

Hamden Tree Commission
Minutes of the Public Hearing

Tuesday, October 21, 2014
Hamden Government Center

Attending: Brendan Sharkey, Assistant Town Attorney, Craig Cesare, Department Director, Anthony Greene, Tree Warden, Sue Gruen Town Attorney

Also present are residents, Mr. Robert Pattison, Ms. Carol Parker, Ms. Teresa Fields and Ms. Diane Hoffman.

1 Objection to Tree Removal – 32 Barrett Street

Assistant Town Attorney Brendan Sharkey stated the purpose of this hearing General Statute 23-59 which requires that if the Tree Warden who is Anthony Greene determines that a tree should be removed that decision unless it is a pending emergency is to be noticed by posting on the tree at least ten (10) days prior to the action and if anyone has objection to that they can appeal the decision to the Tree Warden and the Tree Warden has the opportunity to hold a hearing to those objections and that is the purpose to this hearing. Within three (3) days of this hearing the Tree Warden makes a final decision based upon what he has heard and that decision can be accepted or appealed to the Superior Court within ten (10) days.

Mr. Sharkey noted a number of people formerly appealed the decision posted on the tree, Diane Hoffman – Hamden Alliance for Trees

Mr. Robert Pattison

Linda Jacobson and Carol Parker, co-signers of an appeal

Teresa Fields by email on September 30, 2014

Mr. Sharkey, this is the first time a hearing of the kind is being held, it is something different and it is under a statute that they use when dealing with utility decisions to remove trees “23-59” that again as in emergencies the Tree Warden ultimately has to make the decision, he has the authority by statute to oversee the public right of way in terms of safety and maintenance and if the Tree Warden believes that a tree in or over the right of way poses a potential danger to the public he has the right to order its pruning or removal. I mentioned there is a ten (10) day notice requirement if the decision should be removed is decided by the Tree Warden, anyone may appeal and there is no deadline for holding this particular hearing but we are having it today there is a decision from the Tree Warden within three (3) days of this hearing and that decision can be appealed. Mr. Sharkey noted he is not here as a judge or jury in the decision making it is Mr. Green’s decision.

Mr. Sharkey asked Mr. Green what his role is and his background with the Town. Mr. Green stated that he has 22 years of experience working for the Town of Hamden. He received a call

regarding the said tree and went to inspect it. He found the tree was failing due to boring by insects, thus his decision to have the tree removed.

Mr. Robert Pattison, 21 Barrett St. - Mr. Pattison noted that the UI had the tree trimmed as it was interfering with power lines. After a storm the new growth needed to be pruned and it wasn't properly done. The storm had created a loss of power to his home and he contacted the Town. The Town did come and again the failure of the Town to prune the tree properly added additional problems with the tree. Two neighbors did file formal complaints. Mr. Pattison asked what is the criteria to complain about a tree. Mr. Cesare stated that at this time there is no formal process it is just their policy. Mr. Cesare also stated that the Town doesn't cut down a tree just to cut it down. It is his understanding that the tree in question is failing and therefore the tree is a present danger. Mr. Pattison cited statistics regarding the life of a tree and asked if a resident states they have a fear is that fear rational. Mr. Cesare stated to that individual it may be rational. Mr. Pattison noted that a licensed Arborist report indicates the tree to be healthy how do you square his opinion with Mr. Greene. Mr. Sharkey noted that the documents provided by Mr. Pattison will be taken into consideration by Mr. Green in his final decision.

Ms. Teresa Fields, 74 Terrace Ave. – Ms. Fields moved to the area because it was a planned neighborhood. There are a series of trees on the opposite side of the street and they are all the same and I ask are all the other trees on the block in danger. If Mr. Green saw boring in the tree did he look at all the other trees since they were all planted at the same time? Mr. Green states the tree is failing can it be pruned to get some life out of it maybe a couple of years?

Ms. Carol Parker, 35 Barrett St. – Ms. Parker echo's Ms. Fields in that the tree does look healthy and can pruning it back get a couple of years out of the tree? Yes there are a couple of dead limbs and if they are interfering with the right away they should be removed. It seems more logical and physically responsible to prune it appropriately and save the tree for now.

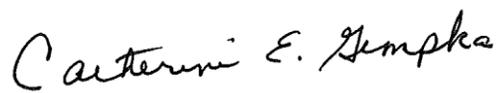
Ms. Diane Hoffman, 190 Wilmot St. – Ms. Hoffman would like to see a compromise to watch the tree. She noted Hamden doesn't have the funds to do work that she feels really, really isn't necessary. She feels pruning seems to be a really responsible option. She noted the Mr. Green may have a lot of experience but the report from the Arborist should be considered.

Ms. Susan Sternberg, 21 Barrett St. – Ms. Sternberg is a member of the newly formed Hamden Tree Commission and the wife of Mr. Pattison. Ms. Sternberg stated that she had been watching the tree and the others on the block and was afraid nobody would call even though there were problems with the tree. There is also the tree right next to it that is the same type of tree and its 10 feet away, is that tree going to be next is that what people feel afraid of or feel compelled that it may come down, it might, we might have a storm and it might come down, any of those trees along that street might come down on to any of our houses. I think if you consider a more gradual approach to it to see if that does the trick. If that's what the tree needs. It does need attention but it may not need the extreme extent but a more gradual approach.

There were questions regarding the pruning of trees and both Mr. Cesare and Mr. Sharkey addressed these. Trees on public property should not be touched by private residents unless they request a permit to do so. If the tree is in the right of way Mr. Greene has the authority to do what is necessary to protect the public. If part of the tree is on private property Mr. Greene will contact the owner for permission to enter the property to make the necessary adjustment to the tree.

Mr. Sharkey asked if there were any other questions he moves to adjourn this Public Hearing at 6:09 p.m. Mr. Sharkey reminded those present that within three (3) days from this date, Tuesday, October 21, 2014 The Tree Warden will render a final decision on the future of the tree and that decision can be appealed by an aggrieved party to Superior Court.

Recorded by,

A handwritten signature in black ink that reads "Catherine E. Gempka". The signature is written in a cursive style with a large initial 'C'.

Catherine E. Gempka
Clerk