

**2010 – 2014**

**COMMUNITY FORESTRY  
MANAGEMENT PLAN**

**TOWN OF NEWTON**  
SUSSEX COUNTY  
NEW JERSEY

## **2010 – 2014 COMMUNITY FORESTRY MANAGEMENT PLAN**

### **Town of Newton Sussex County New Jersey**

#### ***Town Council***

Joseph Ricciardo, *Mayor*  
E. Kevin Elvidge, *Deputy Mayor*  
Thea Unhoch  
Kristen Becker  
Helen Le Frois

#### ***Town Manager***

Thomas S. Russo, Jr.

#### ***Municipal Clerk***

Lorraine A. Read

#### ***Department of Public Works***

Kenneth Jaekel, *Public Works Supervisor*

#### ***Shade Tree Advisory Committee***

Betsy Van Orden, *Chair*  
Kent Hardmeyer, *Vice Chair*  
Kenneth Jaekel, *Secretary*  
John Craddock  
Laurie Terranova

#### **Cover Photo From:**

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# Municipal Information

## Municipal / County Information Form

<b>MUNICIPALITY</b>	Town of Newton
<b>COUNTY</b>	Sussex
<b>ADDRESS</b>	39 Trinity Street Newton, NJ 07860
<b>CONTACT</b>	Kenneth Jaekel, Public Works Supervisor
<b>PHONE</b>	(973) 383 – 3521 ext. 228
<b>FAX &amp; EMAIL</b>	(973) 383 – 8961 kjaekel@newtontownhall.com
<b>ORGANIZATION</b>	Newton Advisory Shade Tree Commission
<b>MAYOR'S SIGNATURE</b>	
<i>* I Certify that this Community Forestry Management Plan was developed specifically and exclusively for the Town of Newton, NJ</i>	
<b>DATE SUBMITTED</b>	January, 2010
<b>TIME PERIOD</b>	January 2010 – December 2014
<b>CSIP PRACTICES IDENTIFIED IN PLAN</b>	<input checked="" type="checkbox"/> CSIP #1 Plan Preparation .....p. 38 <input checked="" type="checkbox"/> CSIP #2 Training .....p. 19 <input checked="" type="checkbox"/> CSIP #3 Public Education & Awareness .....p. 22 <input checked="" type="checkbox"/> CSIP #4 Arbor Day Activities .....p. 22 <input checked="" type="checkbox"/> CSIP #5 Assessment / Inventory .....pp. 6, 25 <input checked="" type="checkbox"/> CSIP #6 Tree Hazard Identification Plan .....p. 27 <input checked="" type="checkbox"/> CSIP #7 Tree Planting .....p. 28 <input checked="" type="checkbox"/> CSIP #8 Tree Maintenance .....p. 32 <input checked="" type="checkbox"/> CSIP #9 Tree Recycling .....p. 35 <input checked="" type="checkbox"/> CSIP #10 Ordinance Establishment .....pp. 15, 16 <input checked="" type="checkbox"/> CSIP #11 Tree Care Disaster Plan .....p. 36 <input checked="" type="checkbox"/> CSIP #12 Insect and Disease Management .....pp. 31, 33, 36, 37 <input checked="" type="checkbox"/> CSIP #13 Other ..... various sections

### Official Use Only Certification

The above named municipality 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

### SCOPE

The following sections outline programs and procedures for managing public shade tree resources within the Town of Newton during the period January 2010 – December 2014.

Recognizing that trees help improve the quality of urban and suburban life, Newton has developed this Community Forestry Management Plan in accordance with statewide efforts to preserve and promote sustainable community forest resources and to support and fulfill goals and objectives of its Master Plan.

This initial five-year Plan presents goals and objectives for establishing or improving upon programs for managing Town-controlled street trees, park trees, and trees on public properties. These programs will be further expanded or refined during future five-year management periods.

In addition, it is expected that elements of this Plan will help stimulate the planting and proper care of trees on private property and the preservation and protection of the environment in general.

### MISSION STATEMENT

*To improve the quality of life in Newton by maximizing the environmental, social and economic benefits of trees to the community while minimizing the associated costs and liabilities.*

### OVERALL PROGRAM GOALS

The New Jersey Community Forestry Council has identified twelve Community Stewardship Incentive Program (CSIP) practices that together comprise a complete and comprehensive Shade Tree Program.

These practices (listed on page 1) cover all aspects of community forest management – program administration and planning, training of those charged with running the program, public awareness and outreach, tree planting and maintenance, and the recycling of tree waste. Each is equally important and must be addressed in establishing and operating a municipal shade tree program that delivers the benefits of trees effectively and cost-efficiently.

Within each of the plan elements that follow, existing Town programs, policies and procedures are described, intermediate and element-specific goals are established, and CSIP-based objectives for the 2010 – 2014 management period are set.

Systematic fulfillment of these CSIP-specific goals and objectives will gradually move the Town of Newton's Shade Tree Program toward its overall program goals, which are established as follows:

1. Develop and perpetuate a beneficial public shade tree resource.
2. Maximize the physical, social and economic benefits of trees to the community.
3. Maximize long-term stability and sustainability in the public tree resource.
4. Minimize the risk of trees to public safety.
5. Minimize conflicts between trees and infrastructure.

6. Optimize the balance between tree health, maintenance costs and budgetary constraints.
7. Improve and maintain public interest, appreciation and support for public shade tree programs and encourage volunteer participation.
8. Encourage the planting and proper care of trees on private properties within the Town.
9. Meet all eligibility requirements of the NJ Shade Tree & Community Forestry Assistance Act.

## **TREE HAZARDS & LIABILITY**

As with all municipal assets, trees require maintenance and it is inevitable that potentially hazardous conditions will emerge.

Nevertheless, it is widely recognized that comprehensive shade tree management programs that are proactive in their efforts to prevent, anticipate, and correct such problems will cost-effectively maximize the benefits of trees while minimizing the threat to public safety and exposure to liability. All elements of this Plan are designed to optimize the balance between tree benefits and risks to public safety.

The Town of Newton acknowledges that not all hazardous conditions can or will be predicted. It must work with limited resources spread over a large physical expanse and may not be able to meet every need immediately.

The intent of this Plan is to direct available resources toward the greatest needs and systematically develop and maintain a healthy shade tree resource with a commensurate reduction in threats to public safety.

Public safety will be a primary consideration in the development and implementation of all shade tree plans and programs. This Plan provides a means of identifying and systematically addressing existing tree hazards. Further, it provides a means of reducing the potential for future hazards and liability through responsible planting and preventative maintenance.



**A BRIEF HISTORY OF NEWTON**

“Newtown,” as it was formerly known, was first formed in 1751 as part of Morris County, and became one of four precincts in Sussex when it was formed in 1753. An immense area, it encompassed most of the land of Sussex County east of the Kittatinny Mountains.

At this time, Newtown was a frontier region with a growing population of farmers, mechanics, tradesmen, and adventurers moving westward. As the area developed, regional interests were soon petitioning the government to be divided into separate precincts. Between 1753 and 1844, several townships emerged from parts of Newtown and by 1864, the Town of Newton was formed and its present size established.

In 1761, an act authorizing the building of a courthouse for Sussex County required it be built within one-half mile of Henry Hairlockers house, an innkeeper and early settler in the area now known as Newton. Jonathan Hampton, a surveyor, who was influential in seeing that this area became the County seat, donated the land on which the courthouse was built in 1764.

In the War for Independence, Newton furnished both men and much needed supplies – horses, flour and feed. The army supplies produced in the area were organized and distributed through Thomas Anderson, a Deputy Quarter Master General. During the war, General Washington visited Newton and was a guest in Mr. Anderson’s home.

By the late 19th century, Newton had developed into an impressive agricultural, industrial and mercantile center and had a very active fire department. The Sussex Register related that the Town “possesses fine, well kept shade trees and a superior quality of pure water . . .”

Snell, in his History of Sussex and Warren Counties, states “Its high elevation, salubrious atmosphere and beautiful scenery render Newton in the summer season a place of attraction as a resort.”

**NEWTON TODAY**

Today, Newton is a near fully developed residential community and commercial center. It is located in the geographic center of Sussex County, bounded by the Townships of Andover to the south and east, Fredon to the west, and Hampton to the north.

Newton is traversed by State Routes 206 and 94 and County Routes 519 and 616, all major through routes that converge at the historic Town Green. The Town is also served by County Routes 663, 621 and 622 and thirty-three miles of municipal roadways.

Though small in landmass, Newton is the most densely developed and populated community in Sussex County. Currently, 8244 residents live in its 3.1 square miles, but its daytime population nearly doubles as people come from throughout the County and beyond to work and shop.

As the “Commercial Center of Sussex County,” Newton is home to a vast array of large retail outlets and small shops, numerous car dealerships, restaurants and service businesses, the County courthouse and administrative offices, and Sussex County Community College. Newton is the County Seat and the New Jersey State designated Regional Center for Sussex County.

**THE ROLE OF  
TREES IN  
NEWTON'S  
FUTURE**

Still, its residential neighborhoods, compact central business district and numerous houses of worship help it maintain a small town charm.

The physical, social and economic benefits of trees and their ability to help improve the quality of urban and suburban life are well documented.

Trees alter the environment in which we live by moderating the effects of sun, wind, and rain, improving air quality, and conserving water. Shade trees play a major role in reducing urban heat island effects in fully developed areas such as Newton and substantially reduce summer energy costs.

Urban trees also fulfill several architectural and engineering functions. They provide privacy, emphasize desirable views, or screen out objectionable ones. They reduce glare and reflection. They direct pedestrian traffic. They provide background to and soften, complement, or enhance architecture.

These physical benefits, along with the stature, strength, endurance, and simple beauty of trees, have a positive impact on the human psyche. Trees impart feelings of serenity, peace, and tranquility. They give us a sense of "home".

Recent studies have shown that properly placed and maintained trees and other vegetation may also help reduce crime. *Crime Prevention Through Environmental Design* (CPTED) is a multidisciplinary approach to deterring criminal behavior. Evidence suggests that trees and other vegetation have a mitigating effect on mental fatigue and other stresses that often precede outbursts of anger and violence.

Newton is located in the heart of one of the most rural counties in New Jersey. In contrast to many of the municipalities that surround it, however, it is fully developed and, as the County Seat and designated Regional Center, much of the County's commerce, services, employment, and traffic flows through it.

At the same time, new development continues to steadily claim the farms and forested lands surrounding Newton, as was the case in other parts of New Jersey many years ago. The difference is that we now know the grave impacts that development and human activity have on our environment and climate and we now understand how trees contribute to mitigating those impacts. As such, Sussex County is in a position to avoid the mistakes made elsewhere and ensure that trees remain an integral part of the landscape as development inevitably spreads. And, Newton is in a position to set the tone and lead by example.

The need to enhance and comprehensively manage the Newton's urban forest may never be more important.

**NEWTON'S  
SHADE TREE  
PROGRAM**

The Town of Newton was long admired for its quaint Victorian architecture and tree-lined streetscapes. Historical photos show an abundance of beautiful, well maintained street trees. These trees helped blend the Town's dense, small-lot residential neighborhoods and commercial development with its rural surroundings.

However, years without a comprehensive shade tree maintenance and replanting program have taken its toll. The Town Council recognized this problem and began taking action.

Recently, the Town completed an extensive renovation of its Spring Street shopping district and included a well-designed street tree planting. Concurrent renovation of the Town Green included a historically accurate shade tree design.

In 1997, the Newton Town Council adopted an ordinance establishing the Newton Advisory Shade Tree Commission (NASTC), one of just three such municipal bodies in Sussex County. Since its formation, the NASTC has been active setting goals for the Shade Tree Program, developing the plans, policies and procedures necessary for attaining those goals, and implementing planting projects.

In addition, the Advisory Shade Tree Commission has prepared this Community Forest Management Plan, is striving to develop a cooperative relationship with the Sussex County Shade Tree Commission for their reforestation of County roads in Newton, and is planning a detailed inventory of its shade tree resources.

