

**COUNCIL OF THE BOROUGH OF FAIR HAVEN**  
**MONMOUTH COUNTY, NEW JERSEY**  
**RESOLUTION**

**Motion by:** Councilman Peters

**Second by:** Councilwoman Sorensen

**AFFIRMATIVE:** Councilmembers Humphreys, Jaeger, Marchese, Peters, Sorensen

**NEGATIVE:** None

**ABSTAIN:** None

**ABSENT:** Councilman Wilhelm

---

**RESOLUTION NO. 2015-170**

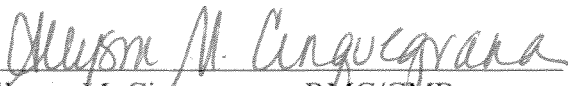
**TITLE:       ACCEPT THE ACTION PLAN FOR COMMUNITY FORESTRY**  
**2014-2019**

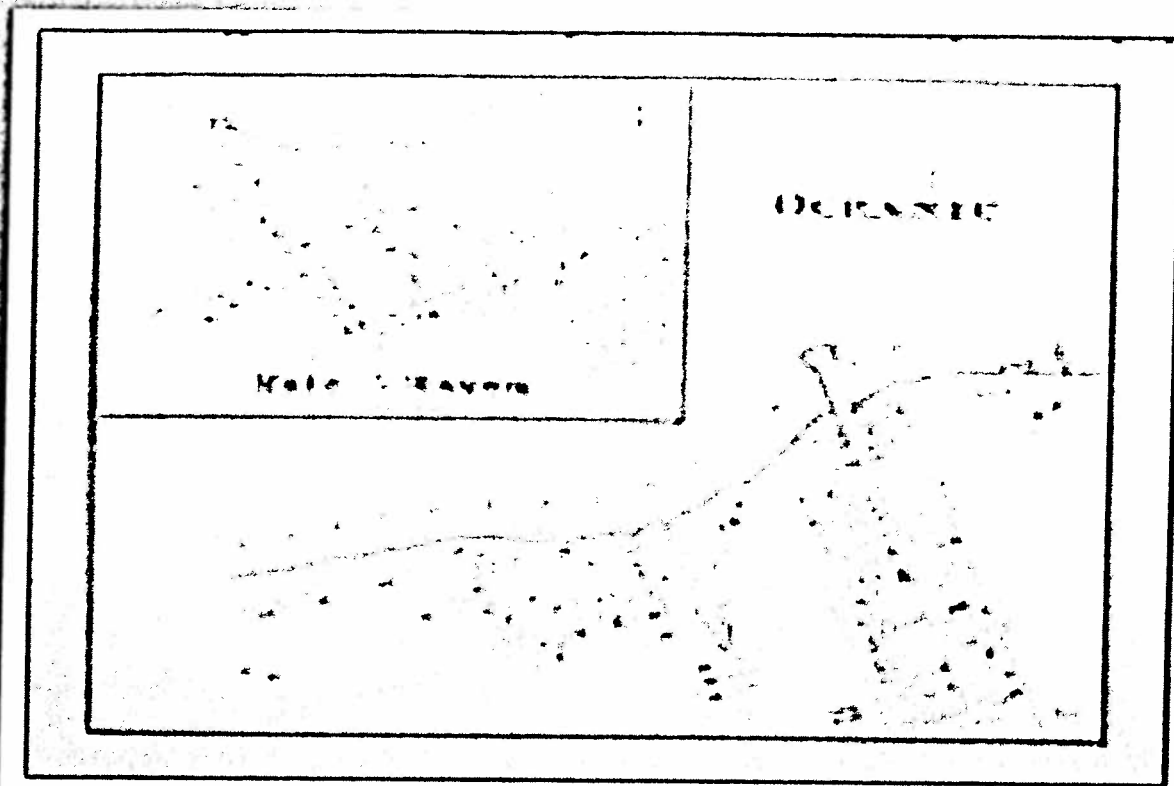
**WHEREAS,** Resolution No. 2014-119 authorized a 2013 Green Communities Grant Application to update our Community Forestry Management Plan; and

**WHEREAS,** the Borough of Fair Haven's Shade Tree Commission with the assistance of William F. Brash, Jr. prepared a Community Forestry Management Plan for the years 2014-2019, attached as Exhibit A.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that the Five Year (2014-2019) Community Forestry Management Plan is hereby accepted and the Mayor is hereby authorized to execute the necessary documents.

I, Allyson M. Cinquegrana, Municipal Clerk of the Borough of Fair Haven in the County of Monmouth and the State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Mayor and Council of the Borough of Fair Haven in the County of Monmouth in the State of New Jersey at a meeting held on August 17, 2015.

  
Allyson M. Cinquegrana, RMC/CMR  
Municipal Clerk



# Borough of Fair Haven

## COMMUNITY FORESTRY MANAGEMENT PLAN

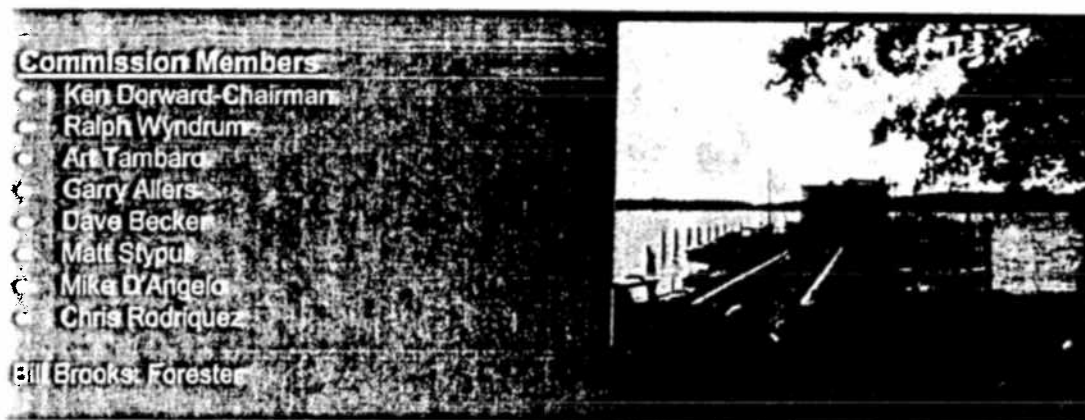
An Action Plan for Community Forestry  
2014-2019

In Cooperation with:  
New Jersey Forest Service-Community Forestry

Prepared by: Borough of Fair Haven Shade Tree Commission  
Assisted by: William F. Brash Jr.,  
NJ Certified Tree Expert, CTE #375  
NJ Approved Consulting Forester

## Table of Contents

Table of Contents .....	2
Community Information Form .....	3
Introduction .....	4
Mission Statement .....	4
Goals and Objectives .....	4-5
Liability Statement .....	6
Community Overview	
History .....	7
Past, Present and Future .....	8
Master Plan Information .....	8
Community Forestry Program Administration.....	8-11
Community Maps .....	12-13
Training Plan .....	14
Public Education, Awareness and Outreach .....	14
Statement of Shade Tree Budget ....	15-16
Statement of Plan Implementation .....	17-20
Tree Inventory/Assessment .....	17
Hazard Tree Identification.....	18
Tree Planting .....	19
Tree Maintenance and Care.....	20
Sustainable New Jersey Tree Canopy Goal .....	22
Community Stewardship Incentive Program (CSIP) .....	23
<b><u>APPENDICES</u></b>	
Appendix 1 Tree Work Request Form .....	25
Appendix 2 Shade Tree Ordinance .....	26-31



# Community Forestry Management Plan

---

## Municipal/County Information Form

Municipality: Borough of Fair Haven

County: Monmouth

Address: Borough Hall  
748 River Road  
Fair Haven, NJ 07704

Contact Name and Title: Ken Dorward, Chairman-Shade Tree Commission

Phone #: 732.842.4349

Fax # and E-mail: 732.747.6962, kdorward@gmail.com

Organization Name: Fair Haven Shade Tree Commission

Mayor/County Freeholder's Signature:

Date of Management Plan Submission:

March, 2015

Time Period Covered in Management Plan: 2015-2019

Community Stewardship  
Incentive Program (CSIP)  
Practices Identified in  
Management Plan

- ☐ CSIP #1 Training
- ☐ CSIP #2 Community Forestry Ordinance Establishment
- ☐ CSIP #3 Public Education and Awareness
- ☐ CSIP #4 Arbor Day
- ☐ CSIP #5 Tree Inventory
- ☐ CSIP #6 Hazard Tree Assessment
- ☐ CSIP #7 Storm Damage Assessment
- ☐ CSIP #8 Tree Maintenance and Removals
- ☐ CSIP #9 Insect and Disease Management
- ☐ CSIP #10 Wildfire Protection
- ☐ CSIP #11 Tree Planting
- ☐ CSIP #12 Tree Recycling
- ☐ CSIP #13 Sidewalk Maintenance Problem
- ☐ CSIP #14 Stormwater Management
- ☐ 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 \_\_\_\_\_

State Forester

Approved date \_\_\_\_\_

## **INTRODUCTION**

Trees are of incalculable value to human society and to the global environment as a whole. Trees and the eco-systems they support, purify, and cool the air that we breathe, buffer us from noise and visual unsightliness; being in their presence soothes our souls and inspires our minds. As our suburban populations continue to expand and our natural spaces are placed under increasing pressure, each tree takes on a new meaning and importance within our communities. The wooded creek, the street trees that dapple our sidewalks with light, the majestic tree climbed by the neighborhood children is now a vital living feature of our community. Sadly, all too often these trees are taken for granted. It is only their decline through poor health, the fact that they pose a potential hazard after storm damage or are growing in a location where the tree is perceived as a nuisance, that the community gives them any consideration.

