

Village of Fox Point Tree Commission

Minutes of September 28, 2018

A meeting of the Village of Fox Point Tree Commission was held in the Village Hall Conference Room on Thursday, September 28, 2018, at 4:00 p.m.

1. Roll Call

Present: Trustee Eric Fonstad (Chair), Judy Shirley & Louise Petering

Absent: Karen Grube & Ramsey Radakovich

Ex Officio: John Gall, Village Forester

The meeting notice was mailed to the *North Shore Now* and to all others as required by the State open meeting laws, and posted on the Village website and bulletin boards.

Trustee Fonstad called the meeting to order at 4:00 p.m. Also in attendance was Kate Weishaar, 7609 Bell, Fox Point, and Scott Brandmeier, Fox Point Director of Public Works.

Persons Desiring to be Heard: Ms. Weishaar reserved her comments to the agenda item regarding EAB on private property.

2. Approval of Minutes.

The minutes of the August 23, 2018, meeting were approved.

3. Old Business.

a. Discussion of the Resolution Establishing Policies Related to the Proper Disposal of Diseased Trees and Collection of Yard Waste

Mr. Fonstad summarized various provisions of the Village Code relating to the disposal of diseased trees and the collection of yard waste, including: (i) Chapter 310 Article II Diseased Trees and Shrubs which declares any tree on public or private property which is infested with injurious insects, including trees infested with Emerald Ash Borer ("EAB"), to be a public nuisance subject to abatement; (ii) Chapter 681 Property Maintenance Part 3 Plantings and lawn which requires the removal of dead or dying trees adjacent to structures or conventional turf lawns; (iii) Chapter 276 Solid Waste Part 17 which deals with the collection of yard waste and defines yard waste as vegetative material no greater than six inches in diameter; and (iv) Chapter 63 Fees Part R which specifies fees for special pickups, including special pickups of yard waste.

As discussed at its last meeting, the members of the Commission noted that the Department of Public Works ("DPW") is encountering instances where homeowners or their contractors leave large amounts of yard waste by the roadside when removing diseased ash trees. As more and more trees in the Village die from EAB, DPW resources could easily be overwhelmed if homeowners leave EAB related yard waste at the roadside. The members of the Commission discussed the need to ensure that the DPW has the tools it needs to manage the increasing volume of yard waste resulting from the removal of ash trees infected with EAB. The members of the Commission also discussed the need to strengthen other provisions of the Village Code.

Following further discussion and upon motion duly made and seconded, the members of the Commission recommended that the Village Board adopt resolutions to make the following changes to the Village Code:

1. Amend Chapter 310 Article II Section 8 Purpose of the Village Code to add the following at to end of the first sentence: “and to protect and preserve public health and safety”.
2. Amend Chapter 310 Article II Section 11 Part B Subpart (2) Purpose of the Village Code to add the following after the words “Village limits”: “and in accordance with best management practices so as to avoid the spread of destructive insects or pathogens”.
3. Amend Chapter 276 Article 17 Part C to add the following sentence: “Yard waste too large or voluminous to be collected as part of the weekly rubbish and yard waste collection shall be subject to special pickup fees pursuant to Chapter 63 Article 6 Part R.”
4. Amend Chapter 63 Article 6 Part R to:
 - (i) insert after the words “actual cost” the phrase “of hiring a contractor to collect and dispose of the waste, including a reasonable charge for Village administrative costs, or”;
 - (ii) in subpart (4), change “eight” to “six”; and
 - (iii) add subpart (5) as follows: “Waste from the removal of diseased trees and shrubs.”

The members of the Commission requested that the Village Attorney be asked to put these recommendations into the form of a formal resolution, including appropriate “Whereas” clauses to include the fact that large numbers of ash trees in Fox Point have died or are dying from EAB, the Village has expended substantial resources to treat or remove ash trees on Village property, private property owners in the Village are responsible for removing diseased ash trees from their property, the removal of diseased trees and shrubs is a matter of public health and safety as well as property value, best practices should be used when removing diseased trees, the DPW needs the ability to hire contractors to remove EAB-related waste left by the roadside and to charge the cost of removal back to property owners, and waste from diseased ash trees left at the roadside is subject to special pickup fees.

Ms. Weishaar and Mr. Brandmeier left the meeting at 5:00 p.m.

4. New Business

a. Forester’s Activities Report

Forester Gall reported that the contract for the winter removal of diseased ash trees is out for bid. A total of 54 trees are scheduled to be removed by a contractor. An additional 100 trees ash trees are scheduled to be removed over the winter by DPW personnel. That will leave about

200 ash trees on public Village property (other than the Indian Creek woods) that have been identified for removal over the next two years.

The request for proposal (RFP) for removal ash trees in the Indian Creek woods is nearly complete.

Forester Gall reported that he has applied for a Bay Lakes Replanting Grant. The grant request includes the purchase of 130 trees for replanting the Indian Creek woods. Forester Gall has ordered an additional 100 trees for replanting the woods using funds from the current year's budget. The newly planted trees will need to be protected from deer and rabbits. The members of the Commission discussed asking volunteers to help with this work.

Forester Gall noted that on October 9, 2018, he will be giving a presentation at the North Shore Congregational Church.

b. Discuss Future Meeting Dates and Topics

The next meeting date is Thursday, December 6, 2018, at 4:00 p.m.

5. Any other matters that may come before the Tree Commission (informational only – no action taken).

No other matters were raised.

The meeting was adjourned at 5:10 p.m.