

The following are my personal notes, not official meeting minutes. For official minutes, please go to the Delanco Municipal Building, 770 Coopertown Rd.

Delanco Township Committee meeting on May 16, 2016

Present: Browne, Templeton, Jass, Dillenbeck, Fitzpatrick (late – attending a memorial service)

Also Present: Mr. Schwab, Township Administrator; Mrs. Martin, Deputy Township Clerk; Chief DeSanto, Delanco Police

****SPECIAL PRESENTATIONS****

RESOLUTION 2016-61 HONORING THE UNSELFISH BRAVERY OF JAMES BRUNOW, ZACHARY MEISTER & ADRIAN L. ELLERBE Passed unanimously
(They have received the ProCops Award) These individuals pulled an accident victim from a burning car on Coopertown Road. Dec. 30, 2015. They smashed the window, got the driver out, and saved his life.

RESOLUTION 2015-62 RECOGNIZING AND HONORING LOCAL BUSINESS SUPPORTERS OF THE COPS CARE PROGRAM Passed unanimously
Representatives of area businesses who support this program were honored. Officers Willhouse and Mufolly were recognized as well as police secretary Nancy Bray.

DeSanto: Program partners with businesses to gather resources to help disadvantaged members of this community. Twelve businesses donated. Several items were purchased for 8 children – clothing, school supplies, etc. Mrs. Bray made the 8 baskets in a professional way. Mrs. Bray will be retiring – has been an important part of our department. We will miss her.

COMMENTS AND REPORTS:

COMMENTS - TOWNSHIP ADMINISTRATOR

-received assessor's report

-proposal from engineer for demolition of property at Burlington and Ash – declared unsafe by construction official. Court process to be initiated. \$4250 for engineering – demolition cost unknown – could be \$40-50,000. Unsafe. We can't wait.

Passed unanimously

-with solicitor, finalizing legal fees and insurance reimbursement for My Father's House litigation – final cost about \$20,000

-approval and signing of agreement with Police Association – been negotiating for several months.

COMMENTS - DEPARTMENT HEADS

1. Police

- request for handicapped parking – evaluating now.

-request for temporary pod in street – granted. No driveway available.

3. Municipal Clerk - none

COMMENTS - TOWNSHIP COMMITTEE

Templeton:

- Joint Insurance Fund – passed on information from retreat regarding upcoming survey and onsite review of tech systems, hardware, software, email, etc.
- Environmental Advisory Board meeting – previous meetings working on Sustainable New Jersey Program – many components – broad reaching. Township has accomplished many of the items from inspections of vehicles to shade tree. Lots of time involved in paperwork to submit. Doesn't seem to be much coming back from program.

Browne: none

Jass:

- Sustainable energy program for complete streets – happy to help
- Historical Preservation offered program regarding Riverside watch case.
- Attended freeholders meeting – new member to serve end of Joe Donnelly's term
- Dunes celebration canceled due to rain. Will include those events in the fall with Community Day.
- Recreation concerts coming up in June – First is Walnut Street School with photo exhibit. Anyone can exhibit; reach out to Erin in the office.
- email blast and log on to township website for concert schedule

Dillenbeck:

- Sewerage – agreement signed with Beverly signed; electronic payments will be available in the fall. Discussion with Shade Tree following this meeting.

MEETING OPEN TO THE PUBLIC FOR COMMENTS AND QUESTIONS SESSION ONE
Resident of Illinois: parking issue since new homes have been built on Illinois Avenue. It's supposed to be a two way street when cars are parked. Were told there would be no problem. That hasn't been true. (Photos) All about the almighty dollar. Everyone who has moved in has at least four cars. They don't use driveways. We have to park around the corner. Worried about vehicles; mine was broken into. I feel unsafe. My daughter comes in after work and has to park around the corner at night. White truck parked in front of our house. Most families are retired or have one income. A new driveway would cost \$5000 – not financially feasible. Options 1. Paint lines with address in the box. Lines from property line to property line 2. Break the curb so we can park on the lawn. 3. Give us \$ for driveways. Was a problem for the plows. Need yellow lines to mark corner – can't turn. Asking committee to help us. Some are contemplating moving. We don't go out on weekends or will lose parking. Lived here for 16 years. No respect from the new neighbors who won't use their driveways. I left South Philly because of that.