The Borough of Fair Haven's 2015-2019 Community Forest Management Plan (CFMP) is intended to address the complex issues related to the protection of our municipality's urban forest canopy with a range of goals. These goals, which will be achieved by our volunteers through the completion of specific, realistic and measurable objectives, are across the range of Community Stewardship Incentive Program practices. Our third five-year plan will continue to be focused on education and tree awareness but with a stronger environmental and arboreal science perspective. In addition, we will focus greater attention on the preservation and replenishment of our existing tree canopy.

### **A. MISSION STATEMENT**

"Fair Haven trees are an important resource for all of our residents. The trees' presence is aesthetically pleasing, is beneficial to our physical and mental health, adds value to our properties, and supports the overall wellbeing of the varied ecosystems which surround our borough. It is our mission to preserve, protect and expand this urban forest in order that these benefits will still be available to future generations. To this end, we will develop a healthy, safe and sustainable shade tree inventory in the public areas of our municipality. With a focus on the systematic protection of existing and new plantings, we will work to maximize the environmental and socio-economic benefits of our community trees while minimizing the cost and liability associated with poor quality inventory."

### **B. GOALS AND OBJECTIVES**

Fair Haven has undergone a complete replacement of the Borough Shade Tree Commission since the previous plan was approved. This plan reflects the goals and objectives of the Borough of Fair Haven and the sitting Shade Tree Commission (STC). The STC has thoroughly reviewed the past plan and examined the needs of the borough in 2015 and has selected goals and objectives that are reasonable, obtainable and necessary to improve the public tree resource in the Borough.



1. Plant new shade trees each year as budget permits, with a preferred size of 2-2.5" caliper. Smaller trees (bare root) will be used if necessary to obtain the species and diversity needed to plant the right tree in the right spot.
2. Establish a better tree risk assessment protocol using an initial windshield survey.
3. Increase the level of core certified personnel. Complete CORE and CEU training for each member of the Shade Tree Commission during the 5-year management plan.
4. Maintain good professional relationship with Monmouth County Shade Tree Commission and New Jersey Shade Tree Federation. Maintain good professional relationship with certified tree experts for technical guidance throughout this 5-year plan.
6. Assist municipality's executive, administrative/operational professionals and volunteer boards in the formulation and implementation of programs designed to promote the urban tree canopy within the borough
7. Seek increased funding though municipal budget increase, grant and Community Appeal funding. Seek to reduce or mitigate the cost of tree related services to the Commission.
8. Organize annual Arbor Day program and a broad variety of school, scouting, library member and youth environmental/gardening group educational events and workshops
9. Maintain Tree City USA status and Growth Award status
10. Ensure coverage of the Commission's planting program/educational activities in local media at municipal and local community level. Provide Commission program and educational materials through municipal media and related distribution channels.
11. Develop a decision matrix and request form for tree work requests.
12. Complete a street tree inventory of vacancies located throughout the Borough. The Borough wishes to work towards a 50% tree canopy by the end of this 5-year plan.
13. Develop a plan to remove invasive species from the Borough's natural areas.

14. Develop Shade Tree policies to fill in the gaps of the Borough's shade tree ordinances.



Fair Haven is nestled on the South Side of the Navesink River and is an ideal location for trees to grow.

*Ken Dorward*  
Chairman, Shade Tree Commission



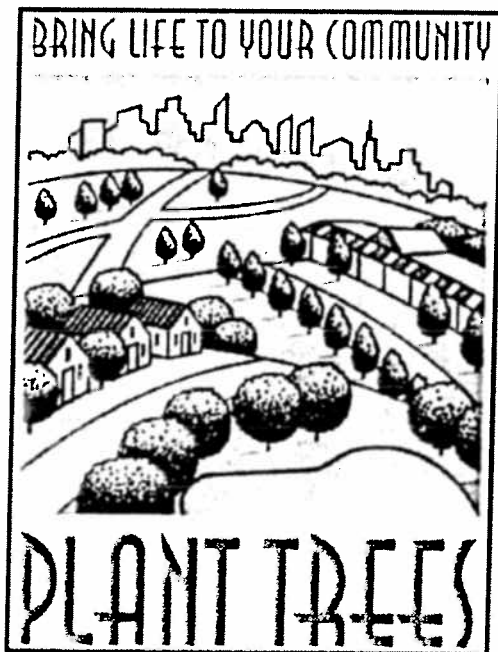
## LIABILITY STATEMENT

The trees that shade Fair Haven's streets and parks are an asset to the community, yet over time they inevitably require routine care and maintenance. In due course each tree will need to be replaced. These care and maintenance activities as well as planting 'the right tree in the right place' ensure that the trees not only contribute to the environmental and economic vitality of the borough but are managed to reduce potential risk to public safety.

Our fourth CFMP represents an ever increasing pro-activeness to the management of our trees. As our inventory and hazard assessment becomes more systematic and wide-reaching, it ensures that our Shade Tree Commission can take corrective action prior to structural tree failure and address a wide range of tree related issues. Meeting the goals of the plan will demonstrate that Fair Haven is devoting reasonable levels of resources, in a manner that is calculated to further reduce the number of tree related accidents. Increasing the public safety in this manner will directly reduce the municipality's liability.

The Borough of Fair Haven acknowledges that not all hazards can be predicted and that dangerous situations may occur without our knowledge. It is for this reason that we will become more proactive in our approach to planting, pruning and risk assessment so as to systematically obtain a healthy community forest. By implementing this CFMP, the Borough of Fair Haven will continue to prove its commitment to public safety and risk reduction.

## COMMUNITY OVERVIEW



We are pleased with the tremendous progress made over the last five years towards the protection of Fair Haven's urban forest. At the time of preparing our current CFMP, the condition of our municipality's park and street trees reflected the negative factors that had impacted most of the Jersey Shore's shade tree canopy: an aging tree population, extended periods of benign neglect, and a series of severe storms combined with overall changes in climatic conditions. Our budget funding was an ever smaller percentage of overall municipal expenditure. In addition, these limited financial resources had been strained by the rising cost of professional arboreal services. The selection of tree removal, maintenance, planting and educational projects had been largely dictated by a combination of public safety necessity, sound community relations, and the limited availability of external competitive grant funding. We had certainly been unable to embark upon medium to long term revitalization plans for either the trees in the streets or public spaces under our control. In marked contrast, over the last five years the tree inventory has been steadily revitalized with a succession of streetscape plantings and a proactive approach to pruning and hazard tree identification. In addition, our park trees are the subject of professional assessment and the first phases of long-term restoration are underway.





## History of the Fair Haven Shade Tree Commission

The first meeting of the Fair Haven STF was held on January 15, 1987 and over the years the mission has remained the same, to plant and maintain (prune/remove) the shade and ornamental trees within the Borough ROW and care for trees in the the public places including the parks. The Borough does not remove healthy trees even when requested by a resident.

The STC's budget has steadily increased from approximately \$3,500 in 1987 to \$9,040 in 2011 and has benefitted from annual funding from Fair Haven Community Appeal. The STC also received an anonymous donation of \$100,000 during the Joseph Szostak Administration. This one time donation has helped to supplement STC funds every year.

These funds benefitted the Borough in the summer of 2011 where the Borough had numerous old trees pruned or removed older trees on the perimeter of Sportman's Field in the summer when the field was mostly inactive due to the kids being out of school. These trees were then replaced by a native tree planting in the Fall of 2011.

The Borough's 2014 budget for the Shade Tree Commission is \$4,400.00 (see budget Table page 15). For all tree related work including brush, leaf removal and tree work the total is \$183,736.25

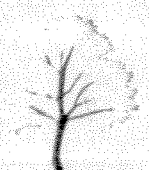
Fair Haven Borough completed the first CFMP in 2000. That plan linked the Borough to the Statewide Community Forestry Program and was instrumental in building the capacity of the Fair Haven Shade Tree program. Fair Haven Borough is currently working on the fourth iteration of that first CFMP. In the past 10 years Fair Haven Borough has received more than \$100K in Grant funds.