The following are the key issues currently facing Newton's Shade Tree Program and for which goals and objectives have or will be set:

1. The Town's street tree resource is poorly stocked and in poor condition. Initially, aggressive efforts will be necessary to address the large number of dead, dying and potentially hazardous trees. Then, extensive resources will be needed to reforest the Town to an acceptable level within a reasonable amount of time and maximize tree cover over the long term. Additional sources of funding, both internal and external, are necessary to make a significant impact.
2. By ordinance, property owners are charged with the responsibility of maintaining Town-owned street trees adjacent to their property. It appears that, in contradiction to the ordinance, or as a result of insufficient enforcement, many property owners have not only failed to maintain the trees, but opted to remove them instead. Regardless of the cause, this arrangement in which so many different people are responsible for so many different trees severely complicates establishment of a comprehensive and proactive tree maintenance program. A creative approach will be necessary to ensure that individual property owners properly maintain the trees, or the Town must assume the responsibility for tree maintenance.
3. The benefits of trees to the community have been overshadowed, in many cases, by the high costs incurred by property owners required to remove large dead or hazardous trees. Many view the trees as a liability and financial burden, rather than an asset. A strong, multifaceted public education program is needed to change this prevailing perception.

## **CURRENT PUBLIC TREE ASSESSMENT**

While Newton has a fair stock of existing street trees, many sites that could be planted are not and, frequently, the existing trees are clustered leaving many areas devoid of trees.

Of the existing trees, some are dead while a significant number are potentially hazardous and require pruning or removal on a priority basis. Others are at or nearing maturity and may soon become liabilities. A substantial number of trees are also exhibiting signs of stress related to insufficient soil space between the sidewalk and curb, periods of drought, deicing salt toxicity, and insufficient maintenance. Long-standing conflicts between the trees and overhead utilities have left many severely deformed, unattractive and in a weakened state.

Like many northern NJ municipalities, Newton's street tree population possesses limited species diversity, with a disproportionately high percentage of maples, particularly aged and structurally deteriorating sugar maples. Fortunately, recent planting efforts carried out by the Town using grant monies have increased species diversity as well as the total number of trees. Still, much work needs to be done.

Most of Newton's street trees were planted at the time the streets and homes were constructed. In the older parts of town streets that radiate out from the downtown area, tree planting has been an ongoing process over the decades. Historical aerial photos show that most of Newton's residential streets were constructed after the mid 1950's as previously undeveloped areas were turned into residential neighborhoods. This would include most of the streets south and east of Merriam Ave. School (constructed in 1963) as

**RELATION  
TO THE TOWN'S  
MASTER PLAN**

well as many of the homes south and east of the High School (built in 1956). Thus, the majority of these street trees are in the 40 to 50 year old range with many have reached maturity. Some are in a declining state and others are being removed by the homeowner for various reasons, and too frequently not being replaced.

It is clear that an aggressive, yet well-planned, replanting program and effective, long-term maintenance are vitally necessary to reestablish and perpetuate Newton's once-grand shade tree asset.

All aspects of this Community Forestry Management Plan are consistent and compatible with the general intent of the Town of Newton Master Plan and its implementation will directly or indirectly help satisfy its goals and objectives.

In 1993, the Office of State Planning designated Newton as a "Regional Center," the first such designation in the State. Not only does this designation permit Newton to seek priority treatment from various New Jersey agencies for grants and loans, it furthers the Town's interest in preserving its historic resources, including its once beautiful tree-lined streets. In February, 2009, the Town received plan endorsement by the NJ Office of Smart Growth.

Newton's Master Plan (August 2008) notes that there is little land left for new development. As a result, it primarily focuses on conserving, rehabilitating and enhancing established residential areas, upgrading commercial areas, and implementing strategies for improving the physical environment.

Generally, shade tree management efforts outlined in this Plan will contribute both tangibly and intangibly to improving the character and aesthetic appeal of streetscapes and residential neighborhoods, maintaining a healthier environment, protecting water quality, and enhancing property values.

Further, these efforts will ensure that the shade tree resources are maintained and perpetuated so that the benefits they provide will be maximized and continue uninterrupted over the long term.

Specific goals and objectives presented in the *Town of Newton Master Plan* to which this Community Forestry Management Plan directly or indirectly relate include:

**General Goals & Objectives**

- *To provide adequate light, air and open space.*
- *To promote a desirable visual environment through creative development techniques and good civic design and arrangement.*
- *To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the Town and to prevent urban sprawl and degradation of the environment through improper use of the land.*
- *To encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, and recreational development to a particular site.*
- *To promote utilization of renewable energy resources.*
- *To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to compliment municipal recycling programs.*

**Residential Goals and Objectives**

- *Create and maintain buffers where residential development abuts more intense uses.*

### **Historic Preservation Goals and Objectives**

- *Protect designated Historic Districts against the negative visual effect of activities on adjoining non-residential properties by strengthening screening and landscaping requirements including their strict enforcement.*
- *Encourage architectural design that complements historic buildings in the Town.*
- *Maintain and develop an appropriate and harmonious physical and visual setting for historic landmarks and architecturally significant buildings, structures, site objects, and districts within Newton.*
- *Encourage adaptive re-use and proper maintenance and design of historic buildings and their settings.*
- *Develop and strategy for the placement of streetscape amenities in appropriate business areas to include such items as benches, sitting areas, landscaped courtyards, bike racks, and other pedestrian amenities in various combinations to create community focal points for residents and workers in designated Historic Districts.*

### **Economic Goals and Objectives**

- *Encourage further improvement and consolidation of Main Street and Spring Street commercial areas as the effective Central Business District (CBD) of Newton.*

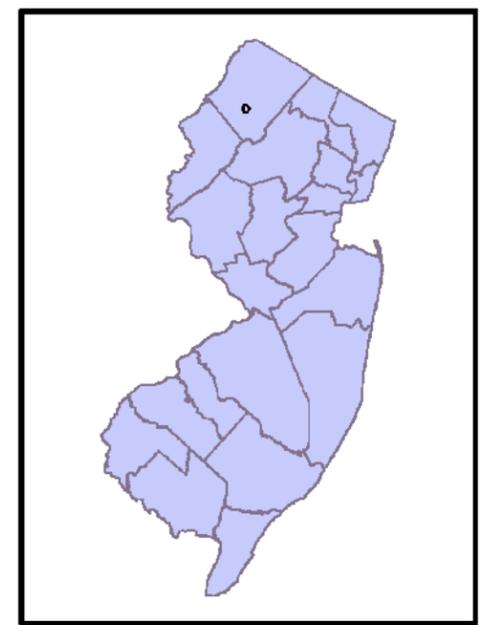
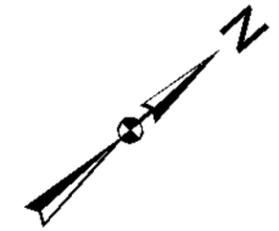
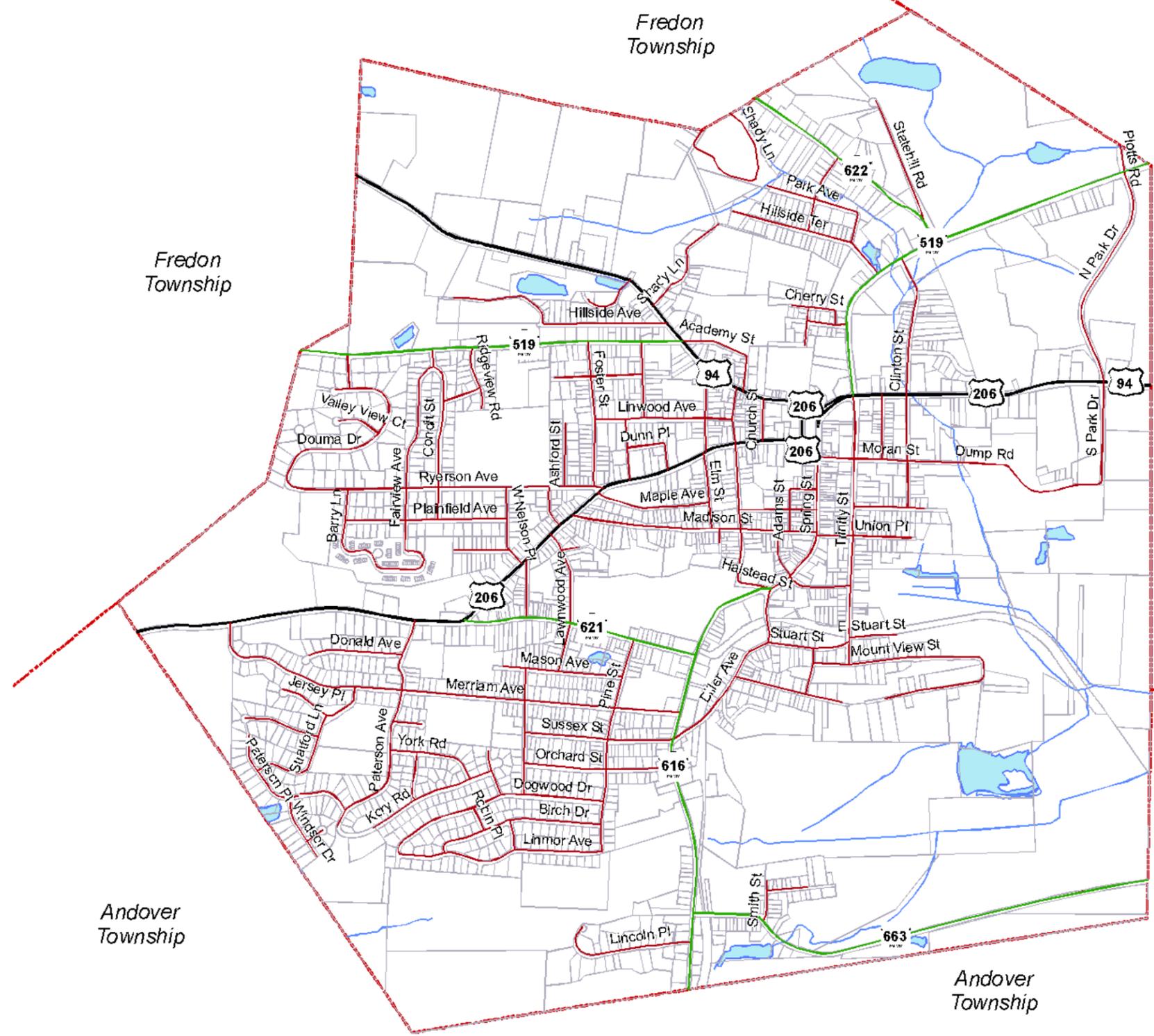
### **Circulation Goals and Objectives**

- *Develop and improve the coordinated street system which enables the safe and efficient movement of people and goods providing for the separation, to the maximum extent possible, of local and through traffic.*

### **Environmental / Conservation Goals and Objectives**

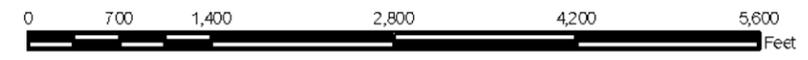
- *Conserve and protect environmentally sensitive areas (e.g. steep slopes, wetlands, and floodplains) in Newton.*
- *Improve the appearance of the community by the elimination of negative elements such as non-conforming signs and by encouraging aesthetically designed screening with adequate setbacks and landscaping.*
- *Improve the appearance of dominant focal points within an area where needed (e.g. park, public building, church steeple) and exert better control over the locations and design of parking areas and curb cuts through the adoption of site development and design controls which encourage attractive screening of parking and trash dumpsters from public view.*
- *Promote green building techniques, low impact development, energy efficient buildings and the use of alternative energy.*
- *Preserve and protect existing street trees and promote planting of additional street trees and replacement of dying and diseased trees, utilizing properly sized trees in appropriate locations.*

Implementation of this Community Forestry Management Plan will add much to the restoration of the charm, grace and beauty that once was Newton's. Restoring the many shade trees that once graced Newton's streets will compliment the Conservation / Open Space element of the Master Plan.



