or by a police officer not to enter upon such lawn or ground.

**§ 120-10. Regulation of recreation in parks. [Amended 8-6-1991 by Ord. No. 2617-91]**

No person shall, except at such time and under such regulations as may be designated by the Borough of Rutherford and/or its agents, play at any game in a public park. *Editor's Note: See also Ch. 73, Playgrounds and Recreation Areas.*

**§ 120-11. Littering prohibited. *Editor's Note: See also Ch. 21, Clean Environment, and Ch. 53, Littering.***

No person shall leave or deposit any paper or other waste materials in any public park, except in such receptacles as may be provided therein for that purpose.

**§ 120-12. Regulations governing structures or vehicles in parks. [Amended 8-6-1991 by Ord. No. 2617-91]**

No person shall, without the written permit of the Borough of Rutherford and/or its agents, place any booth, stand or other structure or any station wagon or other vehicle in any public park.

**§ 120-13. Sales and advertising in parks prohibited.**

No person shall offer any article for sale, display any advertising device or distribute any circulars or cards in a public park.

**§ 120-14. Payment for damage required. [Amended 4-14-1959 by Ord. No. 1-59]**

Any person, firm, partnership or corporation who shall willfully, carelessly or negligently damage or destroy a tree, shrub or plant in a public highway, street or park shall be required to pay the cost of remedying said damage.

**§ 120-15. Violations and penalties. [Amended 4-14-1959 by Ord. No. 1-59]**

Any person, firm, partnership or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine of not exceeding \$200 for each violation.

**§ 120-16. Repealer.**

All prior ordinances or parts of ordinances concerning the Shade Tree Commission are hereby repealed.

**§ 120-17. When effective.**

This chapter shall take effect immediately upon publication according to law.



# Arbor Day - Memorial Tree Planting Borough Hall - April 29, 2017





# Arbor Day - Memorial Tree Planting Union School - April 23, 2016



Images from the Rutherford Tree Nursery



## Lincoln Woods hold ribbon cutting



PHOTO COURTESY RSD

SOUTH BERGENITE

### Lincoln Woods ribbon cutting

On Oct. 18, Lincoln School and the Rutherford community gathered to celebrate the ribbon cutting ceremony at Lincoln Woods. All of the Lincoln School students and faculty were in attendance along with approximately 75 members of the community. Pictured holding the ribbon are students Alex Tran and Skylar Schriefer. Continuing from left to right are Carol Hsu and Steve Savitsky of the Shade Tree Commission, Mayor Joe DeSalvo, Superintendent Jack Hurley, Councilman Mark O'Connor, and students Jazlyn Paulino, and John Amatucci.

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STAFF PHOTO/JAMIE JULIA WINTERS

Rutherford will be adding to its tree canopy and will be updating its Community Forestry Management Plan in 2017.

## Borough gets \$150K for 300 trees

BY MEGHAN GRANT  
Managing Editor

Things are looking greener for the Borough of Trees and its Shade Tree Commission, as Rutherford was recently awarded a \$150,000 grant through the New Jersey Department of Environmental Protection (NJDEP) to fund street reforestation.

The allocation to the borough was part of a **RUTHERFORD** \$1.56 million grant package awarded to 52 municipalities statewide issued by the New Jersey Forest Service's Urban and Community Forestry program through Community Stewardship Incentive Program (CSIP). Intended to promote stewardship of community forests and trees by implementing Community Forestry Management Plans, the grants ranged from \$10,000 to \$300,000, funded in part by "Treasure Our Trees" vanity license plate sales and state programs.

Rutherford was one of about 20 communities which were awarded the reforestation/tree planting category grant.

The borough will utilize the \$150,000 grant to plant an upwards of 300 street ready trees within Rutherford over the next four years, said Councilman Sean Walker, liaison to the Shade Tree Commission and DPW.

"Our plan is to create two sub-committees to follow the guidelines provided by the state for the development and implementation of a

tree planting and maintenance plan in conjunction with a NJ State Forest Service Community Stewardship Incentive program grant award," said Shade Tree Chairman Steve Addeo.

Serving to guide and coordinate the municipality's tree conversation efforts, and renew its accreditation through the New Jersey Shade Tree and Community Forestry Assistance Act, Rutherford updated its Community Forestry Management Plan in 2013. The existing plan extends through 2017 and is a revision of the 2007 through 2011 plan envisioned for the borough. These were completed through the efforts of the then Shade Tree Committee. Granting the body greater authority, the borough's Shade Tree Committee was upgraded via ordinance to a Shade Tree Commission in March.

Under the state grant, Shade Tree and DPW officials need to create and submit a landscaping plan providing a landscape drawing for the overall project, with each site where proposed tree planting will take place, Addeo explained. Planting locations will indicate each site's specific needs, species, size and quantity. The report will specify source and selection of trees that will grow into full, mature size at the chosen site and minimize conflicts with the environment.

"We will need to include how trees will be accepted and rejected at the planting site from delivery," Addeo said. "This will include how we handle the trees at the nursery from when they are dug until they are at the planting location for that

tree."

Rutherford will also provide a two-year maintenance plan detailing the work to maintain and care for the newly planted trees, including everything from watering to mulching and other steps.

The responsibility of tree removal will be under the Public Works Department. The commission will approve and retain a licensed landscape and tree contractor to perform the installation and maintenance plan, Addeo said.

Steve Savitsky, who served on the committee and is a Shade Tree commissioner, was instrumental in applying for the reforestation grant, said Councilman Walker.

"I believe the commission is working out fantastically, offering better service to the community," said Walker.

Participating towns are required to keep up their approved status with the state to be eligible for grants. Rutherford officials just completed training that would give them all the continuing education units (CEU) it would need for 2016, said Robert Geist, a spokesperson for the Division of Parks & Forestry. That determination will be made officially in February when each town's Annual Accomplishment Report is due.

A participating community must meet four requirements to keep its status, including having an up-to-date forestry management plan and training for community representatives.

Email: [grantm@northjersey.com](mailto:grantm@northjersey.com)

The Rutherford Shade Tree Commission and the Green Team  
present the 1st Annual

# Rutherford Treefest '17

An Arbor Day Craft & Food Festival celebrating the Borough of Trees

**SATURDAY, APRIL 29, 2017**  
**12 NOON - 5 PM**  
**LINCOLN PARK**

**FEATURING:**

- **FOOD OFFERINGS** - All-natural foods derived from trees & plants
  - Big Bowls, Little Plates
  - Ara Coffee
  - Sabor Peru Restaurant
  - Mr. Pickles
- **CRAFTERS** - Handmade crafts from natural materials
  - Plowman Crafts
  - Creations By Kim
  - Crystal Stones & Oils
  - Vintage Living Boutique
  - Rutherford Music Exchange
- **LIVE BEE HIVE & HONEY TASTING**
- **100% PURE MAPLE SYRUP**  
produced from our trees in NJ
- **I.P.A. BEER GARDEN**
- **ENVIRONMENTALLY FRIENDLY LIVE MUSIC**  
from Dale and the Tree Huggers
- **EDUCATIONAL EXHIBITS** - all about The Borough of Trees

And much more family-friendly fun!



**RAIN DATE:**  
**SUNDAY, APRIL 30**



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SAVINGS BANK & MEADOWLANDS YMCA