**McCarter Park:** CSIP grant funding was used to maintain the existing trees in the Park and supplement the existing trees with additional plantings. The result was risk reduction and increased tree canopy. In the Park.

**Street Tree Plantings:** The STC divided the Borough into zones and members routinely traverse these zones to identify maintenance and planting needs. This effort in the past has resulting in planting projects that increased the tree cover by 70 trees.

**Fair Haven Fields Natural Area:** The Fair Haven Fields Natural Area Advisory Committee approached the Shade Tree Commission in hopes of obtaining funding to have a forester do an assessment of the Fields Natural Area with a 5-year work plan for improvements. A consultant was hired and the assessment completed. As a result of the assessment, a grant was obtained for installing deer protection fencing around a proposed tree growing nursery location within the Natural Area. These trees will be maintained within the fenced area until they are above deer browse height and can be transplanted throughout the park.

In 2000 Fair Haven Borough became a Tree City USA and have continued to obtain the Tree City Growth Awards award since then.





## **PAST, PRESENT AND FUTURE**

The Shade Tree Commission has undergone significant changes since the completion of the last plan. There was a re-structuring and a three year hiatus where the Borough appointed an entirely new Commission to manage the Borough's resource. The board has been learning quickly and has attended the NJ Shade Tree Federation meetings in Cherry Hill.

This CFMP has been a benefit as it has allowed Fair Haven to identify the challenges faced by our municipality in connection with its tree resources in a more effective manner. We have been able to respond to new funding opportunities as they arose, with the plan as a framework to our endeavors--Funding which was essential to undertake maintenance and planting projects of critical importance to the health of Fair Haven's arboreal canopy. The existence of a practical, results driven plan has fostered support from the municipality's executive and administration, particularly with regard to the introduction of a tree protection ordinance.

The existence of our CFMP has been particularly valuable as the last five years have been a period of considerable change in terms of both municipal personnel and our own membership. The fact that the CFMP was in place meant that we were actually able to stay on track rather than simply lose our momentum.

The Municipal Master Plan of Fair Haven was written in 1991 and does not include any language regarding Community Forestry. The Re-examination Report was completed in 2005 and also did not include mention of the Community Forestry Management Plan in the recommendations included in that Report. The Conservation Element of the existing Master Plan when re-examined next can easily include language to incorporate the CFMP. It is a goal of this STC to integrate this CFMP with the Borough's Environmental Resource Inventory (ERI) and the next Borough Master Plan.

## **COMMUNITY FORESTRY PROGRAM ADMINISTRATION**

The Fair Haven Shade Tree Commission is responsible for managing the community's inventory of municipal shade trees. The Commission is established by both municipal ordinance and state law under Borough Ordinance B-26 in June, 1964 as set out in attachment A. The Commission consists of seven members, who are appointed by the Borough Council for five-year terms, on a rotating basis. At the first Shade Tree Commission meeting of each year, members elect a Chairperson. In addition, members agree to undertake particular aspects of the commission's plans for that year, such as tree removals and maintenance, replanting, public education and publicity.

The management of Fair Haven's tree resource also includes the Mayor, Borough Council, Business Administrator and the Department of Public Works (DPW), local utility providers, community groups and individual residents. The working relationship between these groups and the Commission is shown in Figure 1 page 9.

The Borough Council is the municipality's legislative branch and holds responsibility for the overall management of Fair Haven including but not limited to fiscal accountability, operating policies and procedures and personnel management. The day to day management of the municipality is in the hands of the Borough Administrator, Municipal Clerk and other municipal employees.

The Borough Attorney is responsible for all legal matters related to the municipality including the drafting of ordinances related to the municipality's shade trees.



The Department of Public Works under the leadership of its Director is responsible for managing the day-to-day operations of the Borough. Reporting directly to the Borough Administrator, he manages the activities of a team who handle tree maintenance activities in support of the Commission.

The Department of Park and Recreation under the leadership of its Director is responsible for a range of programs that take place primarily at the municipality's facilities including parks.

The Planning Board and Board of Adjustments is responsible for the application of the municipal land use code. In considering an application, either board can seek the recommendation of the Shade Tree Commission with regard to the removal of trees on the site scheduled for development.

The Borough Engineer is responsible for all municipal construction projects including the incorporation of new shade tree plantings, engineering policies and procedures and ordinance compliance.

The Environmental Commission, established by both municipal ordinance and state law, serves as an environmental advisor to the municipal administration.

The Borough of Fair Haven's electricity service is provided by the public utility company, JCP&L. It is understood that it is the utility company's responsibility to provide safe and uninterrupted service to the municipality and that action must be taken to minimize conflicts between trees and utility service. However, it is also their responsibility to ensure that such work does not damage Borough trees. Public utilities report to the Shade Tree Commission office while working on or around public trees and shall be responsible for:

- Keeping the Borough informed as to their work plans and schedules within the Borough as a whole.
- Exercising reasonable diligence in the installation and maintenance of its facilities so as to avoid damage to public trees.
- Obtaining the prior approval of the Shade Tree Commission before any borough tree is removed.
- Ensuring that all current and accepted arboricultural standards and practices are followed by those individuals carrying out the tree work.
- Assisting the Shade Tree Commission and/or contractors working for the Borough in completing tree removal and maintenance work around their facilities.

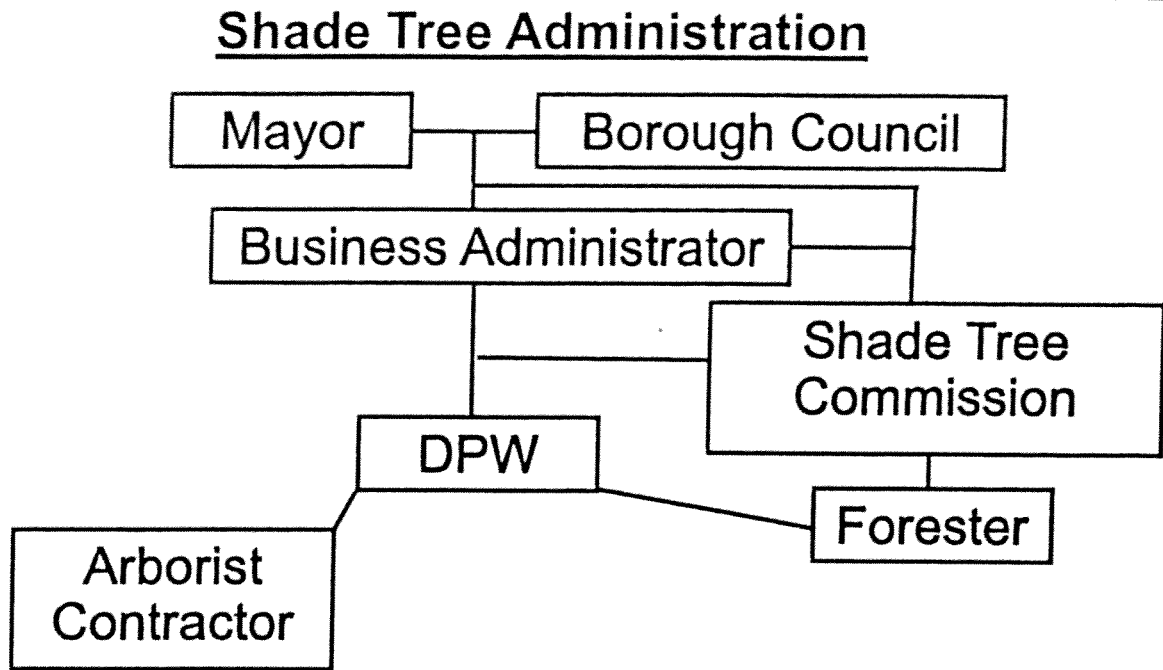
<https://www.firstenergycorp.com/content/dam/customer/get-help/files/trees/veg-mgmt-brochure-0513.pdf>

The Shade Tree Commission works with several **Fair Haven community groups** including but not limited to Parks and Recreation Committee and the Fair Haven Fields Advisory Committee in maintaining our urban forest.

The Shade Tree Commission works with **Fair Haven residents** in the maintenance of trees located on their property but within the Borough's right of way. It also partners with residents and businesses to plant new trees within a limited distance beyond that same right of way.



(Figure 1



#### **IMPROVEMENTS TO PROGRAM ADMINISTRATION**

We will continue the close dialogue with our Borough Administrator with regard to the upcoming plans encompassed in this new five-year plan. We will continue to liaise with the Mayor and Council on an as needed basis, as their preference is to receive updates from the Borough Administrator. Further, we will present Mayor and Council with a copy of the CFMP 2015-2019 as well as copies of our annual reports.



## Processing and Response to Service Requests

The Commission normally receives residents' tree maintenance requests or ownership queries as referrals from the Borough Administrator's Office. The request might also come in the form of correspondence sent directly to Mayor or Borough Council.