Dillenbeck: (missed it)

Schwab: Discussed a few years ago regarding public works.

Dillenbeck: Sight triangle regarding the corner.

DeSanto: Have painted some curbs yellow. There is no enforcement state-wide on enforcing people not parking in front of someone else's house unless they are blocking a sidewalk or driveway. We won't enforce just one block. You are allowed

to park in front of your own driveway. I don't have any other solutions other than enforcing laws on the books.

Templeton: Any contact with new residents who aren't using their driveways?

Resident: That would be crossing the line. I feel so closed in. Moved my husband's truck all the way up to the back of the property line. We were told when the houses were proposed that four homes would be OK, but the number went up to 8. I feel like I should be living on Second Street in South Philly. I don't want to park two blocks away.

Jass: How many houses have no driveway?

Resident: First six. Handicapped resident blocked in by two plumbing contractors.

Jass: How about in the evening?

Resident: Packed.

Jass: Is reserved parking a possibility?

DeSanto: No.

Resident: Fully impacted by these new homes.

Jass: This is the first time it's come here. I sit on Joint Land Use Board as you know since I came out to your house. Municipalities are obligated to comply with state guidebooks. I would be happy to work with residents. I understand.

Resident: I have two young children who are driving and work night work. They have to walk around the corner.

Dillenbeck: How many cars do you have?

Resident: two

Dillenbeck: Streets were designed for one car. It's all over town. My son has it on his street – hard to find a space. If you get blocked in, call the police department.

Resident: Can I put trashcans in front of my house when I leave?

Dillenbeck: No, there are regulations on trashcans being out.

Browne: I do remember you when I campaigned. We talked about the driveway.

Resident: I removed solar can. Driveway has to be three feet from my property line. That only gives me six feet.

Browne: I was on your front lawn – tight house and property. If people aren't using their driveway, knock on the door. Neighbors do work it out

Resident: Am I going to knock on every neighbor's door?

Browne: Yes. That's what people do.

Resident: You approved this.

Browne: No, it is the Joint Land Use Board that approves. Illinois has been on the radar.

Schwab: Discussion with construction or what to do at the end of the street.

Browne: Was supposed to be a cul de sac. I did inquire when I came on board. The township has considered a turn around there.

Resident: Trucks could turn around at the warehouse, but now they back in. There is no room for them.

Jass: With cars on both side, no room

Resident: We said with cars on both sides, it becomes a one car road. We have to back into traffic to let cars out. We foresaw this happening. Hostages in our own home. My five year plan is to fix up and leave.

Jass: Jesse, can we mark curbing? Yellow paint.

DeSanto: Can ask John to put it on his list.
Jass: There are 11 homes.
Browne: You stated your neighbor is handicapped. The mayor and I suggested applying for handicapped parking.
Resident: Hope she gets it.
Browne: She will. Your suggestion as a homeowner is to mark the street.
Resident: Lived in Willingboro in townhouses on public street. Lines were marked and spaces were numbered.
Browne: Hearing issue of two-way traffic a problem.
Resident: No space to move in so someone can let someone in or out. Difficult when everyone is home.
Browne: Ash Street is like that. Anyone else from your street here tonight?
Resident: Other resident was too mad to come. Built up frustration. I feel like it falls on deaf ears. Everything is done. I try to get everything done before 2 or 3. My husband is a truck driver.
Dillenbeck: We will assess what you told us and get back to you.

Resident of Illinois (2): Lived there 55 years. Want to get out. Have a card for handicapped permit. Came to see if it was approved or not. Area business has offered me parking, but I can't walk that far. Really getting bad. We lost the bus so I have to take my son to work. I own two lots. Ready to break ground and put in parking. Don't want to do that.