**KEY MAP**

- Legend**
- Municipal Roads
  - County Roads
  - State Roads
  - Hydrology
  - Streams
  - Parcels
  - Municipal Boundary



**LOCATION MAP**

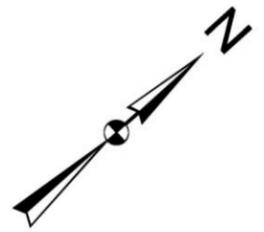
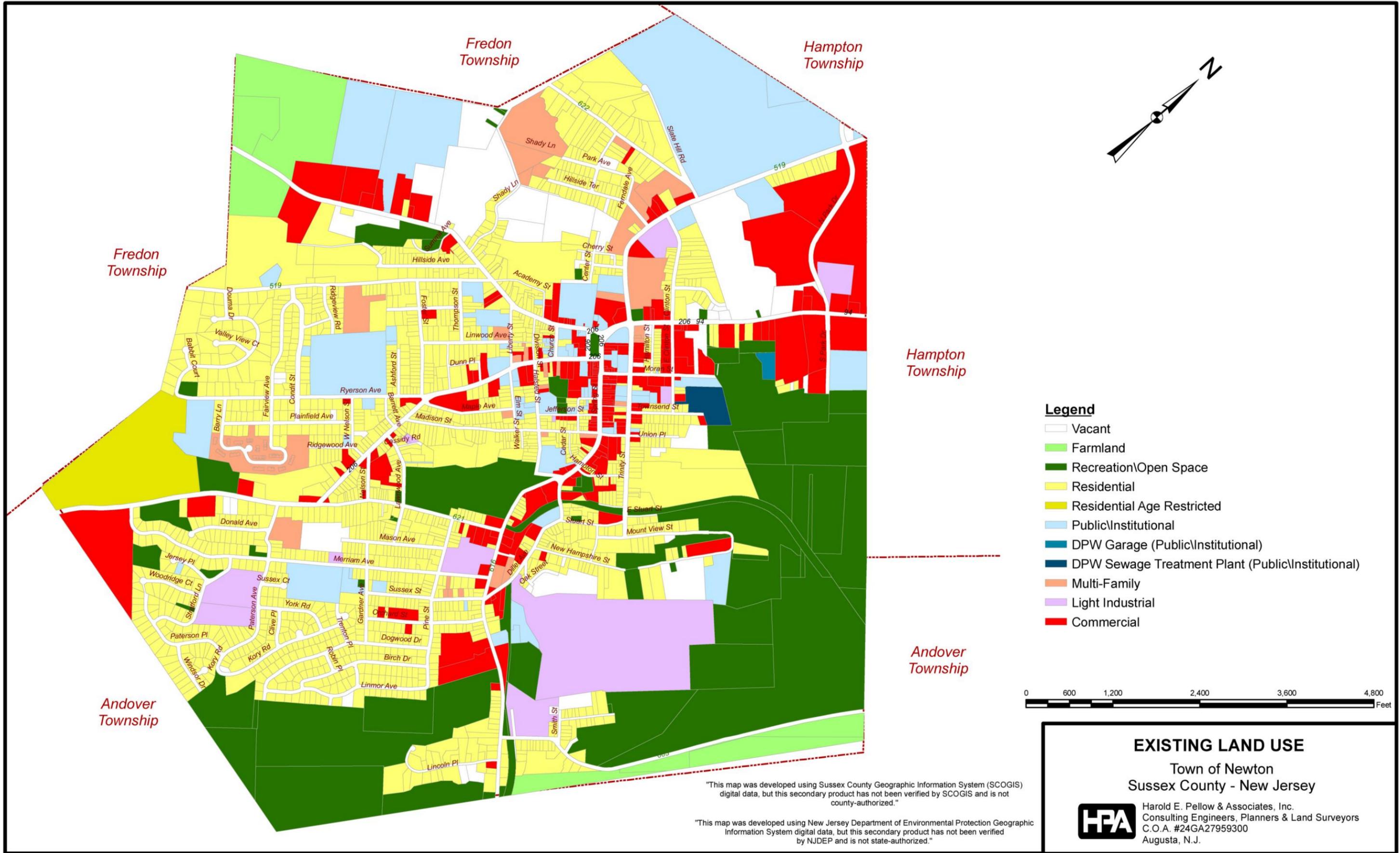
Town of Newton  
Sussex County - New Jersey



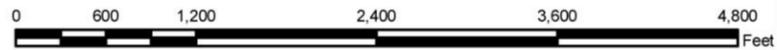
Harold E. Fellow & Associates, Inc.  
Consulting Engineers  
C.O.A. #24GA27959300  
Augusta, N.J.

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"This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not state-authorized."



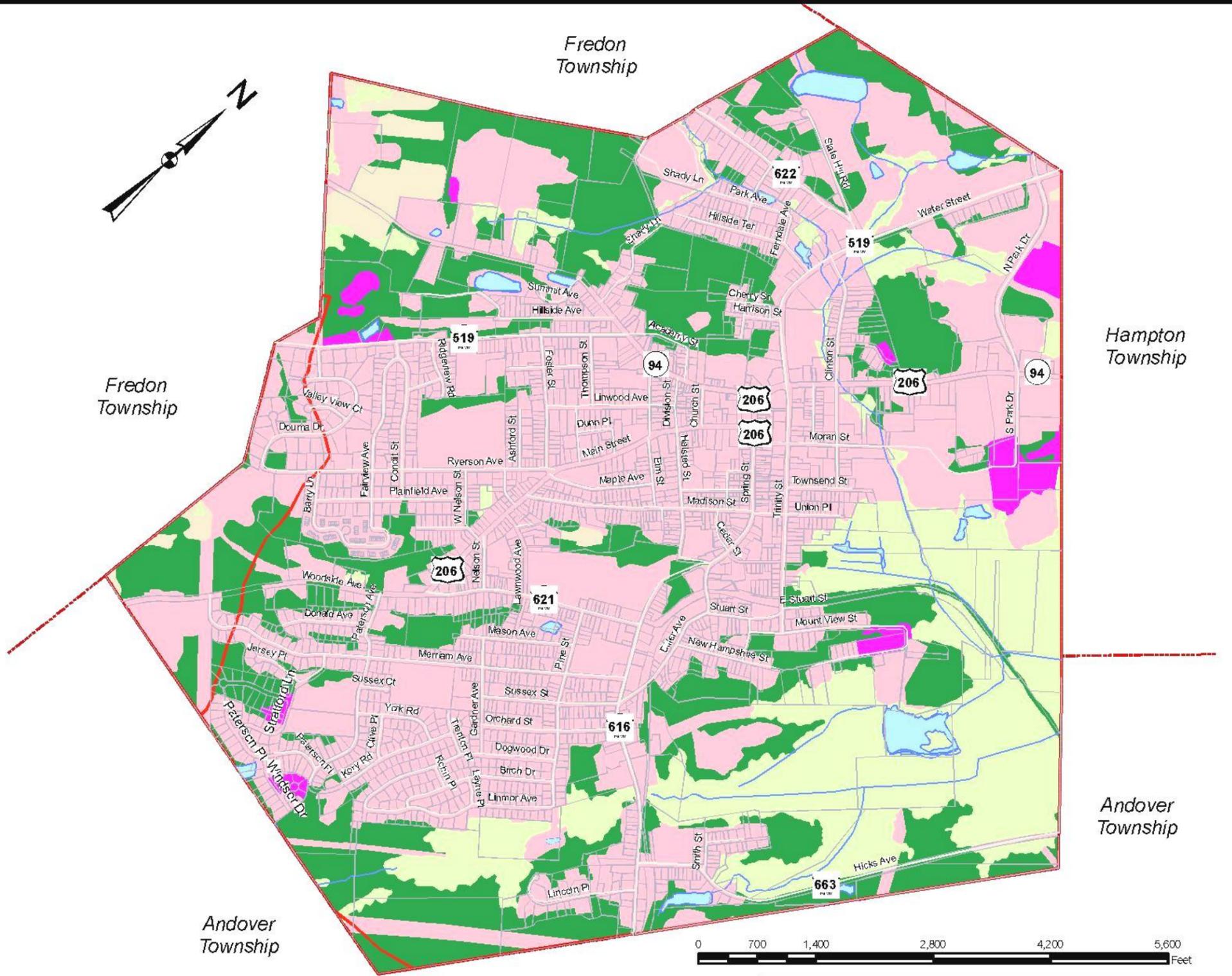
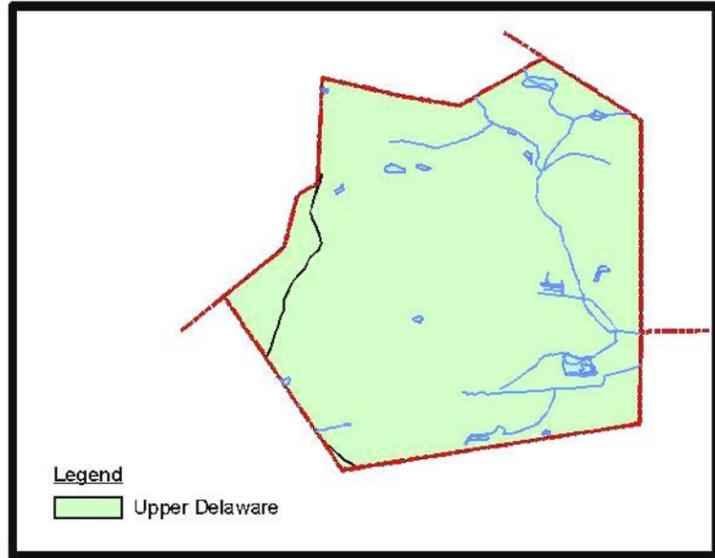
- Legend**
- Vacant
  - Farmland
  - Recreation/Open Space
  - Residential
  - Residential Age Restricted
  - Public/Institutional
  - DPW Garage (Public/Institutional)
  - DPW Sewage Treatment Plant (Public/Institutional)
  - Multi-Family
  - Light Industrial
  - Commercial



**EXISTING LAND USE**  
 Town of Newton  
 Sussex County - New Jersey

**HFA** Harold E. Pellow & Associates, Inc.  
 Consulting Engineers, Planners & Land Surveyors  
 C.O.A. #24GA27959300  
 Augusta, N.J.

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**Legend**

- State Roads
- Parcels
- Hydrology
- Streams
- Municipal Boundary
- Watershed Management Areas

**Upper Delaware Management Area (WMA1)**

- AGRICULTURE
- BARREN LAND
- FOREST
- URBAN
- WATER
- WETLANDS

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"This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not state-authorized."

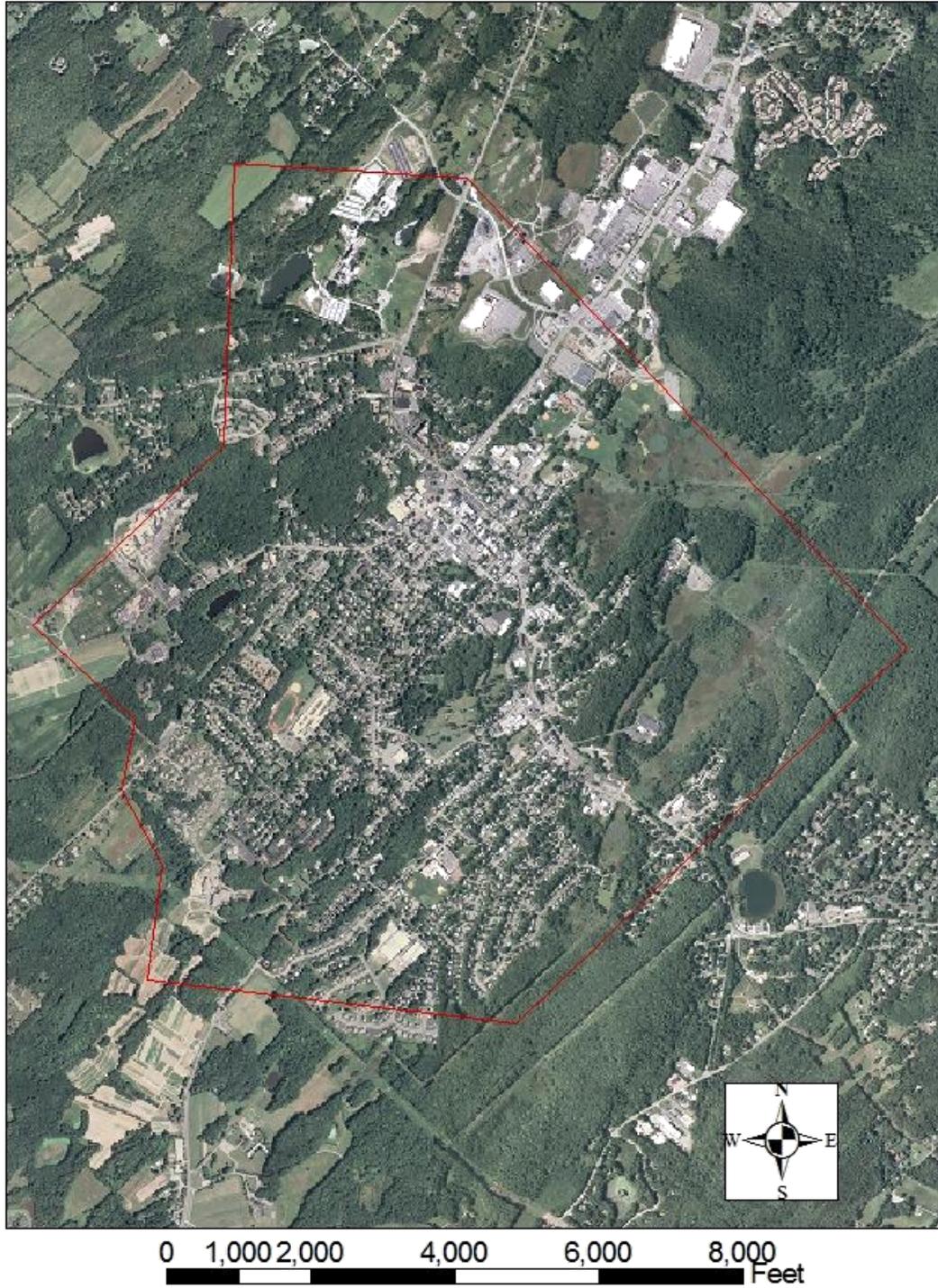
**LAND USE/LAND COVER**

Town of Newton  
 Sussex County - New Jersey



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 Consulting Engineers, Planners & Land Surveyors  
 C.O.A. #24GA27959300  
 Augusta, N.J.