Requests are dealt with in a four-step process with responsibility to follow-up remaining with the Commissioner who originally received the request:

- Return phone call made to resident to discuss situation regarding their tree
- Visit undertaken to observe the tree and any other relevant conditions at the site
- Problem discussed with Commission as a whole and resolution determined. This is generally a consensus process with general discussion and vote on the maintenance list as a whole
- Resident is informed of the result and action taken such as the tree being added to seasonal list of pending maintenance projects.

Where questions about tree disease and maintenance techniques are beyond our expertise, we work with a certified tree expert to resolve the matter.

The Commission normally receives requests to undertake tree planting in parks and public areas by residents making a telephone call to a Commissioner.

Requests are dealt with in a four-step process with responsibility to follow-up remaining with the Commissioner who originally received the request.

- Return phone call made to resident to discuss their request
- Visit undertaken to site to observe the site
- Proposed planting discussed with Commission as a whole and resolution determined. This is generally a consensus process with general discussion and vote on the planting list as a whole
- Resident is informed of the result and action taken such as the tree being added to seasonal planting list

Requests from the Borough Administrator concerning maintenance requests or tree planting on public streets are normally received by the Commission Chair, in person.

On a regular basis, the Commission is asked to review the site plans for applications pending before the Planning Board with regard to proposed tree removals and new plantings. We make recommendations to the Board's Engineer and discuss our recommendations with the applicant and the landscape engineer, where appropriate. The final decision on the planting plan is taken by the Planning Board.

The Commission works within an annual budget approved by the Borough Council. The majority of work is contracted to local tree nurseries or tree maintenance specialists. Some light work is accomplished, where appropriate, by volunteers or by The Department of Public Works employees.

The STC identifies "at risk" in a windshield survey by the Borough Forester as well as information provided by residents. These trees are then put on a schedule for removal pursuant to the Borough's budget to remove those trees.



Fair Haven Borough Aerial Photo

Fair Haven Borough Of Construction Official

Fair Haven

Google Earth

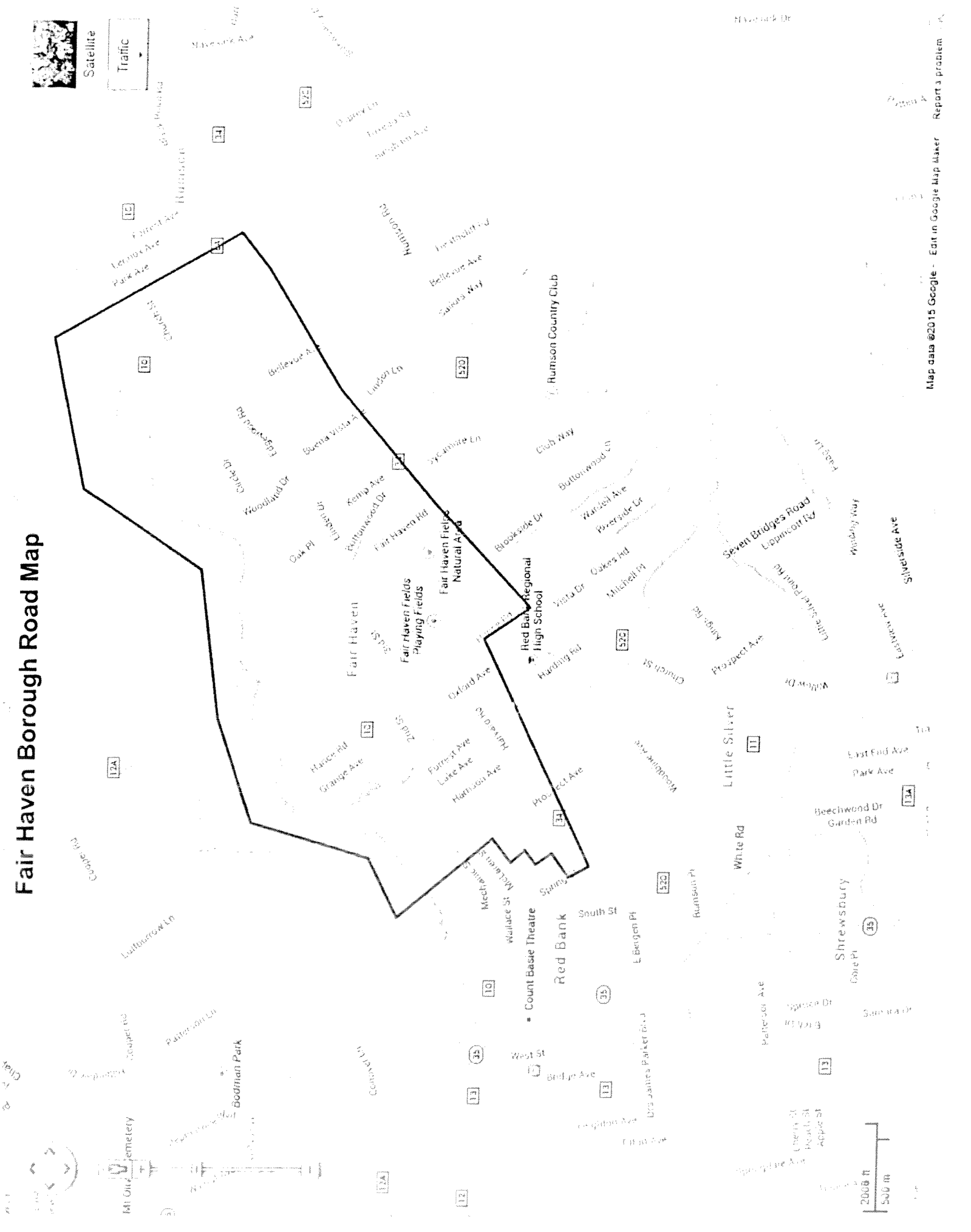


# Fair Haven Borough Road Map



Satellite

Traffic





## TRAINING PROGRAM

Over the next five years, the Commission will maintain its level of CORE certified personnel and the minimum of eight Continuing Education Units (CEU's) per year by a minimum of two people in order to maintain approved training status. The preferred content of training subjects will include tree identification, proper tree selection, hazard tree identification and maintenance including disease control, pruning and tree removal.

## PUBLIC EDUCATION, AWARENESS and OUTREACH

The Commission prides itself on the creative and educational nature of our Arbor Day celebration as well as the public outreach activities it organizes throughout the year. The following events and programs each took place over the last five years:

- Arbor Day Celebration
- Earth Day
- Fair Haven Day

The Commission regularly publishes articles in the borough's *Focus on Fair Haven* newsletter to publicize outreach programs, update residents on the progress of significant projects and provide season specific tree maintenance advice and education of the value of trees to our community.

Fair Haven Borough has actively engaged in tree planting activities. The Borough attempts to stimulate public interest in these activities via press releases with pictures and descriptions of the events.

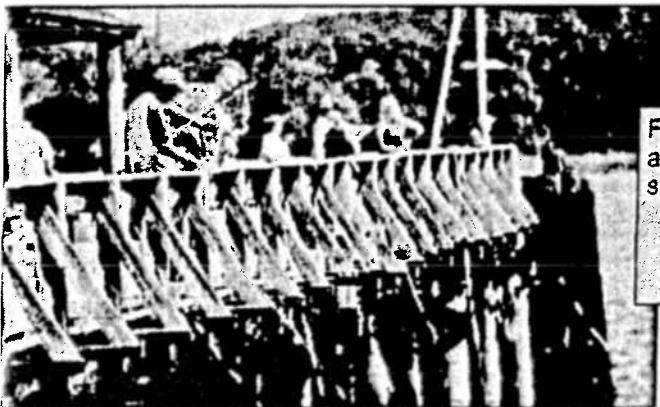
### Goals

Implement a public education awareness program in order to:

1. Encourage public participation in protecting public trees.
2. Encourage proper tree care on private property to benefit the entire community.

### 2015-2019 Objectives

1. Achieve Tree City USA status for the years 2015-2019.
2. Create Arbor Day program for Borough Elementary Schools.



Fair Haven Borough has the responsibility as Stewards to manage not only a healthy forest but a healthy salt water eco-system in the Navesink River.