Dillenbeck: How are we doing on that handicapped?

DeSanto: I want to make a pass at night. In the day, you don't get a true appreciation. Six houses by Burlington don't have driveways.

Resident: No room to pass down the street. Have to back out on Burlington Ave. If there was a space at the end, at least you could pull your car off the road. Sooner or later, someone will get hit there.

Dillenbeck: We will work on it.

COMMENT AND QUESTION SECTION OF THE MEETING CLOSED TO THE PUBLIC

CONSENT AGENDA ITEMS

ORDINANCE 2016-6 TO AMEND AN ORDINANCE OF THE TOWNSHIP OF DELANCO PROVIDING FOR AND DETERMINING THE RATE OF COMPENSATION OF OFFICERS AND EMPLOYEES"

1ST READING BY TITLE ONLY AND SET PUBLIC HEARING DATE FOR JUNE 13, 2016 7:30PM

ORDINANCE 2016-7 TO AMEND AN ORDINANCE OF THE TOWNSHIP OF DELANCO PROVIDING FOR AND DETERMINING THE RATE OF COMPENSATION OF OFFICERS AND EMPLOYEES"

1ST READING BY TITLE ONLY AND SET PUBLIC HEARING DATE FOR JUNE 13, 2016 7:30PM

RESOLUTION 2016-63 AWARD OF BID AND CONTRACT FOR ACCESSIBLE RAMP REPLACEMENT PROJECT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

RESOLUTION 2016-64 IN SUPPORT OF AN UPDATE TO THE RIVER ROUTE CORRIDOR'S REGIONAL STRATEGIC REVITALIZATION PLAN
RESOLUTION 2016-65 RELEASE PERFORMANCE GUARANTEE FOR 801 BURLINGTON AVENUE BLOCK 1602, LOT 20 (Dunkin Donuts)

RESOLUTION 2016-66 AUTHORIZING EMPLOYEMENT CONTRACT WITH THE DELANCO POLICE BARGAINING UNIT REPRESENTED BY THE DELANCO POLICE ASSOCIATION

PAYMENT OF BILLS ACCOUNT GENERAL

General \$1,103,908.74

CAPITAL FUND \$4,860.00

PUBLIC DEFENDER FUND \$333.94

DOG FUND \$4,000.00

UNEMPLOYMENT FUND \$3,215.00

ESCROW TRUST \$4,000.00

MUNICIPAL OPEN SPACE \$22,031.73

APPROVAL OF BUSINESS LICENSES 2016-31 and 2016-44

APPROVAL OF DEPARTMENT REPORTS

APPROVAL OF CONSENT AGENDA

CORRESPONDENCE – none

Public Session Two – no comment

ADJOURNMENT

WORKSHOP DISCUSSION WITH DELANCO SHADE TREE COMMISSION Policy Issues Related to Regulation of Sidewalks

Browne: Working with Shade Tree as liaison. Sidewalk issue is a hot political issue. People want them fixed. Janice Lohr had already done the homework (copies of her reports.) If we ignore them, they get worse. At Newtons Landing, there are sidewalk heaves and they are the newest sidewalks. Need to change policies or ordinances. We don't have an ordinance that states the homeowner is responsible for sidewalks. We are all caught – township doesn't have the ordinance, Shade Tree controls sidewalk, homeowner doesn't feel that they should repair if tree will heave it again.

Dillenbeck: Insurance companies vary – fix or ramp. Other companies felt it was a public thoroughfare belonging to township. Willingboro – when homeowners sell, they inspect and require repair. Willingboro never planted trees on median strip and were property of homeowner. We put trees in medians which belongs to the township. We require homeowner to maintain it.

