

ARBORETUM COMMITTEE MINUTES

Wednesday, February 21, 2024, 7-9 pm, Town Hall

Attending: committee members -- Sean Conlan, Jim Sullivan, Jane McClintock; Town Arborist – Phil Normandy; Town Council Liaison – Gerilee Bennett; Residents Chris Keller, Chris Fischman

Executive Summary: Since we had to cancel the January meeting, this is the first meeting of the Arboretum committee in 2024. Phil Normandy filled the committee on two FY2024 projects, the Strathmore pruning and the Cambria park invasives. He also described the project to remove invasives on the Yeandle property. Routine pruning is ongoing and Phil is gearing up for the spring planting cycle. The committee has some recommendations for the fees/fines update in ordinances 715-716 (town trees) drafted by the town lawyers; primarily that the \$1000 fine be set as a maximum and that the ordinance language be clarified. We also discussed the FY2025 budget and agreed on recommending a 5% increase over the average expenditures for the last 4 years. Finally, Jane described new Maryland bills (HB979/SB915) which are meant to place additional restrictions on the sale of invasive plants; the committee would approve of sending a letter of support from the Mayor or the chair of this committee. While we didn't have quorum to vote, we were able to discuss a number of important topics and solicited approval by email (Malcolm expressed support for the budget recommendations and invasives legislation). The next meeting is being scheduled for April.

Topic	Action Item
December 2023 minutes approval. We don't have quorum	Hold over to next meeting
No Resident issues - Chris Keller thanked Phil for all the pruning he's done around town	
Update from Chair <ul style="list-style-type: none"> • Montgomery County has passed Bill 40-23 which, among other things, increases the fines damaging/removing street trees and canopy trees to \$450 and \$470 respectively. Fees are collected into accounts used for future planting • The town is applying for a Historic Area Work Permit for the Waverly streetscape/sidewalk. Phil N. envisions 5 replacement trees that reduce the towns "sugar maple monoculture", don't drop nuts or have extensive surface roots. 	
Updates from the town arborist (Phil Normandy): <ul style="list-style-type: none"> • Waiting on MOU to prune along Strathmore. We have a quote from Bartlett but it is out of date. • We have a bid for the invasive work in Cambria park (Empire) • Empire has submitted a bid for the Yeandle property to remove invasives and bamboo, but it needs more detail (not currently itemized) • Phil has been pruning around town 	Phil will circulate a spring planting list before the next meeting

<ul style="list-style-type: none"> Phil has been looking for sites around town and availability an nurseries in preparation for the spring planting cycle. 	
<p>Proposed updates to Ordinances 715-717 (town trees) of the town code. The town is currently unifying the fees and fines in town ordinances and has drafted an updated version of ordinances 715-717. The most obvious change being an increase in the fine for damage or removal of a town tree to \$1000 (was \$50). The committee agrees that an updated fine is needed but there are several changes recommended by the committee:</p> <ol style="list-style-type: none"> 1. Removal of the deprecated DNR language is appreciated 2. The current wording of 716c suggests to a layman that the fine is a mandatory \$1000 (the maximum allowed) for all infractions. The committee feels that this should be “up to \$1000” at the discretion of the town manager in consultation with the mayor, town arborist, arboretum committee and the comprehensive arboretum plan (CAP). This “discretion” may be implied elsewhere in the code but the committee thinks it needs to be explicitly stated here. 3. Again, it may be implied elsewhere in the code but it should be stated that regulations to described the process for assessing and enforcing fines against infractions should be established by the town manager in consultation with the parties mentioned above. 4. In 715b, 716b and any other places it comes up, trees in the “unpaved street area dedicated to public use” should be replaced with something like “town parcels, right of way and unpaved street areas” since town trees aren’t limited to streetside and may, in fact, appear to be on homeowner’s properties. 5. In 715b, maintenance, pruning and planting should be the responsibility of the town manager not the council. That’s the way it currently works so the law should reflect that. 6. Section 716 is written such that it implies removing a town tree is a simple matter of submitting a form. In fact, it is relatively rare. Replace “If any person (resident or others) shall desire to remove or prune a tree in the unpaved street area dedicated to public use...” with something like, “Requests to remove or prune a tree in a town parcel, right of way or unpaved street area may be submitted to the town manager where it will be reviewed by the town arborist and, if needed, other interested parties (arboretum committee, historic preservation)...” 	<p>Sean will add these changes to the current 715-717 changes and send them to the town office.</p> <p>The committee will have another opportunity to review changes to 715-717</p>

<p>While it isn't part of the current fine-related ordinance revisions, the committee voted in December 2024 to recommend the inclusion of a bond or surety in Ordinances 401 and 715-717 as a condition on issuing permits for projects impacting town trees. A \$1000 fine is not going to deter builders or contractors from damaging trees during demolition or construction projects.</p>	
<p>The committee approves of new language added to, "AN ORDINANCE TO REQUIRE A REAL PROPERTY SALE DISCLOSURE REGARDING TOWN REGULATIONS". It now explicitly includes mention of the town arboretum.</p>	
<p>The committee needs to submit an FY2025 budget recommendation to the town council this week. The current draft budget includes:</p> <ol style="list-style-type: none"> 1. \$16,000 for line 12.1 "Arboretum" which includes paying the consulting arborist. 2. \$100,000 for line 13.5 of the "Trees, parks and grounds" operating budget. \$92,000 of this comes from a 5% increase over the average of the last 4 years expenses. The town has caught up on some overdue pruning projects. Also, the grotto cleanup and Cambria park work were completed with FY2024 funds. We are requesting an additional \$8000 to start a small planting project at the end of Rokeby (held over from last year), bringing the total budget recommendation to \$100,000. 3. The Strathmore pruning is expected to be completed with left over FY2024 funds once the MOU is finalized. 4. One change from previous years is that Capital budgets for the arboretum (line 29.2 and 32.4) are being removed due to a change in accounting practices and unexpended funds will be reallocated by the town council. All tree-related expenses going forward will be paid from the operating budget 	<p>Sean will send this draft to the town manager</p>
<p>We discussed the current list of tribute tree plantings for: Yichen Chen, Ted Pratt and Gene Swearigen. The committee is recommending that the town office handle the logistics of the dedications and tree acquisition. For Yichen, a GP nursery school parent that passed away, the committee is very supportive of the town paying for the tree rather than the nursery school or family. In addition to being in the spirit of Garrett Park, the town is the landlord of the nursery school property.</p>	<p>Sean will email Barbara about this and Phil will follow up in their next meeting.</p>
<p>Jane made the committee aware of new proposed legislation (HB979/SB915) prohibiting the sale in Maryland of a limited number of invasive plants. She requested that the town write a letter in support of this legislation. The committee was enthusiastic about this given that the town has spent ~\$48,000 fighting invasives around town over the last two years, many of which are escapees from private gardens. Given that comments must be submitted by Feb 26, it</p>	<p>Sean will start an email with Jane and the town manager</p> <p>Jane will draft a letter.</p>

is unclear whether the council will be able to weigh in. Other options are a letter from the Mayor or from the chair of the Arboretum committee	
We are skipping the March meeting due to committee member scheduling conflicts. Tentative next meeting Apr 3 at 7p, depending on town hall availability.	Sean will check with the town office about Town Hall availability

Abbrev.

CAP=Comprehensive Arboretum Plan

GPCAN=Garrett Park Climate Action Network

MOU=Memorandum of Understanding

LUAC=Land Use Advisory Committee

POSCO=Parks and Open Spaces Committee

SHA=State Highway Administration

SOW=Statement of Work