*Ralph Wyndrum*  
Fair Haven Shade Tree Commission



## FAIR HAVEN SHADE TREE COMMISSION TREE BUDGET

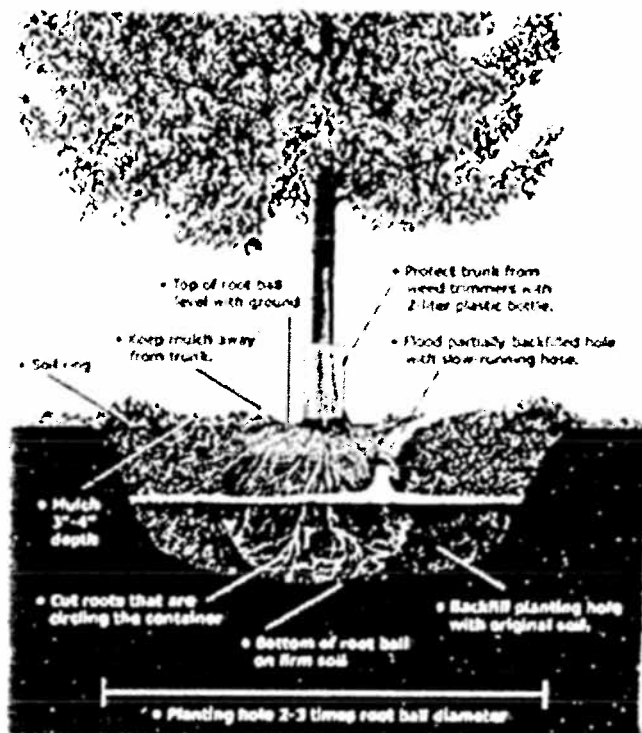
The Shade Tree Commission receives an annual budget that has historically been in the range of \$8,800.00 over the past several years. Additional resources are contributed from the Department of Public Works and the volunteer efforts of the Commission members. For the year 2014, the municipal shade tree budget was \$8,960.00 with an additional allocation of \$1,370.00 from the Fair Haven Community Appeal bringing the commission total to \$10,330.00.

Our 2014 actual budget has four items: \$160 for membership in statewide shade tree organizations, \$100 for the purchase of public information materials, \$200 for training and conferences and \$8,500 for tree plantings and removals.

Our goal is to split the budget about 50% - 50% between plantings and maintenance. All heavy work is contracted out to local small businesses. The Department of Public Works has been very supportive in sidewalk related conflicts and clean up work. The Commission's work is to address the long term planning needs. Emergency work, such as storm damage work, requiring immediate attention, is handled through the DPW.

We project annual municipal funding and in-kind hours similar to those presented below, realizing that our detailed budget varies from year to year depending on immediate needs. The in-kind hours component is based on actual 2009 results.

### Plant Your Tree Properly



Fair Haven plans to increase the Borough's canopy cover to 50% in this 5-year planning cycle. That will require planting 40 trees/year over the next 5 years.

**Ken Dorward**  
Chairman, Shade Tree Commission



## Borough of Fair Haven Tree-Related Budget for 2014

### 2014 TREE-RELATED EXPENDITURES

<u>Date</u>	<u>G/L Account</u>	<u>Description</u>	<u>Vendor</u>	<u>Transaction Amt.</u>
	<b><u>Escrow 20 Gillespie</u></b>	<b><u>Permits—Escrow</u></b>		
2/10/2014	T-03-56-854-004	Professional Tree Expert Services	William E. Brooks	\$1,050.00
12/15/2014	T-03-56-854-004	Tree Work - Gillespie	William E. Brooks	\$525.00
	<b><u>Rumson ILSA</u></b>			
5/27/2014	4-01-43-492-204	Brush/Grinding/Disposal	Atlantic Tree	\$29,050.00
6/30/2014	4-01-43-492-204	Brush/Grinding/Disposal	Atlantic Tree	\$32,375.00
12/15/2014	4-01-43-492-204	Brush/Grinding/Disposal	Atlantic Tree	\$23,968.88
	<b><u>Recycling Veg Waste</u></b>			
5/27/2014	4-01-26-307-279	Brush/Grinding/Disposal	Atlantic Tree	\$30,187.50
9/3/2014	4-01-26-307-279	Leaf Composting Service	Overbrook Farm	\$5,649.00
9/22/2014	4-01-26-307-279	Brush Grinding	Atlantic Tree	\$31,500.00
12/15/2014	4-01-26-307-279	Brush Grinding/Disposal	Atlantic Tree	\$2,456.12
12/15/2014	4-01-26-307-279	Leaf Composting Service	Overbrook Farm	\$4,851.00
	<b><u>Shade Tree Commission</u></b>			
3/11/2014	4-01-26-300-216	2014 Membership Dues	NJ-STF	\$95.00
6/12/2014	4-01-26-300-216	2014 Membership Dues	NADF	\$60.00
6/12/2014	4-01-26-300-270	Municipal Shade Tree Mgt	Ken Dorward	\$245.00
		<b><u>Tree Permit Application Work</u></b>		
3/26/2014	4-01-26-300-299	Tree Permit Review	William E. Brooks	\$881.25
10/14/2014	4-01-26-300-299	Tree Permit Review	William E. Brooks	\$2,718.75
12/15/2014	4-01-26-300-299	Tree Permit Review	William E. Brooks	\$400.00
	<b><u>Shade Tree Trust</u></b>			
2/28/2014	T-03-56-858-014	Memorial Park Tree Removal	Becker's Tree	\$1,500.00
5/9/2014	T-03-56-858-014	Memorial Park Tree Removal	Becker's Tree	\$1,000.00
6/12/2014	T-03-56-858-014	Lake Avenue Tree Removal	Becker's Tree	\$600.00
7/9/2014	T-03-56-858-014	Borough Tree Work	Becker's Tree	\$1,300.00
8/20/2014	T-03-56-858-014	Borough Tree Work	Becker's Tree	\$7,700.00
11/12/2014	T-03-56-858-014	Prep of 5 year Comm Forestry Plan	William Brash, Jr.	\$3,000.00
12/15/2014	T-03-56-858-014	Tree Permit Review	William Brash, Jr.	\$2,018.75
12/15/2014	T-03-56-858-014	Hazardous Tree ID Class	Rutgers University	\$245.00
	<b><u>Parks - Natural Area</u></b>			
5/9/2014	4-01-28-375-225	Herbicide Application for Invasives	Borough of Rumson	\$120.00
6/30/2014	4-01-28-375-225	Herbicide Application for Invasives	Borough of Rumson	\$240.00
<b><u>TOTAL:</u></b>				\$183,736.25



Note that this is a comprehensive budget that covers everything tree related in the Borough of Fair Haven. Volunteer hours for the Shade Tree Commission are broken out and include regular monthly meetings, training and special events.

### **Outside Contractors**

Contractors should have sufficient knowledge and training and certification to ensure that the work done on and around Borough trees is completed to all ANSI and OSHA standards and practices are performed in a safe and professional manner. Evidence of training and certifications should be provided to the Shade Tree Superintendent prior to commencing work.

## **STATEMENT OF PLAN IMPLEMENTATION**

The following sections outline the specific tasks within each aspect of the Shade Tree Management Program that are necessary for achieving the goals and objectives of this plan within the desired time frame.

Short-term objectives and tasks are provided for the initial five-year management period 2014-2018. Each year accomplishments of the previous year will be evaluated and tasks for the following year will be adjusted, as necessary, to maintain progress toward the overall goals and objectives.

At the end of each five-year management period, new short-term objectives and work tasks will be formulated for subsequent five-year periods.

### **Tree Inventory and Assessment**

Fair Haven has recently completed a windshield survey for hazard trees and identified those trees that pose the greatest risk to residents of the Borough. These trees are being systematically removed as the budget allows. There is no current inventory of the street trees for Fair Haven Borough but the Borough would like to complete an inventory to acquire a snapshot of their resource.

The Borough would like to seek a grant to inventory their tree planting "vacancies" and determine where they need trees planted.

If CSIP funding is available they would pursue a community wide inventory either full or random to provide the snapshot they could use for planning purposes.



## AMENDMENTS TO THIS COMMUNITY FORESTRY MANAGEMENT PLAN

This plan is based on objectives, knowledge and conditions that were valid at the time of development. However the Borough recognizes those conditions and needs may change over time and those portions of this plan may become outdated. Therefore this plan may be amended using the following procedures.

1. Community Forestry Management Plan amendments shall be coordinated by the Shade Tree Advisory Board.
2. Amendments may be requested by any of the participating groups within the Shade Tree Management Program.
3. If the Shade Tree Advisory Board finds by majority vote that the requested changes are justified or necessary changes will be drafted accordingly.
4. The revised and/or updated Community Forestry Management Plan shall be submitted to the New Jersey Community Forestry Council for approval in accordance with the New Jersey Shade Tree and Community Forestry Assistance Act.

## TREE RISK ASSESSMENT

### Goals

The goals of the Tree Risk Assessment program are to ensure public safety.

### Existing Programs

The Borough currently has a formal systematic program for performing tree risk assessment that is being evaluated to improve the program. Risk conditions are reported by:

1. Service requests from residents.
2. Public works employees noticing a problem tree during their normal work activities.
3. Identified tree risks are prioritized and responded to by the contractor selected for the job or by the Borough tree crew.
4. Windshield survey conducted by the Borough Forester.