Schwab: Dealing with public safety. Trip or fall, trees falling due to root cutting hence Shade Tree involvement. Needs a policy decision by joint body. Sidewalk area is part of right of way. State law allows governing body to make it homeowner's responsibility. Needs to be a program to protect from liability. If municipality owns, they have it inspected. If it is an individual ownership, inspector would send notice and require repair. Financial issues as to who pays for it. Everyone's property tax goes up if the township repairs even if your sidewalk is OK. What about brick sidewalks? Handicapped ramps? Should a person who owns a corner lot have to maintain the handicapped ramps? Regardless of who pays, tree roots vs. trip and fall. Don't want to get rid of trees or leave danger there. Haddonfield's website shows options for property owners to repair as homeowners' responsibilities. Township Committee needs to work with Shade Tree Commission. 2010 decision to set up subcommittee which didn't happen. John Browne brought it up when he came back on.

Mark Lacina (Chair of Shade Tree): More complicated. I work for utilities which are cutting the trees down. Had to undergo training. I was surprised at amount of training I went through to be on Shade Tree. We have two attorneys, school teachers, a geologist, urban planner, men, women, Rivers Edge, town, Newtons Landing. Don't have an agenda other than keeping Delanco an attractive place to live in. Where property values are high, they are "Tree Cities" with Shade Tree Commissions. Safety issue is not just trip and fall, but falling branches too. Trees were here before we were. Lots aren't in the right spot; they predate Shade Tree Commission. Trying to replace trees with trees with ones compatible for placement. Matulewicz (Shade Tree): State approved management plan in 2003. Some trees are 50, 60, 70 years old. Uplift problems won't be solved over night. Trees have financial value. \$6000 to remove vs. cost of sidewalk repair. Unfair for resident to have to fix sidewalk due to township's tree unless resident has done something to cause the issue.

Jass: I understand what you are saying. How can we address? New development – I want to replace my sidewalk. It was the wrong tree.

Matulewicz: Are you sure? Could be the irrigation.

Jass: Yes, part of the engineering in the first houses. Field change since right trees weren't available. Can I remove the tree? It's been there 15 years. The sidewalk has been replaced twice. Can I put the tree that belongs in there? I understand there are problems with volcanoing and watering. I'm just using myself as an example.

Matulewicz: Tree should be removed.

Jass: If I put in a request for you to come out...

Lacina: We would look favorably on that if you wanted to put in a tree.

Jass: Old part of town – huge heaves. How would we address that with homeowner who wants to replace.

Lacina: Your responsibility as township committee. Model ordinance are here.

Jass: If I adopt the ordinance, the issue is the roots on every tree.

Matulewicz: Every site is different. If it's an old sycamore – would want to fix the hazard and save the tree.

Jass: Can't always do that. You are not in the right of way anymore.

Taraschi (Shade Tree): Once a sidewalk is diverted onto someone's property, they are responsible. If it's in the right of way, though you may pass an ordinance requiring repair, the homeowner isn't liable there. Example: Snow removal...ice from snow pile causes trip and fall. Homeowner did that.

Lacina: Examples of diversion that would still be on right of way?

Taraschi: In Moorestown, my Chester Avenue deed went into center of street. My current property is two feet from the sidewalk. You may find deeds that incorporate the street. The property line is the definitive line for responsibility.

Browne: Diversions...they have historically not worked either. The problem.. we don't have to get into arguments about how valuable trees are. Need homeowners to partner with township to fix some of them. I would want to root grind or remove the trees. Homeowner has to have more power than Shade Tree Commission.

Dillenbeck: Ten years ago, I replaced all of my sidewalks. I have two trees Shade Tree planted. One cracked sidewalk and one heaved. Roots underneath the sidewalk and under my lawn, which I water.

Taraschi: Root buffers go down two feet.

Dillenbeck: Only planted five years ago. Should be the right kind of tree. Twenty years ago I was putting in a driveway, cut a tree, and Mr. Matulewicz came running over.

Jass: Can I cut part of the root? Put in a barrier after or before?