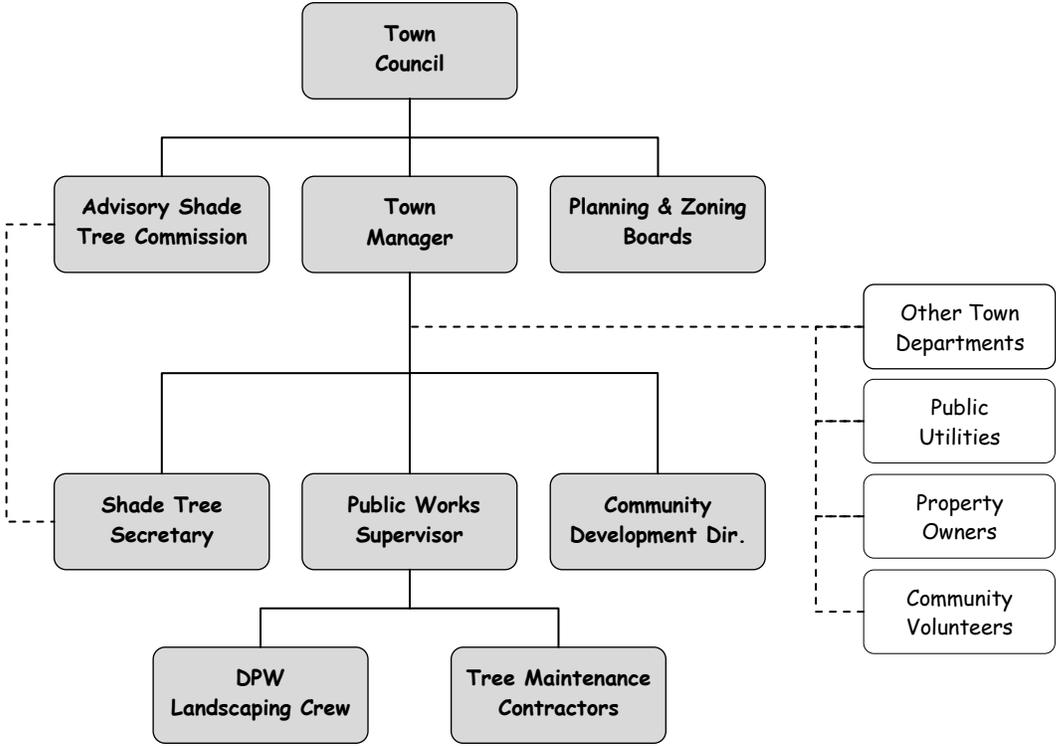
**Newton, New Jersey  
2008 Aerial Photo  
Boundary Approximate**



**SHADE TREE PROGRAM STRUCTURE**

The Public Works Supervisor is primarily responsible for enforcing Chapter 17 of the Newton Revised General Ordinances, *Trees and Shrubs*.

Administration of Newton's Shade Tree Program, however, is a cooperative effort of the Town Council, the Town Manager, the Advisory Shade Tree Commission, the Department of Public Works, individual property owners, and others, as follows:



**SHADE TREE PROGRAM RESPONSIBILITIES**

1. **Town Council**
  - a) The Town Council is responsible for appointing members to the Advisory Shade Tree Commission, as well as other Town boards and commissions.
  - b) The Town Council has ultimate authority over the policies, procedures, and programs of Newton's Shade Tree Program and is responsible for approving its budget and authorizing expenditures.
2. **Town Manager**
  - a) The Town Manager serves as the chief executive and administrative official of the Town.
  - b) The Town Manager is responsible for appointing and managing all Department heads.

- c) The Town Manager confirms that the Town follows all applicable laws in the procurement of personnel, resources and contractors.

### **3. Advisory Shade Tree Commission**

- a) The Newton Advisory Shade Tree Commission is not a fully-empowered shade tree commission per N.J.S.A. 40 : 64-1 et seq.
- b) The Advisory Shade Tree Commission is responsible for recommending to the Town Council ordinances and various programs and projects relating to the planting, regulation, control, and maintenance of public trees within the Town of Newton.
- c) The Advisory Shade Tree Commission is comprised of five members, all of whom are resident volunteers appointed by the Town Council.
- d) The Commission Secretary is responsible for completing various administrative tasks relating to the Shade Tree Program and serving as a liaison between the Advisory Shade Tree Commission and the Town Council.

### **4. Planning Board & Zoning Board of Adjustment**

- a) The Planning Board and Zoning Board of Adjustment are responsible for developing, implementing and enforcing various elements of the Town Master Plan and Town Code that relate to site development and the protection of natural resources.
- b) The Planning Board and Zoning Board of Adjustment periodically seek review and input regarding tree planting and protection on proposed projects from the Advisory Shade Tree Commission.

### **5. Public Works Supervisor**

- a) The Public Works Supervisor is responsible for enforcing Chapter 17 of the Town Code, *Trees and Shrubs*.
- b) The Department of Public Works Landscape Crew occasionally performs certain tree maintenance tasks, including:
  - i) Emergency pruning and tree removal and road clearance.
  - ii) Pruning to ensure clearance for vehicular and pedestrian traffic and to maintain sufficient lines of sight.
  - iii) Tree planting and supplemental post-planting maintenance.

### **6. Private Contractors**

- a) Private contractors are periodically hired under the direction of the Department of Public Works or the Advisory Shade Tree Commission to complete tree planting, pruning or removal work.
- b) Contractors hired by the Town are, within the terms of their agreement, responsible for:
  - i) Completing all work to the specifications of and under the direction of the Public Works Supervisor or the Advisory Shade Tree Commission in an efficient and safe manner.
  - ii) Following all current and accepted arboricultural standards and practices and abiding by all current and applicable safety standards relating to tree care operations.
  - iii) Reporting any tree-related hazards or other problems immediately to the Town.

### **7. Other Town Departments, Boards & Commissions**

- a) Other Town departments, boards and commissions contribute to the Shade Tree Program to the extent that they administer and implement Town ordinances, policies and procedures that directly or indirectly relate to the protection and management of public and private trees.

- b) The Code Enforcement Official is responsible for ensuring that property owners maintain their properties and Town trees adjacent to them in accordance with Town code and applicable standards.
- c) All departments notify the Department of Public Works of tree-related hazards or damage for emergency response.

**8. Public Utilities**

- a) Public utilities are responsible for minimizing conflicts between trees and their facilities.
- b) Specifically, public utilities and their contractors are responsible for:
  - i) Abiding by all applicable Town ordinances.
  - ii) Keeping the Town informed of their work plans and schedules.
  - iii) Exercising reasonable diligence in the installation and maintenance of their facilities so as to avoid damage to public and private trees.
  - iv) Not removing any tree without prior approval of the Town or its owner.
  - v) Following all current and accepted arboricultural standards and practices.
  - vi) Assisting Town personnel and contractors in completing tree removal and maintenance work around their facilities, where necessary.

**9. Property Owners**

- a) Private property owners assist the Shade Tree Program to the extent that they:
  - i) Are, by ordinance (except those in the Central Business District), primarily responsible for maintaining Town trees growing in the public right-of-way adjacent to their property.
  - ii) Are encouraged to plant and properly care for trees on private property.
  - iii) Are required to comply with applicable Town ordinances.

**10. Community Volunteers**

- a) Volunteer groups and individuals are invited to assist the Newton's Shade Tree Program by contributing their ideas and expertise and participating in various projects and tasks.

**CURRENT ORDINANCES**

The following portions of the Newton Town Code authorize, govern or relate to Newton's Shade Tree Program:

1. Chapter 17, *Trees & Shrubs*.
2. Section 20 – 5.8, which contains requirements for treed buffer strips and screens between residential and non-residential land uses.
3. Certain written and unwritten policies regarding tree planting and removal, as indicated in the following sections.

**SERVICE REQUEST PROCEDURES**

Currently, private property owners are responsible for maintaining Town-owned trees growing within the right-of-way adjacent to their property.

As a result, property owners that contact the Town for public tree service are informed of their responsibility and that they must contract with a private tree service to complete the necessary work.

Should a property owner fail to complete work that is necessary to preserve public safety, the Department of Public works or their contractor may complete the work and charge the cost back to the owner.

**2010 – 2014  
OBJECTIVES**

Service requests relating to trees in Town parks and on Town properties are directed to and completed by the Department of Public Works.

Emergency work, such as storm damage or downed trees blocking the roadway, is completed immediately by the Department of Public Works.

**1. Ongoing Administrative Programs**

**a) 2010 – 2014**

- i) Continue implementing the administrative programs, policies and procedures already in effect, with changes dictated by completion of the following objectives.

**2. Tree Preservation Ordinance**

**a) January – June 2013**

- i) Given that trees on private property comprise the majority of Newton's community forest, provide benefits that extend beyond the properties on which they grow, and the growing concern over their indiscriminate removal, evaluate the need for and the feasibility of an ordinance to regulate the widespread removal of trees in conjunction with land development in Newton and ensure that trees to remain are adequately protected from damage during construction. This evaluation should include:
  - An objective assessment of whether such regulation is necessary and appropriate in Newton.
  - An evaluation of the legality and enforceability of such an ordinance in Newton.
  - A review of the successes and failures of similar ordinances in other municipalities in New Jersey.
  - Identification of the processes and resources necessary to administer and enforce the ordinance (issuing of permits, inspections during construction, handling of violations, etc.).
- ii) Based on the results of this review, determine whether to proceed with the creation of the ordinance.

**b) July – December, 2013**

- i) If appropriate, draft the ordinance with the input and ongoing review of all related departments and boards, the Town Council, the Town attorney, and others, as appropriate.
- ii) Continue to review, evaluate and revise the draft ordinance, as necessary.

**c) January – March 2014**

- i) If appropriate, adopt and begin enforcing the new ordinance.



# Budget & Resources

**OVERVIEW**

The following is a summary of the annual resources available to Newton's Shade Tree Program, on average, in recent years.

Objectives contained within this Plan will require resources beyond those currently available. The Town's ability to fully satisfy these objectives may be dependent upon its ability to secure additional funding through internal or external sources.

**EMPLOYEE SALARY & WAGES**

Town Manager  
 Advisory Shade Tree Commission Secretary  
 Department of Public Works Personnel

*Subtotal (total salary and benefits prorated by percent of time dedicated to the Shade Tree Program)* \$30,000.00

**OPERATIONS**

Contracted tree removal

*Subtotal* \$1000.00

**TOWN EQUIPMENT**

Please list all Town-owned equipment used and available for in-house tree maintenance, leaf pick-up, etc.

- (1) Loader / Backhoe
- (3) Dump trucks
- (1) Mason dump truck
- Various saws
- Various small tools and safety wear

*Subtotal (estimated annual value based on value amortized over 5 – 15 year service life, plus annual maintenance, repairs, etc. and prorated by percent of time used by the Shade Tree Program)* \$7250.00

**TREE PLANTING**

Contracted tree planting  
 Cost of trees and materials purchase and installed by Town personnel

*Subtotal* \$2000.00

<b>TREE WASTE RECYCLING</b>	Disposal fees	
	<i>Subtotal</i>	\$1500.00

<b>VOLUNTEER SERVICES</b>	Advisory Shade Tree Commission members	
	Other volunteers	
	<i>Subtotal (150 hrs per year @ \$20.25)</i>	\$3037.50

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<b>TOTALS</b>	<b>Town Resources</b>	<b>\$41,750.00</b>
	<b>Value of Volunteer Contributions</b>	<b>\$3037.50</b>

**TRAINING & PROFESSIONAL DEVELOPMENT GOALS**

1. Provide individuals within the Shade Tree Program with sufficient knowledge to make effective management decisions.
2. Ensure that tree inspections and hazard evaluations follow accepted standard procedures and that the results are objective, technically correct and consistent.
3. Ensure continuity in the overall level of knowledge and expertise within the Shade Tree Program as individuals leave the Program and new ones join.
4. Ensure that all tree maintenance and planting projects and tasks are planned and completed properly, in accordance with the latest scientific knowledge and current industry standards.
5. Satisfy the requirements of the New Jersey Shade Tree & Community Forestry Assistance Act, Training Skills & Accreditation Program without interruption.