### 2015-2019 Objectives

1. *Tree risk assessment training (2015)*
  - ♦ Train the responsible decision-makers to further advance their abilities to recognize and evaluate potential tree hazards using the latest information and techniques.
2. *Tree risk assessment, abatement and record keeping (2016)*
  - ♦ Develop and improve procedures for prioritizing and scheduling tree inspections, service requests and work for hazard tree reduction.
3. *Tree risk abatement work (2015-2019)*
  - ♦ Seek CSIP funding to complete high and medium priority tree risk reductions.
4. *Five year evaluation*
  - ♦ At the end of the current 5-year management period, analyze the records work history etc.
  - ♦ Use the results to adjust pruning cycles and better target management techniques to reduce future risk.

### Stormwater Management

Currently Fair Haven Borough does not see stormwater management as a priority in the way it manages the community tree resource. This could change in the future.



## Wildfire Protection

Fair Haven Borough has been 90+% developed for decades and is bounded by the Navesink River. *Wildfire Risk* is considered low-moderate along with the Borough's *Fuel Hazard Rating*. Wildfire Protection is not determined to be a priority within Fair Haven Borough at this time.

## Sidewalk Maintenance

Sidewalk maintenance is a concern for the Fair Haven STC however it is not a priority at this time. Sidewalk is the responsibility of the homeowners pursuant to the Borough Ordinance

## TREE PLANTING

### Overview

Fair Haven Borough is actively involved in planting trees. Although there is no set program for tree plantings, outside entities are often contracted to plant trees within the Borough. Planting the right tree in the right location is a priority within the Borough, and the Borough Engineer is responsible for ensuring the contractor plants the correct tree according to the development plans.

Funding for tree planting within the Borough comes from a variety of sources including grants and the "Tree Replacement Fund". The Tree Replacement Fund is made up of monies paid by developers to compensate for the cost of replacing trees lost due to development. Pursuant to the Borough Ordinance:

### Tree Replacement on Development Properties:

1. Is a condition of any activity regulated under this tree preservation section, a mitigation plan must be submitted which will provide for the replacement of all removed trees under the following schedule:
  - (a) For trees removed twenty-four (24) inches DBH or less, the replacement trees planted must be a minimum of two and one-half (2 1/2) inches DB
  - (b) For trees removed greater than twenty-four (24) inches DBH, the replacement trees planted must be a minimum of four (4) inches DBH.

### Goals

The goals of the tree-planting program are as follows:

1. Achieve the goal of ensuring that for every available planting location there will be a suitable tree planted.
2. Improve species diversity.
3. Minimize future maintenance requirements.
4. Improve aesthetic appeal, seasonal variation and physical benefits to adjacent properties and the Borough overall.
5. Increase the dollar amount paid to the Borough by developers for the Tree Replacement Fund, to more accurately reflect the current costs of planting a 2.5-3" caliper tree.

### Existing Programs, Policies and Procedures

1. Planting sites are identified by the Department of Public Works.
2. A Landscape Architect or Borough Forester consulting for Fair Haven Borough approves the species selected for all new developments.
3. Existing soil and growing conditions are determined prior to species selection.
4. Contract or in-house personnel accomplish tree plantings.





## 2015-2019 Objectives

1. *Develop a list of the Right Tree for the Right Location* Utilizing the aforementioned publications and others the new Shade Tree Advisory Board will prepare a list of suitable trees for planting in a variety of locations.
  - ♦ Trees for variable width planting sites will be developed.
  - ♦ Trees suitable for planting within utility rights-of-way will be developed.
  - ♦ Trees with reduced maintenance requirements that also fulfill the other planting site restrictions will be favored.
2. Trees meeting the right tree for the right location criteria only will be selected for planting.
3. Complete a successful tree planting proposal for the Borough by utilizing the Community Forest Council's CSIP grant program. (2015-2019)

## TREE MAINTENANCE

### Overview

Currently, the Borough has a young tree maintenance program. Pruning is often performed by Public Works Department which concentrates on elevating and pruning trees when they are young to prevent more costly pruning problems in the future.

Fair Haven Borough recognizes the advantage of a systematic, proactive tree maintenance program. It has been well documented that systematic tree maintenance reduces future maintenance needs, reduces future hazards, improves the trees' condition and appearance, and can extend the tree's lifespan.

This portion of the management plan outlines the systematic, routine maintenance program for Borough managed trees. The systematic process begins before the trees are planted. By developing a "Right tree for the right location" program many of the common tree conflicts may be reduced or eliminated, thereby reducing future maintenance costs and burdens. Early pruning cycles when implemented can reduce hazard conditions and costly mature tree pruning. Continued maintenance as the trees mature will extend their service life, increase their benefits in relation to costs, and reduce hazard potential.



Some of the developments have trees planted between curb and sidewalk with species selection that results in sidewalk heaving. Smaller species selection where appropriate will reduce these impacts.



## Goals

The goals of the tree maintenance program are to:

- Maintain public safety.
- Improve the long-term health of the Borough's tree resource by timely identification of any disease or insect infestation.
- Maximize the benefits of urban trees while minimizing the costs to maintain safe and healthy trees.
- Improve the efficiency of tree maintenance activities by prioritizing and implementing an early age pruning cycle.

## Existing Programs, Policies and Procedures

The Borough Public Works Crew, contracted services and an inter-local agreement with Rumson for more complicated work is the established plan for completing tree work within the Borough.

## Goals

The goals of the tree risk assessment are as follows:

1. To ensure that the Borough is prepared to respond to emergencies and disasters resulting from tree incidents and assist other departments in a prompt and effective manner.
2. Minimize tree-related damage from storms and other emergencies via technically sound and responsible tree planting, preventative maintenance and hazard identification and abatement.

## Existing Programs, Policies and Procedures

1. The Borough recognizes the uprooting and damage to trees during severe storm events as one of the foreseeable risks to its residents and tree resource.
2. The Borough currently does not have a detailed Disaster Plan at this time. Procedures for reporting tree hazards are established by the STC and completed on a periodic basis by the Borough Forester.

## 2015-2019 Objectives

1. Reduce the number of potential hazard trees through careful species selection and periodic hazard tree surveys.
2. Reduce the potential tree hazard by instituting early cost effective pruning cycles.
3. Investigate and if feasible establish a formal agreement with neighboring municipalities for mutual assistance during emergencies.
4. Trees pruned and removed are chipped and recycled by the contractors or the Borough through the brush/leaf program.



Species selection to reduce sidewalk heaving will reduce these types of conflicts.

*Ken Dorword  
Chairman, Borough Shade Tree Commission*



## Fair Haven Borough Tree Canopy Cover:

Fair Haven Borough currently has a tree canopy of 45.5% and has a desire to increase the tree canopy to 50% within the Borough's public areas. This will require a planting of 40 trees per year on public land in pursuit of that goal. These 40 trees planted per year over the five years of this management plan will increase the number of trees owned by Fair Haven Borough on their public lands by 200 and meet the 50% tree canopy goal.

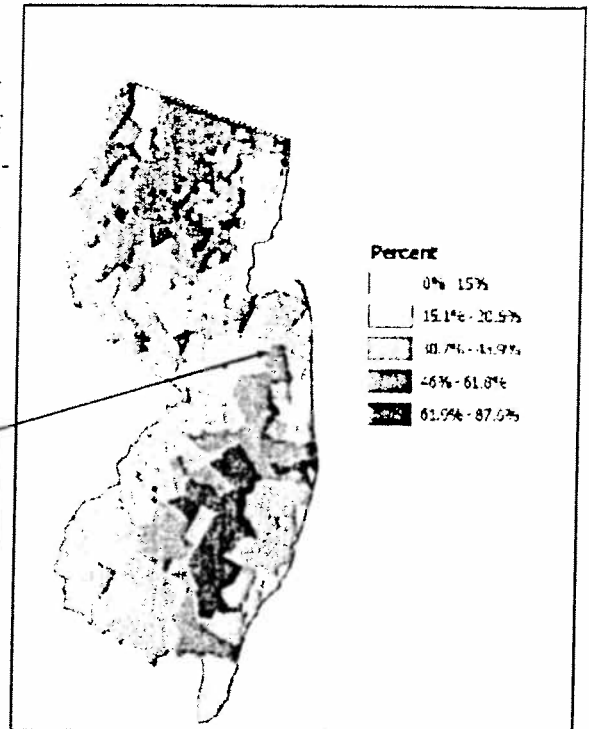
2033 (Existing Tree Population) = approximately 45.5% tree canopy Goal.

$$\frac{45.5\%}{2033 \text{ trees}} \times \frac{50\%}{2234 \text{ trees}}$$

2234 trees equals 50% tree canopy cover.

201 trees planted in the next 5-years gets Fair Haven Borough to 50% canopy cover.

Fair Haven Borough  
Tree Canopy Cover  
45.5%



Fair Haven Borough has room to  
plant additional trees on their  
public lands.



## COMMUNITY STEWARDSHIP INCENTIVE PROGRAM

The following is a summary of how each of the thirteen Community Stewardship Incentive Program (CSIP) practices is addressed by this Community Forestry Management Plan.