Lacina: Can't say in advance what we will say every situation. 11 removals,(missed rest). We took action. We go out and look at a tree, discuss at monthly meeting, hold for an agreement or have a state certified arborist make a decision for us. We are very diverse as a committee - no ax to grind. The main issue is that every tree is different as is every location - right of ways, easements, age of trees. Emerald ash borer will kill 5% of the trees in Delanco.

Jass: How do homeowners address issues with large trees in older parts of town? Send request? Everyone comes out to look at the tree. If person wants to take the tree down, what can they do?

Matulewicz: People submit requests regarding insurance cancellation.

Taraschi: This discussion is taking place on a barge floating down a river. Sometimes the tide comes up and sometimes it goes down. There are rapids and calm areas. Discussion goes around and around. Need specifics. Combination of things that have to work together before we get into specifics. Has to be done by ordinance. 1. Cost transfer regulated by state statute - cost can be placed on abutting property owner. 2. Have to coordinate with building inspector and have improvement standards - 4 inches thick or 6 inches for a driveway. Incorporate into ordinance and give to building inspector. Have homeowner submit to inspector for approval. 3. By ordinance, certificate of occupancy include obligation for sidewalk that meets the standards. Cost shifting if you want, notice to property owner. Janice Lohr's paper refers to inspection program - building inspector? and issue notices to repair. What if homeowner can't afford to repair? Can bring to municipal court judge, but that doesn't necessarily put the money on the ground. Where homeowner doesn't follow instruction, you have the right to make a repair and add an assessment as enforceable lien which requires a line item budget.

Dillenbeck: Some communities give added assessment on the tax bills without waiting for sale for a lien.

Fitzpatrick: Can be stretched out over 10 years. That's how Delanco did street repairs years ago.

Taraschi: Township still had to have budget item. Or just raise the taxes and fix them.

Fitzpatrick (Came in at this point): Was at a funeral service. Because this ordinance is a touchy thing. Property owners don't want to pay for improvements, but insurance companies will make you repair it. We are trying to do the best thing for the town.

Lacina: Is it provable that it is the tree?

Fitzpatrick: What else could it be? Don't know how those trees got planted at Newtons Landing.

Resident of Pennington: There is a tree between my house and neighbors. You will be able to put your finger under the root. This development is one of the newer ones. None of the trees should have been planted there. When we moved in, there were no trees. Came home from work and found trees planted in ground in the front – hundreds of them. None down the center between the horseshoe where the houses were so far apart. Our biggest concern is older people. If my neighbor were to ramp, she would have to do it every year. If it's from how we watered, it's how God watered. It's cracking the sidewalk. When JLUB set this up with Pulte, they should have made more of an easement between sidewalks and the curb for room for the trees to grow. Not fair to ask property owners who have only been here 13 years to pay. Should have been taken care of then.

Resident of Pennington: HOA president – I speak for those homes. Forced Pulte to replace 300 sidewalk sections. Does no good to replace the section if they are up again in two years. We have a serious safety issue and a lawsuit. If you make homeowners responsible, you have a moral issue to turn them over in good condition. We are a very visual community. They are the wrong trees in the wrong place. Other parts of Delanco are really dangerous.

Resident of Russ Farm Way: Requested being allowed to cut down two trees in front of my house. Shade Tree Commission was for trees. Weren't going to allow them to be cut down unless diseased. All for it. Problem – one tree literally has a root 18 ft into driveway toward the foundation of my house. I love trees, but my house is in jeopardy. Another isn't as aggressive. (brought photos of roots) The lifting is very minor. Law 502 C and G evaluation of sidewalk law from Seton Hall. No liability for abutting property owner for public sidewalk. We aren't liable unless we repair it.

Fitzpatrick: Wasn't the original plan not to have trees there

Matulewicz: Five foot wide curb strip .

Resident: We have to water. An individual walks around with a clipboard and lets us know when our grass isn't green.