**EXISTING PROGRAMS, POLICIES & PROCEDURES**

1. **Training Provisions & Funding**
  - a) The Town periodically offers training and professional development opportunities in arboriculture and urban forestry for employees and volunteers working within Newton's Shade Tree Program.
  - b) Employees of the Department of Public Works are provided with ongoing safety and related training.
  - c) The cost of training is, or will be, covered by the operating budgets of the Advisory Shade Tree Commission or the Department of Public Works, as appropriate. However, the objectives listed below will require a significant increase over current training allocations. The Town's ability to meet these objectives may fully depend upon the availability of external sources of funding.
2. **NJ Community Forestry's Training Skills & Accreditation Program**
  - a) At the time this Plan was prepared, one individual had satisfied the CORE Training requirements of the New Jersey Shade Tree & Community Forestry Assistance Act Training Skills & Accreditation Program including:
    - i) (1) Town employee
    - ii) (0) Elected officials
    - iii) (0) Program volunteers
3. **Current Expertise, Licenses & Certifications**
  - a) The current Public Works Supervisor and Advisory Shade Tree Commission Chair is a Certified Public Works Manager.
  - b) The current Advisory Shade Tree Commission Vice Chair is a retired Resource Conservationist with the USDA Natural Resource Conservation Service.
  - c) One current member of the Advisory Shade Tree Commission has a degree in Natural Resource Management from Rutgers University, works as a high school biology teacher, and is an advisor for the Walkkill Valley Ecology Club.

**CURRENT  
TRAINING  
NEEDS**

The Town has evaluated its existing programs and personnel and identified the following areas in which training is currently needed or desired.

1. CORE Training for additional Town employees, elected officials, and Shade Tree Program volunteers.
2. Tree pruning training for Department of Public Works employees.
3. Tree hazard identification and assessment for Department of Public Works employees, Advisory Shade Tree Commission members, and Town building, code and other inspectors.
4. Planting site analysis and tree species selection for Advisory Shade Tree Commission members.

**2010 – 2014  
OBJECTIVES**

**1. Ongoing Training Programs**

**a) 2010 – 2014**

- i) Continue all existing training programs on a regular basis.
  - Attend training programs, in addition to the following objectives, that address the Current Training Needs listed above as appropriate programs become available.
  - Maximize the number of different individuals who increase their level of expertise.
  - Increase the number of training sessions attended.

**2. NJ Community Forestry's Training Skills & Accreditation Program**

**a) January – December, 2010**

- i) Schedule and complete CORE training for at least two Program volunteers.

**b) January – March, Annually**

- i) Review training needs versus upcoming training opportunities.
- ii) Ensure that the Town will accumulate the necessary continuing education credits as required under the New Jersey Shade Tree & Community Forestry Assistance Act by the end of each year.
- iii) Schedule CORE training for additional individuals, as necessary, to maintain four or more CORE trained individuals including at least two Town employees and at least two program volunteers or elected officials.

**3. Tree Hazard Evaluation Training**

**a) January – December 2010**

- i) Train at least one Town employee to recognize and evaluate potential tree hazards using the latest information and techniques through an advanced level seminar.

**b) January – December 2013**

- i) Train at least one Advisory Shade Tree Commission member and/or one additional Town employee to further advance his or her skill in recognizing and evaluating potential tree hazards using the latest information and techniques.

**4. Planting Site Analysis & Species Selection Training**

**a) January – December 2011**

- i) Train at least two Advisory Shade Tree Commission members in pre-planting site analysis, species selection and tree placement. Critical issues to be covered include:
  - Selecting species whose site requirements and growth characteristics suit the existing site conditions.

- Recognizing potential root zone and above-ground restrictions and conflicts.
- Identifying suitable sites for larger shade tree species versus smaller ornamentals.
- Evaluating soil structure and drainage.
- Selecting an appropriate mix of species that will maximize long-term health and stability in the tree population while minimizing maintenance demands.
- Minimizing the use of aggressively invasive exotic species.

## **5. Young Tree Pruning Training**

### **a) October 2011 – March 2012**

- i)** Train at least two Department of Public Works employees in pruning of young trees in accordance with ANSI A300 standards to promote the development of a structurally sound trunk and crown form, minimize conflicts with roads and utilities, and minimize the need for severe pruning as the trees mature.
- ii)** To the extent feasible, preference will be given to an in-house, hands-on training session by a NJ Certified Tree Expert in conjunction with the actual pruning of Town trees during the planned Developmental Pruning Project for Young Trees (see *Tree Maintenance, Objective #2*).



# Public Education, Awareness & Outreach

## PUBLIC EDUCATION, AWARENESS & OUTREACH GOALS

1. Improve and maintain public interest and support for Newton's Shade Tree Program.
2. Encourage citizens to volunteer and assist in promoting and completing various programs and projects, protecting public trees, and beautifying Newton.
3. Promote the planting, protection and proper care of trees on private property for the benefit of the entire community.
4. Educate citizens in the importance of environmental stewardship.

## EXISTING PROGRAMS, POLICIES & PROCEDURES

1. **Arbor Day**
  - a) An Arbor Day ceremony was first held in Newton in 2001. A shade tree was donated by a local nursery and planted at the local grammar school as part of the Town's official Arbor Day celebration.
  - b) Since 2002, Arbor Day celebrations have not been held consistently by the Town. However, local schools and scout groups have routinely held Arbor Day and Earth Day celebrations.
2. **Tree City USA & Other Awards**
  - a) The Town of Newton is not currently designated as a Tree City USA by the National Arbor Day Foundation.
3. **Media**
  - a) The Town Newsletter is periodically used to announce plans and projects of the Shade Tree Program, request volunteer assistance, and solicit requests from homeowners for street tree planting projects.
  - b) The Town periodically uses press releases via other media to announce its planting projects, to educate residents in the need for tree planting, and to educate residents in the benefits that trees provide to the community.

## 2010 – 2014 OBJECTIVES

1. **Existing Public Education, Awareness & Outreach Programs**
  - a) *2010 – 2014*
    - i) Continue all existing public education, awareness and outreach programs on a regular basis.
2. **Annual Arbor Day Programs**
  - a) *January – April, Annually*
    - i) Organize and conduct annual Arbor Day celebrations on a consistent basis.
      - Seek assistance from local civic organizations, the Board of Education, Boy and Girl Scouts, local businesses, local environmental groups, and others to help spread the workload and maximize visibility and attendance at the programs.
      - Vary the location, activities, target audience, etc. each year to help increase interest and support for the Town's Shade Tree Program and to promote the planting and care of trees on private property.
      - Use these programs to enlist the involvement of the Newton High School

Agriculture Department, student groups, service clubs, and other volunteer groups in promoting and realizing the Shade Tree Program's goals.

### **3. Press Releases**

#### **a) 2010 – 2014**

- i)** Issue at least three articles per year covering general interest subjects, educational subjects, and program announcements, to foster public awareness, interest and support for Newton's Shade Tree Program and the planting and care of trees in general.
- ii)** These articles may be produced in-house or reprints of articles from various sources, such as the International Society of Arboriculture's *Consumer Information Brochure* series, and published via local newspapers, the Town Newsletter, the Town website, direct mail enclosures with other Town mailings, or other means.
- iii)** Applicable subjects may include, among others:
  - Explanation of the property owner's responsibility to maintain Town trees growing in the right-of-way adjacent to their property.
  - Other shade Tree Program policies, services, and permit requirements relating to tree planting, tree maintenance, sidewalk repair, etc.
  - Announcements of upcoming programs and events (Arbor Day celebrations, projects planned or completed, etc.).
  - Measures for protecting trees during construction.
  - The hazards of cutting roots during sidewalk repair and alternative methods to consider.
  - Town policies and remedies for root intrusion into sewers.
  - The environmental, social and economic benefits of trees to property values and the community in general.
  - Timely tree health issues (Asian longhorned beetle, emerald ash borer, bacterial leaf scorch, hemlock woolly adelgid, drought, etc.) and recommendations for preventive care.
  - General tree maintenance tips.
  - Selecting and planting trees on private property.
  - Proper mulching and avoiding root collar damage.
  - How to select a qualified arborist for maintaining Town-owned or privately owned trees.

### **4. Tree City USA**

#### **a) October – December 2011 and Annually thereafter**

- i)** After eligibility requirements have been confirmed, prepare and submit the annual application for designation as a Tree City USA through the National Arbor Day Foundation's recognition program.
- ii)** Advertise the designation by displaying the program's promotional materials throughout the Town and in other public relations materials (road signs, plaques, truck decals, stationary logo, etc.).

### **5. Shade Tree Program Web Page**

#### **a) July – December 2012**

- i)** Expand the Advisory Shade Tree Commission page on the official Newton website ([www.newtontownhall.com](http://www.newtontownhall.com)) as an additional avenue for disseminating education, awareness and outreach information.
  - Develop the page in a manner that provides space for both static information (e.g. Shade Tree Program contact information, ordinance information, service and planting request procedures, etc.) and space that can be readily updated with more timely information (calendar of events, summary of recent activities, rotating educational articles and

tree maintenance tips, calls for volunteers, etc.).

**b) 2013 – 2014**

- i)** Update the web page regularly to keep the information current and of interest to the general public



## TREE INVENTORY & ASSESSMENT GOALS

1. Provide accurate baseline information regarding the Town's shade tree resources upon which technically sound management decisions can be based.
2. Provide the data necessary for establishing or improving proactive tree planting, maintenance, and hazard identification and abatement programs that are both effective and cost-efficient.
3. Provide a basis for monitoring and evaluating changes in the Town's tree population, the impact of management efforts over time, and progress toward the overall goals of the Shade Tree Program.

## EXISTING PROGRAMS, POLICIES & PROCEDURES

1. **Existing Tree Inventory & Assessment**
  - a) The Newton Advisory Shade Tree Commission conducted a survey of its existing street tree population in 2000 – 2001. A summary of findings resulting from the street tree survey is provided on page 6 under *Current Public Tree Assessment*.
  - b) The Town currently lacks a comprehensive inventory and assessment of trees in Town parks and on Town-owned properties.

## 2010 – 2014 OBJECTIVES

1. **Tree Cover Inventory & Assessment Program**
  - a) *January – June 2010*
    - i) Because street trees are ultimately under each individual property owners' jurisdiction, a traditional inventory that records and maintains data for individual street trees may not be necessary or cost effective. Pending confirmation of this belief, the Town will likely explore alternate inventory techniques that will provide Town-wide summary information that can be used for general planning purposes, rather than individual tree data that will be of little use for day-to-day management and will be difficult to continually update. These techniques may include:
      - Quantifying existing tree populations through aerial photo interpretation and limited field surveys, comparing this information to past aerial photos to quantify recent changes in the tree populations, and using the findings to track and quantify future trends in canopy cover due to development and other pressures.
      - Conducting periodic sample-based inventories and assessments.
      - Conducting periodic maintenance needs surveys, which are primarily designed to identify high priority pruning and removal needs and ensuring that the work is completed by the adjacent property owners or the Town, as appropriate. A secondary objective of these surveys may be to collect general information regarding species composition, tree condition, planting needs, etc.
      - Other methods to be determined.
  - b) *July – December 2010*
    - i) Develop, design and schedule the inventory and assessment project. This process will require:

- Determining the scope of the inventory and assessment – whether it should address public trees and properties only or include private property as well, the data parameters to be obtained, the level of accuracy desired, etc.
  - Developing methods and criteria to be employed in completing the inventory and assessment.
  - Recruiting groups of volunteers and/or identifying contractors qualified to complete the inventory and assessment and identify the associated costs.
  - If appropriate, seek grants or other sources of external funding to help subsidize the project.
- c)** *January – December 2011*
- i)** Complete the inventory and assessment according to the plans and schedule set.