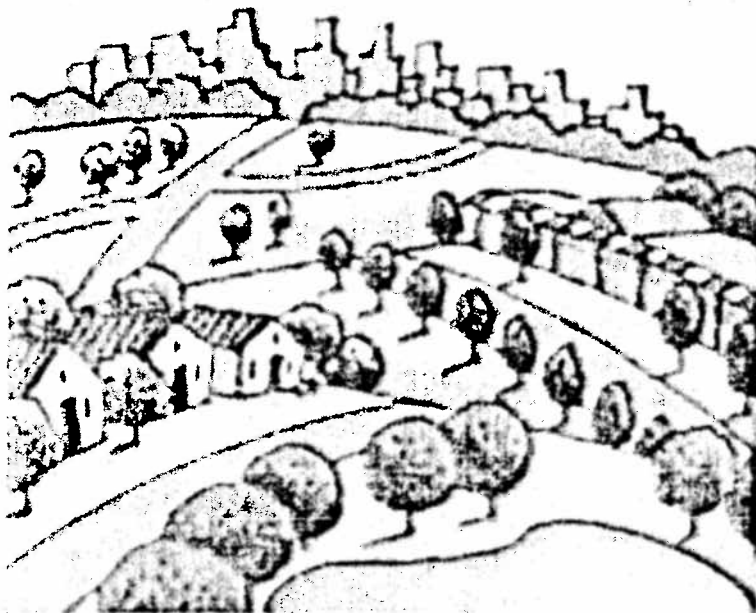
- CSIP #1: Training**  
This practice is addressed on page 14.
- CSIP #2: Ordinance Establishment**  
This practice is addressed in Goals on page 5 and pages 26-31.
- CSIP #3: Public Education and Awareness**  
This practice is addressed in Goals on page 5 and page 14.
- CSIP #4: Arbor Day**  
This practice is addressed in Goals on page 5 and page 14.
- CSIP #5: Tree Inventory**  
This practice is addressed on page 17.
- CSIP #6: Hazard Tree Assessment**  
This practice is addressed on pages 17-19.
- CSIP #7: Storm Damage Assessment**  
This practice is addressed in Goals page 5 and page 17.
- CSIP #8: Tree Maintenance and Removals**  
This practice is addressed on pages 20, 21.
- CSIP #9: Insect and Disease Management**  
This practice is addressed on page 21.
- CSIP #10: Wildfire Protection**  
This practice is addressed on page 19.
- CSIP #11: Tree Planting**  
This practice is addressed on page 19.
- CSIP #12: Tree Recycling**  
This practice is addressed on page 21.
- CSIP #13: Sidewalk Maintenance**  
This practice is addressed on page 19.
- CSIP #14: Stormwater Management**  
This practice is addressed on page 18.
- CSIP #15: Other**



## Appendix

1. Shade Tree Job Request Form
2. Borough Shade Tree Ordinance

# PLANT TREES



BRING LIFE TO YOUR COMMUNITY



**Appendix 1**  
**FAIR HAVEN BOROUGH**  
Tree Work Request Form

To be completed in this 5-year plan





## Fair Haven Borough Code: Appendix 2

### Chapter 14: Property Maintenance

#### 14-5 TREES.

##### 14-5.1 Tree Topping Restricted.

It shall be unlawful for any person or firm to top any street tree, park tree or other tree on public property. "Topping" is defined as the severe cutting back of limbs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this subsection at the determination of the Shade Tree Commission. (2002 Code § 2.48.080)

##### 14-5.2 Pruning Trees Required for Passage, Visibility; Street Lights.

Every owner of any tree or shrub overhanging any street or right-of-way shall prune the branches so that such branches shall not obstruct the view of any street intersection and shall not obstruct the light from any street lamp and so that there shall be a clear space of eight (8) feet above the surface of the street or sidewalk. The owners shall remove all dead, diseased, or dangerous trees or broken or decayed limbs which constitute a menace to the safety of the public. The Borough or Shade Tree Commission shall have the right, but not the obligation, to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight, visibility of any traffic control device or sign, or passage on a public street or sidewalk. (2002 Code § 2.48.090)

#### 14-8 TREE PRESERVATION.

a. Title. This section shall be known as and may be cited as the "Tree Preservation Regulations of the Borough of Fair Haven."

b. Purpose. The purpose of this section is to prevent clear cutting of trees on privately owned properties in the Borough, and to restrict the removal of other trees, thereby maintaining the beauty and character of the Borough of Fair Haven, preventing erosion, controlling action that will substantially change drainage patterns, and restricting any action that could create a hazard to persons or property.

The stream encroachment ordinances enforcing the Fair Haven Stormwater Plan take precedence over any live tree removal permitted by this section.

c. Definitions and Word Usage. For the purposes of this section, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Borough Tree shall mean any tree on Borough owned property or in Borough right-of-way.

Diameter at Breast Height (DBH) shall mean the diameter of a tree measured at breast height, which is approximately four and one-half (4.5) feet above the ground. The diameter of a multi-trunked tree shall be two-thirds (2/3) of the sum of the diameters of all trunks but not less than the diameter of the largest trunk. Diameter shall be calculated to be one-third (1/3) of the circumference for the purpose of this definition.

Emergency shall mean any unforeseen circumstances or occurrence, the existence of which constitutes a clear and immediate danger or hazard to person or property.

Mitigation Plan shall mean a plan prepared by a tree expert showing the planting of replacement trees on the property on which tree removal is taking place. The plan must conform to the provisions set forth in this section.

Ornamental Tree shall mean any living Dogwood, American Holly, and Native Laurel with an anticipated mature height of six (6) feet or more.

of the public agency controlling the right-of-way.

k. Violations and Penalties. Any person who violates the provisions of this section, shall be subject to the following penalties:



Permittee shall mean any person who has been issued a permit pursuant to the terms and conditions of this section and who is obligated to fulfill all the terms of this section.

Person shall mean any person, firm, partnership, association, corporation, company, or public or private organization of any kind other than those exempted from the provisions of this section.

Removal shall mean the actual removal of trees, or direct or indirect actions resulting in the effective removal of trees through damage or poison, or similar actions directly or indirectly resulting in the death of trees subject to the provisions of this section. Moving a tree to a different location on the same property does not constitute removal. Removal shall not include pruning for maintenance purposes.

Significant Specimen Trees shall mean any tree with a diameter at breast height (DBH) exceeding sixty (60%) percent of that of the largest similar tree listed in either the "Monmouth County's Largest Trees" prepared and annually updated by the Monmouth County Shade Tree Commission or "New Jersey's Big Trees" prepared and updated biannually by the Division of Parks & Forestry of the New Jersey Department of Environmental Protection.

Specimen Tree shall mean any tree or ornamental tree which is not a Significant Specimen Tree and which has a diameter at breast height (DBH) of ten (10) inches or more.

Tree shall mean any living deciduous or evergreen tree with a normally anticipated mature height of twenty (20) feet or greater (including, but not limited to: Norway, Red, Silver or Sugar Maple, Sweetgum, London Plane, American Sycamore, White, Red or Pin Oak, American Elm, Yellow or White Poplar, Copper Beech, Cedar, Spruce, Pine, Fire or Hemlock).

Tree Expert shall mean a forester, arborist, certified tree expert or landscape architect properly licensed or certified with the State of New Jersey.

d. Tree Removal Permit Required. Unless excepted under paragraph j. below, no person shall engage in, nor allow, permit or direct any person to remove the following without first obtaining a Tree Removal Permit:

1. Any trees which have a diameter of ten (10) inches or larger at DBH;
2. Any Borough tree; or
3. Clear cutting areas more than twenty (20%) percent of the total trees on a lot or on slopes steeper than fifteen (15%) percent.

e. Application Procedure for Tree Removal.

1. Fees.

(a) Any person desiring to undertake any action prohibited by paragraph d. above shall file a written application for a tree removal permit with the Borough Clerk, together with prepayment of application fee of the greater of twenty-five (\$25.00) dollars per tree or one hundred fifty (\$150.00) dollars.

(b) No prepayment need be made of that portion of the fee for trees which it is claimed must be removed because they are diseased, dead or pose a significant danger to public health and/or safety. The removal of such trees does not require payment of any fee, provided that the Code Enforcement Official or other official designated by the Borough finds in fact that such trees should be removed because they are diseased, dead or pose a significant danger to public health and/or safety.