Matulewicz: Tree maintenance program would conflict with lawn maintenance program.

Water once a week to create an inch of water on the lawn.

Lacina: We have a hydrologist and attorney on this board.

Browne: What do you want us to do?

HOA President: You have a responsibility.

Browne: We have the entire town. Do you want trees there?

HOA President: Put it in my lawn. They were supposed to be experts.

Lacina: How can you say point blank that they are all the wrong trees? Define a heave.

HOA: When sidewalk is lifted – 2 inches.

Lacina: It's a nonsense argument that volcanoing that Riverton does out there doesn't affect the sidewalks..

HOA: We gave specific instruction not to volcano.

Fitzpatrick: John Rahenkamp should address- involved in original plans.

Rahenkamp: Trees are where they are supposed to be. Bill's position on watering is correct. If you irrigate, roots will surface. Curb acts as a dam. When we did a plan moving trees to private property, each did his own thing – cut down the tree and put up junk. Even with easement, HOA has to work with homeowners. What should have happened, distance between curb and sidewalks should have been wider.

Could have done it on Creekside. My mistake. In 100 years, there will be a problem again. Wouldn't put the trees on the lawn – don't water. Disaster. Community suffered. Foundation won't be affected by tree roots. Cut the root.

Browne: Value of trees. Maple and Pennsylvania – looked at the sidewalks – horrible.

Rahenkamp: 80 years old.

Fitzpatrick: I was raised here. At my house, roots raised sidewalk, public works chopped roots, happened again, took tree out.

Browne: My research – other towns have gotten out of tree business and dissolved Shade Tree Commissions. Delanco won't be barren, people love plants – go to Flagg's every weekend.

Jass: Disagree. Silver Park West – left section doesn't have streets trees – doesn't look nice very nice. I want to figure out a way to keep or replace trees and take care of sidewalk. Has to be a way to work together.

Taraschi: Mr. Browne's suggestion... no Shade Tree Commission – how does that get rid of root problem? Burden is back on municipality unless you have an ordinance to place on homeowner. Who makes the decision? Everybody has a right to take down a tree or is it the municipality? Cost \$3000 to take down a tree – just sits there. IF they don't do anything intentional with their sidewalk, they are not liable.

Mission statement of Shade Tree Commission – volunteer advocate for trees and green space in town, maintain and preserve trees on township prop, new trees on public venues. We have a list of types of trees – want to vary in case of disease. To educate public as to care and benefit of trees. If we do away with the Commission, we do away with the objectives.

Fitzpatrick: If the sidewalk was lifted and roots were cut with barrier placed, would it hurt the tree?

Matulewicz: Could very well, destabilize tree. They support the tree – wind danger.

Fitzpatrick: May not damage the tree. Try and experiment.

Matulewicz: Better to experiment more with new types of paving.

Resident: If we do that, we are liable if someone falls.

Fitzpatrick: That's why the ordinance is being discussed. Homeowner is responsible for sidewalk – longstanding policy of town. Haven't been able to pass ordinance. Most communities in the area have an ordinance. Issue is are we going to do this ordinance? Wanted Shade Tree to come to discuss and work together for community as a whole. I don't know who picks the trees.

Jass: Field change through Birdsell.

Lacina: Haddonfield – allowed to do more to the roots. No perfect solution.

Fitzpatrick: Not everyone is going to be happy.

Templeton: Liability is always on the municipality unless the homeowner has done something to correct. With trip and fall, township still responsible. School property had a trip and fall– JIF spent \$30,000 in court to get township out of the suit.

Solution is a difficult course – state allows abutting homeowner to be assessed, whether tree is there or not, economic burden to that property owner varies. We need a solution out of this, what's going to raise everyone's concern – 10 years or 100 years – property owner. That was my objection in 2010 or 2012 – Need to be creative - tax credit, abatement, percentage offsetting for municipality to do something to help homeowners - inspection program can be helpful (as per JIF) when you have limited resources as we do. Our dollars only go so far.