# Tree Hazard Management

## TREE HAZARD MANAGEMENT GOALS

The sole purpose of the Shade Tree Program's tree hazard management efforts are to:

1. Reduce tree-related hazards and, subsequently, minimize the potential risk of trees to life and property.

## EXISTING PROGRAMS, POLICIES & PROCEDURES

### 1. **Tree Hazard Identification**

- a) Hazardous tree conditions are currently identified via:
  - i) In the case of street trees, adjacent property owners who are ultimately responsible for maintaining Town trees in a safe condition.
  - ii) In the case of the street trees, the Code Enforcement Official, who is responsible for notifying property owners of the need to correct potentially hazardous conditions, when noted.
  - iii) Ongoing observations by Department of Public Works and other Town personnel during the course of their daily activities.

### 2. **Tree Hazard Abatement**

- a) Adjacent property owners are currently responsible for correcting hazardous conditions on their own or upon notice from the Code Enforcement Officer.
- b) The Department of Public Works or their contractor may complete hazard abatement work when the property owner, after receiving notice, fails to comply. The cost of this work is charged back to the property owner.
- c) Certain emergency work, such as clearing roads of downed trees, is completed by the Department of Public Works.

### 3. **Record-Keeping**

- a) Records of work completed are maintained via Department of Public Works work logs, by the Code Enforcement Officer, or the adjacent property owner.

## 2010 – 2014 OBJECTIVES

### 1. **Ongoing Tree Hazard Management Programs**

- a) *2010 – 2014*
  - i) Continue all existing tree hazard management programs.
  - ii) Continue to address hazard abatement needs as they are identified in order of priority.

### 2. **Tree Hazard Evaluation Training**

*(see Training & Professional Development, Objective #3)*

## TREE PLANTING GOALS

1. Reforest the Town and perpetuate the public tree resource at maximum practical stocking (the maximum number of trees that is appropriate for the community design and that the Town can effectively manage within its means).
2. Improve aesthetic appeal, seasonal variation, and physical and social benefits to adjacent properties, neighborhoods and the Town as a whole.
3. Minimize future maintenance needs and costs.
4. Optimize species diversity to help insulate the tree population from catastrophic losses to species-specific insects and diseases.
5. Optimize age diversity so that the number of trees requiring removal and replacement due to advanced age is consistent from year to year.
6. Minimize conflicts between trees and sidewalks, buildings, utilities, and other public and private fixtures.
7. Minimize the introduction and spread of invasive exotic species.

## EXISTING PROGRAMS, POLICIES & PROCEDURES

### 1. *Planting Jurisdiction*

- a) The Town of Newton periodically plants trees:
  - i) In Town rights-of-way.
  - ii) In Town parks.
  - iii) On Town-owned properties.
  - iv) On Newton school properties.

### 2. *Planting vs. Removal Ratio*

- a) The Town has planted an average of 10 – 15 public trees per year since 2000. Little or no planting was completed for many year prior to 2000.
- b) The number of public trees removed during this same time period is not known because property owners are responsible for contracting for the removal of dead and structurally unsound Town trees growing adjacent to their property and ordinance requirements for first obtaining a permit have not been enforced.
- c) Based on the findings of the 2000 – 2001 street tree survey by the Advisory Shade Tree Commission, it is clear that tree removal has greatly exceeded planting for many years resulting in a severe net loss of tree cover. It is also clear that this trend will continue as existing removal needs are addressed unless there is a dramatic increase in planting.

### 3. *Planting Location & Tree Placement*

- a) Planting sites are currently identified via:
  - i) Inspection of proposed planting project areas by Advisory Shade Tree Commission members.
  - ii) Requests by adjacent property owners.
  - iii) Street tree survey data.
- b) All new street trees planted by the Town are planted within the public right-of-way.

- i) Trees are placed either inside or outside the sidewalk, depending upon available space and location of utilities, driveways, signage, and other conflicts and restrictions.
- ii) Trees are generally not planted by the Town where there are objections from the adjacent property owner.
- c) Tree placement and spacing is determined:
  - i) By the Advisory Shade Tree Commission.
  - ii) In accordance with standard guidelines to minimize future conflicts with buildings, site lines, overhead and underground utilities, signage, etc. and to permit proper tree development.

#### **4. Species Selection**

- a) Species are selected:
  - i) By the Advisory Shade Tree Commission.
  - ii) In accordance with goals for increasing Town-wide species diversity.
  - iii) Based on suitability to the site's growing conditions and restrictions.
  - iv) Based on ornamental attributes, expected performance, and expected maintenance needs.

#### **5. Tree Supply & Installation**

- a) Typically, trees are purchased by the Advisory Shade Tree Commission and planted by Department of Public Works personnel.
- b) Occasionally, trees are furnished and installed by a private planting contractor hired by the Town.
- c) A small number of trees have been provided by the Sussex County Shade Tree Commission for planting on County Roads by Newton Department of Public Works personnel.

#### **6. Post-Planting Care**

- a) New street trees are irrigated by adjacent property owners according to written care instructions provided by the Newton Advisory Shade Tree Commission.
- b) Supplemental watering, stake removal and mulching are provided by the Department of Public Works personnel.
- c) For certain projects, developmental pruning will be provided by the Department of Public Works under the direction of the Advisory Shade Tree Commission.
- d) Plantings completed by private contractors are covered by a standard one-year guarantee.

#### **7. Funding & Sources**

- a) The cost of trees purchased by the Advisory Shade Tree Commission and contracted planting services are funded by its operating budget.
- b) The cost of tree installation by the Department of Public Works is covered by its payroll budget.
- c) New Jersey Forest Service Tree Planting Grant funds were obtained to subsidize planting in 2000. No additional planting grant funds have been received by the Town since 2000.

**1. Ongoing Tree Planting Programs**

**a) 2010 – 2014**

- i) Continue implementing existing tree planting programs where appropriate and with changes dictated by the following objectives.

**2. Annual Tree Planting Program**

**a) January – June, 2012**

- i) Identify potential sources of additional funding for establishing and supporting an Annual Tree Planting Program that will ensure that Town trees are consistently planted every year. Potential sources may include some combination of:
  - Town budget allocations
  - Grant programs
  - Private donations
  - An Adopt-A-Tree or other cost-share program (*see below*)

**b) July – December, 2012**

- i) If feasible, develop the Annual Tree Planting Program. This will include:
  - Developing procedures for identifying and prioritizing planting locations.
  - Developing planting designs that suit the character of each neighborhood (i.e. natural scattered plantings of large native shade trees versus rigidly designed ornamental plantings).
  - Developing guidelines for tree placement to minimize future conflicts with overhead utilities, sidewalks, sight-lines, etc.
  - Developing goals and procedures for species selection.
  - Developing tree procurement and planting specifications.
  - Developing tree planting bids and contracts.

**c) 2013 – 2014**

- i) If feasible, begin and continue implementing the Annual Tree Planting Program on Town rights-of-way, parks and properties.
- ii) Vary the locations and species planted each year to help improve and maintain diversity in the tree population.

**3. Street Tree Species Composition Guidelines**

**a) July – September 2012**

- i) Using Tree Cover Inventory & Assessment findings and other available data, establish a long-term goal for an optimum street tree species mix that provides sufficient genus and species diversity, provides insect and disease resistance, etc.
  - No single genus should comprise more than 10%-20% of the street tree population.
  - No single species should comprise more than 5%-10% of the street tree population.
  - A variety of improved, insect and disease resistant cultivars should be favored over historically problematic species.
- ii) Establish intermediate progress goals for altering the existing street tree species composition by the end of each five-year management period (e.g. reducing maples by 5% by 2015, etc.) to help maintain consistent progress toward the long-term goal.

**b) October 2012 and continually thereafter**

- i) Design and complete planting programs in accordance with the species composition goals set.
- ii) Vary the species planted from year to year to provide species diversity over all age classes.

#### **4. Adopt-A-Tree Program**

##### **a) January – March 2013**

- i)** Investigate the feasibility of developing an "Adopt-A-Tree" or similar program in which property owners purchase or contribute to the cost of planting a public tree adjacent to their home or business or contribute to a general fund for planting elsewhere in the Town. This will reduce the funds needed for tree planting and allow more planting and/or make more money available for developmental pruning of young trees and other systematic maintenance.
- ii)** In addition, investigate the feasibility of developing a program in which the Town shares in the cost of trees to be planted on private property in the front yard of properties in select areas. Such a program may be effective in developing tree canopy cover in areas where space within the right-of-way is too limited and/or overhead utility conflicts prohibit the planting or proper development of sizable canopy trees.

##### **b) April – September 2013**

- i)** If feasible, develop the program. Issues that must be addressed during this process include:
  - The percentage of the contribution for individual trees or minimum donations for a general fund.
  - Amount of control to be given to the property owner in terms of species selection and placement.
  - Possible legal issues.
  - Methods of effectively advertising and administering the program.
  - Assistance from garden clubs, civic organizations and other groups in advertising, administering and soliciting the program.

##### **c) October 2013 – March 2014**

- i)** If appropriate, begin advertising and implementing the Adopt-A-Tree Program(s) in advance of the spring 2014 planting season.

#### **5. Planting Site Analysis & Species Selection Training**

*(see Training & Professional Development, Objective #5)*



# Tree Maintenance

## TREE MAINTENANCE GOALS

1. Improve and maintain the long-term health and structural condition of Newton's public tree population.
2. Maximize the service life of existing trees.
3. Maximize the cost-efficiency of tree maintenance activities.
4. Optimize the balance between the benefits that trees provide to the community and the cost of maintaining them.
5. Minimize potentially hazardous conditions and maintain public safety.

## EXISTING PROGRAMS, POLICIES & PROCEDURES

1. **Tree Maintenance Jurisdiction**
  - a) Town ordinance and recent policies and practices place full responsibility for the maintenance of public street trees on the adjacent property owners.
    - i) The only exception to this is trees in the Central Business District, which are maintained by the Town.
    - ii) Occasionally, the Town will complete necessary pruning or removal of Town-owned street trees where there is an emergency or an imminent hazard and the property owner has failed to act. The cost of completing this work is charged back to the adjacent property owner.
  - b) Trees in parks and on other public properties are maintained by the Town.
  - c) By ordinance, property owners must obtain a written permit from the Public Works Supervisor prior to removing, pruning or otherwise treating any public tree. However, this requirement is not currently enforced by the Town.
  - d) Trees in County rights-of-way and on County-owned properties are under the Jurisdiction of the Sussex County Shade Tree Commission and maintained by the County.
2. **In-House Crews**
  - a) The Town of Newton currently has one, two-person Landscape Crew within the Department of Public Works. His crew completes various tree maintenance tasks on an occasional basis. Additional Department of Public Works personnel may assist the Landscape Crew, when necessary.
3. **Private Contractors**
  - a) Private tree maintenance firms are periodically hired to complete tree pruning, removal and other maintenance tasks that require equipment, manpower or skills that the Department of Public Works can not provide.
  - b) Private tree maintenance contractors are routinely hired by private property owners to complete tree pruning, removal and other maintenance tasks on Town-owned trees adjacent to their properties.
  - c) Private tree maintenance contractors hired by Jersey Central Power & Light and other utility firms occasionally prune Town trees to maintain clearance to their overhead facilities.

**4. Inter-Local & Mutual Assistance Agreements**

- a) The Town currently lacks mutual assistance agreements with neighboring municipalities for the sharing of equipment and personnel for tree maintenance.

**5. Systematic Maintenance Programs**

- a) The Town currently lacks a program for the systematic pruning and maintenance of its existing public trees. The fact that each owner is individually responsible for maintaining the public street trees adjacent to their property will severely complicate the implementation of a much needed, proactive maintenance program.
- b) The Department of Public Works periodically completes area-wide street tree elevation to provide clearance for its snowplows and other vehicles.

**6. Work Identification, Prioritization & Scheduling**

- a) With the exception of street trees in the Central Business District, individual property owners are responsible for identifying and completing maintenance needs for the public street trees adjacent to their property.
  - i) Based on the ongoing observations of the Advisory Shade Tree Commission and observations made in conjunction with the preparation of this Community Forestry Management Plan, it appears that most trees are not being adequately maintained.
  - ii) It is the impression of the Advisory Shade Tree Commission that many property owners are not aware of their responsibilities for maintaining the public street trees or what that maintenance should entail.
- b) When street tree maintenance needs are identified by the Code Enforcement Officer or the Public Works Supervisor, official notice is delivered to the adjacent property owner. If they fail to act, the Department of Public Works or their contractor will complete the work and the cost is charged back to the property owner.
- c) Maintenance needs for street trees within the Central Business District, trees in Town parks, and trees on Town properties are identified by the Department of Public Works personnel in the course of their ongoing maintenance activities.
- d) Emergency work, such as in the case of storm damage or downed trees that are blocking roadways, is completed immediately by the Department of Public Works.