2. The written application may include some or all of the following information:
  - (a) Name and address of applicant and status of legal entity.
  - (b) Status of application with respect to the land.
  - (c) Written consent of the owner of the land, if applicant is not the owner.
  - (d) Name and address of person preparing any map, drawing or diagram submitted with application.
  - (e) Location of the property, including a street number and address and lot numbers as shown on the Official Tax Map of the Borough.
  - (f) Diagram of the parcel of land, specifically designating the area or areas of proposed tree removal and the proposed use of such area.
  - (g) Location of all proposed structures and driveways on the site.
  - (h) Location of all specimen trees and identification of size and species specifically highlighting the location of each specimen tree.
  - (i) Designation of all diseased trees.
  - (j) Designation of any trees posing significant danger to public health and/or safety.
  - (k) Any proposed grade changes that might adversely affect or endanger any trees on the site and specifications of how to maintain them.
  - (l) Designation of trees to be removed and trees to be maintained.
  - (m) Purpose of tree removal (construction, street or roadway, driveway, recreation area, patio, parking lot, etc.).
  - (n) All materials to be planted with an indication of size, species and methods of planting.
  - (o) Such other information as may be required by an official application form adopted by resolution of the Borough Council and which, if so adopted, shall be provided to the applicant by the Borough Clerk.
  - (p) A Mitigation Plan in conformity with the provisions of this section.
  - (q) Name and address of tree removal company.
  - (r) Evaluation and recommendation by a tree expert.
3. The Borough Clerk shall maintain a register of all tree removal permit applications, past and present, by lot and block designation.
4. The Borough Clerk shall, within two (2) days of the receipt of a completed written application and correct application fee, refer the application, together with a copy of any previous applications for removal of trees from the tract of land, to the Code Enforcement Official or other official designated by the Borough for consideration as detailed below.



5. Upon referral of an application from the Borough Clerk, the Code Enforcement Official or other official designated by the Borough shall examine the premises referred to in the application; inspect the trees referred to therein, and the physical conditions of the lands and the vicinity thereof.
6. In determining whether or not a permit should be granted, the Code Enforcement Official or other official designated by the Borough may consider some or all of the following:
  - (a) The condition of the tree or trees with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures and interference with utility services.
  - (b) The necessity of removing the tree or trees in order to construct the proposed improvements to allow reasonable economic use of the property.
  - (c) The effect of the removal on erosion, soil moisture retention and flow of surface waters.
  - (d) The number and density of trees in the area and the effect of tree removal on property values of the neighborhood and other existing vegetation.
  - (e) Whether any tree in question is a tree worthy of preservation.
  - (f) The ease with which the applicant can alter or revise the proposed development or improvement to accommodate existing trees.
  - (g) The economic hardship that would be imposed upon the applicant if the permit were denied.
  - (h) The heightened desirability of preserving tree cover in densely developed or densely populated areas.
  - (i) The need for visual screening in transition zones or relief from glare, blight, commercial or industrial ugliness or any other visual affront.
  - (j) Whether the continued presence of the tree or trees is likely to cause danger to a person or property.
  - (k) Whether the topography of the area in which the tree is located is of such a nature to be damaging or injurious to trees.
  - (l) Whether the removal of the trees is for the purpose of thinning a heavily wooded area where some trees will remain.
  - (m) Whether the tree is a Significant Specimen Tree.
7. In the event the Code Enforcement Official or other official designated by the Borough fails to issue the tree removal permit within thirty (30) days of application, or denies the application, the property owner may appeal to the Governing Body for the permit.

f. Tree Replacement.

1. is a condition of any activity regulated under this tree preservation section, a mitigation plan must be submitted which will provide for the replacement of all removed trees under the following schedule:
  - (a) For trees removed twenty-four (24) inches DBH or less, the replacement trees planted must be a minimum of two and one-half (2 1/2) inches DBH;
  - (b) For trees removed greater than twenty-four (24) inches DBH, the replacement trees planted must be a minimum of four (4) inches DBH.
2. All tree replacement required herein shall be located within the boundaries of the property from which the tree removal occurs.
3. The Governing Body shall have authority to grant relief from the provisions of this section upon demonstrating that:
  - (a) Alternate measures, including the planting of trees on other property within the Borough, achieve substantially similar benefits to the required measures; and
  - (b) Literal compliance is technically impractical or presents a substantial economic hardship.
- g. Significant Specimen Trees. It is presumed that Significant Specimen Trees should only be removed in the most compelling and extraordinary circumstances. Removal will be permitted only if approved by the Governing Body. The loss of lot yield, building area, or profitability of developmental layout shall be deemed neither compelling nor extraordinary.
- h. Protection of Existing Trees. In connection with any construction, subsequent to tree clearing but prior to the start of other construction, snow fencing or other protective barrier acceptable to the Construction Official and/or Borough Engineer shall be placed around trees that are not to be removed. The protective barriers shall be placed at the drip line or canopy line of any tree and shall remain in place until all construction activity is terminated. No equipment, chemicals, soil deposits or construction materials shall be placed within any area so protected by barriers. Any landscaping activities subsequent to the removal of the barriers shall be accomplished with light machinery or hand labor.
- i. Emergency Action. In the event of an emergency, any person, otherwise subject to this section, having responsibility, jurisdiction and/or authority to cure, remedy or mitigate dangerous, hazardous, inconvenient, unhealthy or obnoxious conditions resulting from the emergency may, without first applying for and obtaining a permit under this section, take any lawful action which is otherwise a regulated activity. However, such person, or the agent or designee of such person shall apply for a tree removal permit not later



of the public agency controlling the right-of-way.

k. Violations and Penalties. Any person who violates the provisions of this section, shall be subject to the following penalties:

Failure to comply with any provisions of this section shall be considered a violation of the Code of the Borough of Fair Haven and shall be punishable, upon conviction, by the penalty stated in Chapter I, Section 1-5. Each day of such violations continuance shall be considered as a separate offense and shall be separately punishable. These penalties shall not be the exclusive remedy available to the Borough and nothing in this section shall prevent the Borough or a property owner from seeking injunctive relief.

l. Tree Escrow Fund. A Tree Escrow Fund shall be established and maintained by the Chief Financial Officer of Fair Haven Borough to receive and disburse replacement tree contributions. Appropriations from the Tree Fund shall be authorized by the Governing Body with consideration of the Shade Tree Commission recommendation in accordance with the municipal tree planting plan.  
(Ord. No. 2013-13)

## **Chapter 2: Administration**

### **2-37 SHADE TREE COMMISSION.**

Editor's Note: Tree Preservation Regulations may be found in Chapter XXXI, Land Use and Development Regulations.

#### **2-37.1 Established.**

Pursuant to N.J.S.A. 40:64-1 et seq., the regulations for planting, care and control of shade and ornamental trees and shrubbery upon and in the streets, highways, public places, parks, and parkways in the Borough except County highways, parks and parkways, if the County Shade Tree Commission is operative and gives assent thereto, shall be exercised by and under the authority of the Borough Shade Tree Commission, which is created. (2002 Code § 2.48.010)

#### **2-37.2 Appointments; Membership.**

The Commission shall consist of seven (7) members and two (2) alternate members appointed by the Mayor who shall be residents of the municipality and shall serve without compensation except as hereafter provided. (2002 Code § 2.48.020; Ord. No. 480)

#### **2-37.3 Terms.**

All appointments except to fill vacancies shall be for full terms of five (5) years, each to take effect on January 1st. If two (2) members are appointed, their terms shall be staggered by the appointment of one (1) of the members for an initial term that is a year less than the regular term. The terms of office of the alternate members shall be for two (2) years, except that the terms of the alternate members first appointed shall be two (2) years for Alternate No. 1 and one (1) year for Alternate No. 2 so that the term of not more than one (1) alternate member shall expire in any one (1) year. (2002 Code § 2.48.030; Ord. No. 480)

#### **2-37.4 Organizational Meeting; Compensation.**

The Commission shall organize annually by the election of one (1) of its members as Chairman, 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 Council; the salary of any employees shall be fixed by the Borough. All salaries shall be fixed as nearly as practicable in accordance with the salary schedule, if any, of the Borough for corresponding positions. (2002 Code § 2.48.040)

#### **2-37.5 Vacancies.**



2-37.5 Vacancies.

Any vacancy occurring by reason of death, resignation or removal of any Commissioner shall be filled for the unexpired term by the Mayor. (2002 Code § 2.48.050)

2-37.6 Functions and Duties.

The functions, powers and duties of the Shade Tree Commission created shall be as set forth and prescribed in N.J.S.A. 40:64-1 et seq. (2002 Code § 2.48.060)

2-37.7 Annual Appropriation.

a. Certification of Expenditures. During October in each year, the Commission shall certify to the Borough Council the estimated sum necessary for the proper conduct of its work during the ensuing calendar year, to include the sums estimated for such of the following items as it is anticipated expenditure will be made for, that is:

1. Payment of wages and salaries of employees;
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 promotion of the work, including expenses for tree trimming and removal.

b. Appropriations from Borough Council. The Borough Council shall annually appropriate such sum as it may deem necessary for these purposes.

c. Gifts and Donations. The Commission may accept gifts or donations from public spirited citizens for use for Commission purposes.  
(2002 Code § 2.48.070)