Jass: Cost sharing – creating another position. 1750 households. Burden to people who don't have the problem.

Templeton: No, but people may take a walk on the sidewalks. One last comment, just finished a book on ancient Rome 50bc. Caesar declared that residents were responsible for the footpath in front of their homes. We know what happened to Ceasar.

Resident: Repair 520B Liability – property owner has no responsibility to the public to repair a sidewalk that has been subject to normal wear and weather.

Resident of McCay: Does Shade Tree have power over what trees are planted?

Lacina: Yes

Taraschi: because we aren't supposed to plant the same type of tree throughout the community due to disease. We look for a mixture and deep tap roots. It's not the board or Shade Tree Commission, it's Joint Land Use Board and their engineers and professionals that specify. We are in a municipality that is 150 years old. We may have modern answers, but how do we correct 150 years of growth at a 2% cap? We have a problem common to every person in this room. Everything has a cost.

Fitzpatrick: When you come across the bridge to Delanco, it looks beautiful and hasn't heaved the brick.

Browne: Real problem with infrastructure money in state and country. This is an infrastructure issue. No money coming in fix our streets.

Resident: No money for our seniors either.

Browne: More and more burden on us under 2% cap. I think homeowner will bear the burden.

HOA: Plan for Newtons Landing was approved. Did anyone inspect trees to see if they were the right ones?

Browne: You were fully involved.

HOA: We had no input.

Jass: I was the third homeowner and involved with the engineer. It was questioned.

HOA: Culpability – there was a plan.

Fitzpatrick: JLUB has project manager to sign off on the plans.

HOA: Should be a certification from engineer.

Jass: No, it was a field change.

Taraschi: I have a report from Nov. 2006 – punchlist for landscaping.

June 2007 Shade Tree expert - Condition of the plant and what needed to be pruned.

Templeton: Say we look at the plan and it isn't what was specified. Then what?

HOA: Sue engineer or Pulte.

Jass: They are all out of business.

Browne: It's not just at Newtons Landing. I have a tree that is heaving. I want to fix my sidewalk. I would gladly accept a tree for my front lawn.

Lacina: Same budget since I've been on the committee. If you do disband Shade Tree, it won't be volunteers inspecting. It will cost more money.

Fitzpatrick: Dissolving Shade Tree isn't the answer. Problem exists because of the tree. If we enforce an ordinance that property owner maintains sidewalk, something has to be done with the trees.

Taraschi: Could pass an ordinance that requires homeowner to come forth with arborist's report. Three ordinances that you have to do together.

Schwab: It's in the proposed ordinance. Doesn't solve the issue of fixing the sidewalk with a 100 year old tree.

Taraschi: Need to have a line item in the budget to address.

Resident of Pennington: Three trees in front of my house – one has two inch heave. Looks terrible to me. What I am hearing, as long as I don't touch it, I'm not liable for trips and falls. If I get a letter and contract someone, from here on out, I'm responsible.

Taraschi: Not if it was built to code. Building inspector has to approve and inspect.

Fitzpatrick: If we have an ordinance in

Templeton: Regardless, the liability is always with the township.

Taraschi: Ordinance could be that homeowners responsible for cost, and township would send its own engineer and contractor.

Templeton: Post construction language would need to release homeowner.

Browne: We inspect homes, fire inspection. Why are we being lax about our sidewalks? We have to do something.

Schwab: Form a subcommittee to address.

Fitzpatrick: Shade Tree will have two representatives, two from Township Committee, professionals – engineers, planners as needed.

Browne: Is that the answer? People spread so thin.

Fitzpatrick: Subcommittees seem to work.

Schwab: Incremental – try small ways of fixing – seem to work.

Matulewicz: We are dealing with generations of streetscape.

Browne: Lot of good trees – sycamores with no heaves. We have a ton of trees in people's yards. People love trees.

Matulewicz: That's an opinion – not a fact.

Submitted by Maureen Barrett