**7. Tree Removal**

- a) By ordinance, public trees may not be removed without written permission from the Public Works Supervisor.
- b) The number of Town trees removed in the past is not known.

**8. Plant Health Care & Specialty Treatments**

- a) Plant health care and other specialty treatments such as insect and disease controls and fertilization, are generally not completed by the Town of Newton.
- b) Adjacent property owners may provide such treatments for Town trees after obtaining a permit from the Public Works Supervisor.
- c) Irrigation and mulching are completed on a limited basis by the Department of Public Works and adjacent property owners, primarily for newly planted trees.

**9. Sidewalk Maintenance**

- a) Currently, adjacent property owners are responsible for maintaining sidewalks in the Town right-of-way, including repairing or replacing them when damaged by Town trees.

**10. Funding**

- a) The cost of street tree maintenance work completed by, or on behalf of, adjacent property owners is borne by the property owner.
- b) The maintenance of trees in the Central Business District, in Town parks, and on Town properties, as well as any Town-initiated projects (e.g. street-wide crown raising pruning) by the Department of Public Works Crews or their contractors is funded by the Department of Public Works operating budget.

**1. Ongoing Tree Maintenance Programs**

- a) *2010 – 2014*
  - i) Continue implementing all existing tree maintenance programs, policies and procedures on a regular basis.
  - ii) Encourage property owners to maintain the Town trees adjacent to their property, as required and in accordance with good arboricultural practices, via the objectives contained in *Public Education, Awareness & Outreach*.

**2. Developmental Pruning Project for Young Trees**

- a) *January – September 2011*
  - i) Develop a project to provide developmental pruning for trees planted over the past 5 – 10 years. Such pruning is a very cost effective way to ensure the development of good form and sound structure as trees mature, minimize future pruning needs, and minimize the development of potentially hazardous structural defects.
  - ii) Development of this project will require:
    - Scouting, identifying, and prioritizing the trees to be pruned. Generally, trees 4" – 8" in diameter will be targeted with priority to trees in higher use areas and/or which exhibit the greatest need.
    - Developing technically sound pruning objectives and specifications in accordance with the ANSI A300 Pruning Standard for "Young Tree Pruning."
    - If appropriate, developing specifications for correcting root collar disorders such as girdling roots, deep planting, etc.
    - Pre-qualifying contractors that have the technical skills, experience and personnel that are critically important for this type of work.
    - Obtaining bids from pre-qualified contractors.
    - Obtaining funding from external sources, if necessary.
- b) *October 2011 – March 2012*
  - i) Complete the Developmental Pruning Project.



## Tree Waste Recycling

### TREE WASTE RECYCLING GOALS

1. Minimize the cost of tree waste disposal to the Town.
2. Produce beneficial recycled products for use on public and private lands by the Town and its residents.

### EXISTING PROGRAMS, POLICIES & PROCEDURES

1. **Recycling Facilities**
  - a) The Town of Newton currently lacks a facility for recycling tree waste materials and distributing the resulting recycled products.
2. **Material Processing, Use & Distribution**
  - a) *Leaves*
    - i) Leaves are collected by the Town and delivered to a commercial recycling facility or the Sussex County Municipal Utilities Authority for composting.
    - ii) The resulting compost is made available to various markets for use as a soil conditioner and a component of manufactured topsoil.
  - b) *Wood Chips*
    - i) Wood chips generated by contractors working for the Town are removed and recycled by the contractor in an appropriate manner.
  - c) *Bulk Wood & Brush*
    - i) Bulk wood and brush generated by Department of Public Works crews is delivered to a commercial facility or the Sussex County Municipal Utilities Authority for processing into landscape mulch and other waste wood products.
    - ii) Bulk wood generated by contractors working within Newton is removed and recycled by the contractor.
3. **Recycling Income**
  - a) Currently, no income is generated from the sale of vegetative wastes or recycled products.

### 2010 – 2014 OBJECTIVES

1. **Ongoing Tree Waste Recycling Programs**
  - a) *2010 – 2014*
    - i) Continue implementing all existing tree waste recycling programs, policies and procedures.



## TREE CARE DISASTER PLAN GOALS

1. Minimize the risk of future tree-related damage and widespread tree losses caused by weather, disease, and other forces.
2. Ensure that the Town is prepared to respond immediately to tree-related emergencies and disasters in a prompt and effective manner.
3. Provide the Town with a viable plan to repair or replace widespread tree damage or losses.

## EXISTING PROGRAMS, POLICIES & PROCEDURES

1. **Tree Emergency & Disaster Threats**
  - a) Severe weather, particularly wind and ice, is currently considered the most serious threat to the Newton's public tree resources.
  - b) In addition to the threat to the trees themselves, widespread tree damage poses a serious threat to electrical service, communications, and the Town's ability to provide critical emergency services.
  - c) The risk of widespread damage and losses to biotic threats is currently considered low to moderate and manageable through increased species diversity and cultivar selection. Major forest health issues currently of concern in New Jersey include:
    - i) The threat of Asian longhorned beetle infestation in maples, elms, planetrees, and several other species due to Newton's relative proximity to existing infestation sites in the New York and New Jersey metropolitan area.
    - ii) Bacterial leaf of oaks, which is a serious problem in central and southern New Jersey and appears to be gradually moving northward.
    - iii) Emerald ash borer, which is expected to spread from the Great Lakes area to much of the eastern United States.
2. **Existing Emergency & Disaster Plans**
  - a) The *Town of Newton Emergency Management Plan* outlines procedures for vital services and cooperative efforts between all Town departments during any emergency or disaster.
  - b) Newton currently lacks a formal plan specific to the repair and replacement of widespread tree damage and losses beyond initial emergency response efforts; the development and implementation of such a plan is beyond the Town's means at this time. However, it is believed that technically sound and responsible planting, preventive maintenance and hazard identification and abatement efforts described elsewhere in this Plan will, over the long term, help insulate the Town against catastrophic losses.
3. **Emergency Response**
  - a) The Department of Public Works, in cooperation with utilities and contractors, is responsible for immediately clearing trees and debris to open roadways and permit restoration of electrical service and communications.
  - b) The Department of Public Works is on 24-hour call to respond to tree-related emergencies.
  - c) The Department of Public Works occasionally employs private contractors to

provide emergency services, when necessary.

**2010 – 2014  
OBJECTIVES**

**1. Ongoing Programs**

**a) 2010 – 2014**

- i)** Continue implementing existing programs, policies and procedures.
- ii)** Implement or expand technically sound and responsible planting, preventive maintenance and hazard identification and abatement programs, as detailed elsewhere in the Plan, to reduce the risk of future tree failures and losses.

**PLAN  
PREPARATION  
& EVALUATION  
GOALS**

1. Ensure that Newton's Shade Tree Program continues to follow a well-defined, consistent and efficient course of action toward its overall goals in accordance with its mission.
2. Provide a means of continually evaluating the effectiveness of the Shade Tree Program's management efforts and making adjustments to address changing needs.
3. Allow the Town to remain in compliance with and eligible for the benefits of the New Jersey Shade Tree & Community Forestry Assistance Act.

**EXISTING  
PROGRAMS,  
POLICIES  
& PROCEDURES**

1. Preparation of this initial five-year Community Forestry Management Plan was the cooperative effort of the Town of Newton and their consulting arborist.
2. Preparation of this Plan was funded, in part, by a Green Communities Grant from the New Jersey Forest Service, Community Forestry Program.

**2010 – 2014  
OBJECTIVES**

1. **Annual Program Evaluation**
  - a) *December, Annually*
    - i) Evaluate the success of the year's activities and accomplishments relative to the goals and objectives contained within this Plan.
    - ii) Adjust programs, as necessary, based upon the evaluation.
    - iii) Prepare and submit an Annual Accomplishment Report to the New Jersey Forest Service in accordance with the requirements of the New Jersey Shade Tree & Community Forestry Assistance Act.
2. **Five-Year Evaluation**
  - a) *January – March 2014*
    - i) Evaluate the success of all objectives completed to date.
    - ii) Evaluate progress toward the overall goals of the Shade Tree Program.
    - iii) Begin formulating new objectives and/or adjustments to existing policies, programs and procedures, if necessary to address changing needs, for the 2015 – 2019 management period.
3. **2015 – 2019 Management Plan Development**
  - a) *April – September 2014*
    - i) Finalize new objectives and/or adjustments to existing policies, programs and procedures for the 2015 – 2019 management period.
    - ii) Prepare and submit a Community Forestry Management Plan for the 2015 – 2019 management period.
  - b) *October – December 2014*
    - i) Obtain Plan approval from the New Jersey Community Forestry Council.



# Summary of 2010 – 2014 Objectives

Objectives / Tasks	2010	2011	2012	2013	2014	2015
<b>PROGRAM ADMINISTRATION</b>						
1. <i>Ongoing Administrative Programs</i> <input type="checkbox"/> Continue all existing administrative programs, as appropriate (p.16, #1.a.i)	[Solid black bar spanning 2010-2014]					
2. <i>Tree Preservation Ordinance</i> <input type="checkbox"/> Evaluate the need for and feasibility of on ordinance to regulate widespread tree removal and to ensure that trees are protected during construction (p.16, #2.a.i-ii) <input type="checkbox"/> If appropriate, draft the ordinance with the ongoing input and review of the Town Council, the Town Attorney, and others; Continue to review, evaluate and revise the draft ordinance, as necessary (p.16, #2.b.i-ii) <input type="checkbox"/> If appropriate, adopt and begin enforcing the new ordinance (p.16, #2.c.i)				[Solid black bar]		
					[Solid black bar]	
					[Solid black bar]	
<b>TRAINING &amp; PROFESSIONAL DEVELOPMENT</b>						
1. <i>Ongoing Training Programs</i> <input type="checkbox"/> Continue all existing training programs on a regular basis; Maximize the number of different individuals who increase their level of expertise (p.20, #1.a.i)	[Solid black bar spanning 2010-2014]					
2. <i>NJ Community Forestry Training Skills &amp; Accreditation Program</i> <input type="checkbox"/> Schedule NJ Community Forestry CORE Training for at least 2 Program volunteers (p.20, #2.a.i) <input type="checkbox"/> Review training needs and schedule training, as necessary, to maintain Approved Status under the NJ Shade Tree & Community Forestry Assistance Act (p.20, #2.b.i-iii)	[Solid black bar]					
	[Solid black bar]	[Solid black bar]	[Solid black bar]	[Solid black bar]	[Solid black bar]	
3. <i>Tree Hazard Evaluation Training</i> <input type="checkbox"/> Train at least one Town employees to recognize and evaluate potential tree hazards utilizing the latest information and techniques (p.20, #3.a.i) <input type="checkbox"/> Train at least one Advisory Shade Tree Commission member and/or one additional Town employee to advance his or her skills in recognizing and evaluating potential tree hazards utilizing the latest information and techniques (p.20, #3.b.i)	[Solid black bar]			[Solid black bar]		

Objectives / Tasks	2010	2011	2012	2013	2014	2015
<b>TRAINING &amp; PROFESSIONAL DEVELOPMENT, cont'd</b>						
4. <i>Planting Site Analysis &amp; Species Selection Training</i>						
<input type="checkbox"/> Train at least 2 Advisory Shade Tree Commission members in pre-planting site analysis, species selection and the placement of trees to minimize future conflicts (p.20, #4.a.i)		■	■			
5. <i>Young Tree Pruning Training</i>						
<input type="checkbox"/> Train at least 2 Department of Public Works employees in methods for proper crown-raising, directional pruning, and developing a well-formed and sound branch structure in young trees via a hands-on, in-house program (p. 21, #5.a.i-ii)			■	■		
<b>PUBLIC EDUCATION, AWARENESS &amp; OUTREACH</b>						
1. <i>Ongoing Public Education, Awareness &amp; Outreach Programs</i>						
<input type="checkbox"/> Continue all existing public education, awareness and outreach programs on a regular basis (p.22, #1.a.i)	■	■	■	■	■	■
2. <i>Arbor Day Programs</i>						
<input type="checkbox"/> Organize, plan and conduct annual Arbor Day celebrations on a consistent basis; Seek assistance from and involve a variety of different groups in the programs (p.22, #2.a.i)	■	■	■	■	■	
3. <i>Press Releases</i>						
<input type="checkbox"/> Issue at least 3 general interest or educational articles per year covering a variety of tree-related subjects and Program announcements via local newspapers, the Town Newsletter, direct mail enclosures, and/or the Town website (p.23, #3.a.i-iii)	■	■	■	■	■	■
4. <i>Tree City USA</i>						
<input type="checkbox"/> Prepare and submit the annual application for designation as a Tree City USA after eligibility requirements have been confirmed; Continually advertise the designation by displaying the program's promotional materials (p.23, #4.a.i-ii)		■	■	■	■	■
5. <i>Shade Tree Program Webpage</i>						
<input type="checkbox"/> Expand the Advisory Shade Tree Commission page on the official Newton website to provide static contact, ordinance and procedural information, as well as updatable content (p. 23, #5.a.i)			■	■	■	■
<input type="checkbox"/> Update the webpage regularly (p.24, #5.b.i)				■	■	■

Objectives / Tasks	2010	2011	2012	2013	2014	2015
<b>TREE INVENTORY &amp; ASSESSMENT</b>						
1. <i>Tree Cover Inventory &amp; Assessment Program</i>						
<input type="checkbox"/> Review and evaluate various tree inventory and canopy cover analysis systems to determine the most useful and cost-effective for characterizing Newton's tree resources in a manner that will ensure effective short and long-term tree management planning (p.25, #1.a.i)	■					
<input type="checkbox"/> Develop, design and schedule a tree inventory and assessment project based on the review and evaluation of various systems and their suitability for Newton (p.25, #1.b.i)		■				
<input type="checkbox"/> Complete the inventory and assessment in accordance with the plans and schedules set (p.26, #1.c.i)		■				
<b>TREE HAZARD MANAGEMENT</b>						
1. <i>Ongoing Tree Hazard Management Programs</i>						
<input type="checkbox"/> Continue all existing tree hazard management programs; Continue to address hazard abatement needs as they are identified and in order of priority (p.25, #1.a.i-ii)	■	■	■	■	■	■
<b>TREE PLANTING</b>						
1. <i>Ongoing Tree Planting Programs</i>						
<input type="checkbox"/> Continue all existing tree planting programs where appropriate and with changes dictated by the following objectives (p.30, #1.a.i)	■	■	■	■	■	■
2. <i>Annual Tree Planting Program</i>						
<input type="checkbox"/> Identify potential sources of additional funding for establishing and supporting an Annual Tree Planting Program that will ensure that Town trees are planted every year (p.30, #2.a.i)			■			
<input type="checkbox"/> If feasible, develop the Annual Tree Planting Program (p.30, #2.b.i)			■			
<input type="checkbox"/> If feasible, begin and continue implementing the Annual Tree Planting Program on Town rights-of-way, parks and properties; Vary the locations and species planted each year to help improve and maintain diversity in the tree population (p.30, #2.c.i-ii)				■	■	■

Objectives / Tasks	2010	2011	2012	2013	2014	2015
<b>TREE PLANTING, cont'd</b>						
3. <i>Species Composition Guidelines</i>						
<input type="checkbox"/> Using the findings of the Tree Cover Inventory & Assessment Program, establish a long-term goal for optimum species composition in the Town's tree population; Establish intermediate progress goals for adjusting the existing species composition (p.30, #3.a.i-ii)			■			
<input type="checkbox"/> Design and complete planting projects in accordance with the goals set; Vary the species planted from year to year to maintain species diversity over all age classes (p.30, #3.b.i-ii)			■	■	■	■
4. <i>Adopt-A-Tree Program</i>						
<input type="checkbox"/> Investigate the feasibility of developing an "Adopt-A-Tree" program in which property owners may purchase or contribute to the cost of planting a public tree adjacent to their home or business, or contribute to a general fund for planting elsewhere in the Town (p.31, #4.a.i)				■		
<input type="checkbox"/> Investigate the feasibility of developing a program in which the Town furnishes or shares in the cost of trees to be planted on the front yards of properties in select areas where there is insufficient space in the public right-of-way (p.31, #4.a.ii)				■		
<input type="checkbox"/> If feasible, develop the program (p.31, #4.b.i)				■		
<input type="checkbox"/> If feasible, begin advertising and implementing the program (p.31, #4.c.i).					■	
<b>TREE MAINTENANCE</b>						
1. <i>Ongoing Tree Maintenance Programs</i>						
<input type="checkbox"/> Continue all existing tree maintenance programs, policies and procedures on a regular basis; Encourage property owners to properly maintain the Town trees adjacent to their property (p.34, #1.a.i-ii)	■	■	■	■	■	■
2. <i>Developmental Pruning Project for Young Trees</i>						
<input type="checkbox"/> Develop a project to provide developmental pruning for trees planted over the past 5-10 years; Identify trees to be pruned, developing suitable specifications, pre-qualifying appropriately experienced contractors, obtaining external funding, if necessary, and obtaining bids (p.34, #2.a.i-ii)		■				
<input type="checkbox"/> Complete the Developmental Pruning Project (p.34, #2.b.i)			■			



**CURRENT  
ORDINANCES**

1. Chapter 17, *Trees & Shrubs*

**Chapter 17**

**TREES AND SHRUBS**

Sections:

- 17-1 Permit Required for Certain Acts.
- 17-2 Wire, Cable, Electric Current.
- 17-3 Guy Wires, Braces Prohibited.
- 17-4 Injury by Animals.
- 17-5 Chemical Damage.
- 17-6 Interference with Director of Public Works.
- 17-7 Removal of Trees and Shrubs.
- 17-8 Enforcement.
- 17-9 Central Business District.
- 17-10 Advisory Shade Tree Commission.
- 17-11 Yard Waste Collection

\* Under its general charter powers, the municipality may regulate trees and shrubs, R.S. 40:19A-29, 30.

**17-1 Permit Required for Certain Acts.**

No person shall do or cause to be done any of the following acts affecting the trees, shrubbery or ornamental material planted or growing naturally within the highways or public places under the jurisdiction of the Town, except with a written permit first obtained from the director of public works.

Cut, trim, break, disturb the roots of, or spray with chemicals any living tree or shrub; or injure, misuse or remove any structure or device placed to support or protect any tree or shrub.

Plant or remove any living tree or shrub, or clime with spikes any living tree or shrub.

Fasten any rope, wire, electrical attachments, sign or other device to a tree or shrub, or to any guard about such tree or shrub.

Close or obstruct any open space provided about the base of a tree or shrub to permit the access of air, water or fertilizer to the roots of such tree or shrub.

Pile any building materials or make any mortar or cement within six feet of a tree or shrub.

Change the grade of the soil within the limits of the lateral spread of the branches of any such tree.

**17-2 Wire, Cable, Electric Current.**

Every person having control over any wire for the transmission of an electric current along a public highway shall at all times guard all trees through which or near which such wire passes, against any injury from the wire or cable or from the electric current carried by it. The device or means used shall in every case be subject to approval by the director of public works.

**17-3 Guy Wires, Braces Prohibited.**

No person shall place any guy wire, brace or other device on any such tree in such a manner as to injure it.

**17-4 Injury by Animals.**

No person shall hitch or fasten an animal to any tree or shrub upon a public highway or to any guard or support provided for the same, or permit an animal to bite or otherwise injure any tree or shrub.

**17-5 Chemical Damage.**

No person shall permit any brine, gas or injurious chemical or liquid to come in contact with the stump or roots of any tree or shrub upon a public highway.

**17-6 Interference with Director of Public Works.**

No person shall prevent, delay or interfere with any lawful work undertaken by the director of public works.

**17-7 Removal of Trees and Shrubs.**

17-7.1 Removal required; Notice. In case any tree or shrub or any part thereof along the public highway shall become dangerous to the public safety, the owner of the property in front of which such tree or shrub is located shall remove the same, or the required part thereof, forthwith upon service of written directive to that effect from the director of public works. The notice shall be sufficient if served in the same manner as a summons may be served in accordance with the New Jersey Rules of Court.

17-7.2 Standard Established. The owner or tenant of any lands lying within the Town shall keep all brush, hedges and other plant life growing within ten feet of any roadway and within 25 feet of the intersection of two highways, cut to a height of not more than two and a half feet. This shall not require the cutting down of any trees where there is vision through the trees at a height of between two and a half feet and eight feet from the

ground.

17-7.3 Removal by Town. If the owner fails to remove the tree or shrub or portion thereof within two weeks after service of written notice to do so, the work shall be performed by the Town under the supervision of the director of public works, who shall certify the cost thereof to the council.

17-7.4 Costs Charged against Land; Lien Established. Upon receipt of the certified costs, the council shall examine same and if found correct, shall cause the costs to be charged against the lands, or if the council deems the costs to be excessive, shall cause the reasonable cost thereof to be charged against the lands. The amount so charged shall forthwith become a lien upon the lands and shall be added to and become and form part of the taxes next to be assessed and levied upon the lands, the same to bear interest at the same rate as other taxes, and shall be collected and enforced by the same officer and in the same manner as taxes.

**17-8 Enforcement.**

If any person continues to violate any of the provisions of this chapter, after being duly notified of such violation, or neglects or refuses to comply with any lawful order of the director of public works, the failure to comply with a second or each of any subsequent notifications or orders shall be construed as an additional violation of this chapter, and each such additional offense shall subject the offending party upon conviction to the same penalty as provided for the first offense.

**17-9 Central Business District.**

The Town will assume the responsibility for the maintenance of the trees along the streets of the central business district. The central business district is defined as East Clinton Street from Moran Street to Water Street; Spring Street from Union Place to Water Street, excluding the County Park; and Main Street from Park Place to Spring Street, excluding the Park. Maintenance costs will not be charged directly to the adjoining central business district property owners, but will be borne by the Town.

**17-10 Advisory Shade Tree Commission.**

17-10.1 Creation/Composition of the Commission. There shall hereby be created an advisory shade tree commission which shall be known as the Advisory Shade Tree Commission of the Town of Newton. Said commission shall consist of five residents of the town who shall be appointed by the town council.

17-10.2 Authority of the Commission. The advisory shade tree commission shall be responsible for recommending to the town council of the town of Newton the adoption of ordinances that pertain to the regulation and control of shade and ornamental trees.

17-10.3 Appointment of members, terms and meetings.

a. The initial five members shall be appointed for terms of one, two, three, four and five years, respectively. Subsequent terms shall be for five years.

b. The commission shall meet on a schedule devised by its members, but shall not meet less than six times per year.

c. To constitute a quorum, at least three members must be present at meetings.

d. The commission shall organize within 30 days after the appointment of its membership for the remainder of the then calendar year. Thereafter, the commission shall reorganize annually by the appointment of a secretary and the election of one of its members as chairman.

**17-11 Yard Waste Collection**

The purpose of this section is to provide direction regarding the yard waste collection and disposal program of the Town of Newton, so as to protect the health, safety and welfare, and to prescribe penalties for the failure to comply.

Subsections:

- 17-11.1 Definitions
- 17-11.2 Collection and Disposal
- 17-11.3 Enforcement
- 17-11.4 Violations and penalties
- 17-11.5 Severability

**17-11.1 Definitions**

The following terms shall have the meanings stated herein for the purposes of this section:

PERSON – Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

**STREET** – Means any street, avenue, boulevard, road, parkway, drive, or other way, which is existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.

**YARD WASTE** – means leaves, brush and tree branches.

B. Second and Subsequent Offences:  
\$100.00

### **17-11.5 Severability**

Each clause, sentence, phrase, paragraph, or sub-section of this section is declared to be an independent clause, sentence, phrase, paragraph, or sub-section, and the finding or holding of any such portion of this section to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this section

### **17-11.2 Collection and Disposal**

Collection and disposal of yard waste guidelines:

- A. The collection of yard waste will be performed during the Spring and Fall at dates established by the Town of Newton.
- B. All leaves must be placed in biodegradable bags at the curb or along the roadway.
- C. Yard waste is to be placed at the curb or along the street no more than seven (7) days prior to the scheduled collection dates.
- D. Yard waste may not be placed along the street closer than ten (10) feet from any storm sewer inlet.
- E. Yard waste shall not be placed within the paved limits of any street or within the limits of any pedestrian sidewalk areas.

### **17-11.3 Enforcement**

The Town Manager, through the Public Works Supervisor, shall enforce the provisions of this section. It shall be unlawful for any person to violate any portion of this section adopted by the Newton Town Council.

### **17-11.4 Violations and penalties**

Any person who violates this section shall be subject to a fine as follows:

- A. First Offence:  
Written Warning