



New Jersey Community Forestry Council
Meeting Minutes
Virtual Meeting
January 13, 2022; 10:00 AM

The January monthly meeting of the New Jersey Community Forestry Council (Council) was called to order by Chairperson Brash at 10:00 a.m. and the Open Public Meetings Act notice was read. The notice was also available in the meeting packet. The roll call was taken by Ms. Slack.

Members Present: Bill Brash, Wayne Dubin, Kristin Ace, Mark Beamish, Neil Blitz, Donna Drewes, Barry Emens, Dr. Jason Grabosky, Lori Janssen, Vinh Lang, Robert Lee, Dr. Melanie McDermott, Lisa Simms, Matthew Simons, Pam Zipse

Excused: Steve Chisholm

Absent: Carl Bowles

NJ Forest Service Staff Present: Bureau Chief Todd Wyckoff, Urban & Community Forestry Coordinator Carrie Sargeant, Technical & Operational Advisor Terri Slack, Assistant Regional Forester Michael Martini, and Forestry Technician Emily Farschon

Quorum was met upon completion of roll call.

Minutes:

The meeting minutes from December were reviewed and Mr. Emens motioned to approve. Mr. Simons seconded. The vote was unanimous.

State Forester's Report:

Bureau Chief Todd Wyckoff gave the report. Mr. Wyckoff began the report with a welcome on behalf of the NJ Forest Service (NJFS) and State Forester John Sacco to the new members of Council – Kristin Ace and Neil Blitz. He then confirmed that the FY2022 grants spending plan has been submitted but is still under review by the Commissioner's office. Council will be notified when that plan moves.

The NJFS has started plans for a small NJ State Arbor Day 2022 celebration, focused on carbon and climate resilience and Environmental Justice. The NJFS hopes to work with Drumthwacket and the Governor's office on the celebration and has therefore started planning early.

Mr. Wyckoff acknowledged and thanked all Council members for their service, as 2022 marks the 25th year of the NJ Urban & Community Forestry (NJUCF) Program and the Council is a critical part of what the NJUCF program does. It is also the 20th year for the NJ Tree Foundation's Urban Airshed Reforestation Program in Camden. Ms. Sargeant noted that it's 20 years for Dr. Grabosky at Rutgers.

Chairman Brash then opened the floor to questions for Mr. Wyckoff.

Dr. Grabosky noted that with the advent of NJUCF's 25th year, it may be an opportune time to proactively seek new hires for the program. Mr. Wyckoff agreed. He stated that NJUCF does have an existing forester position which has been approved but not yet filled. Interviews had been conducted late fall which can be revisited with the hope to fill that position shortly. He stated that there is always opportunity to advocate for additional staff. The administration values urban and community forestry and is seeking opportunities to invest in the program from both a funding and staffing perspective. Mr. Wyckoff is hopeful on a staffing and Regional Greenhouse Gas Initiative (RGGI) front for the new year.

Dr. Grabosky noted that one role of the Council is to support the NJUCF program and the 25th anniversary presents a great opportunity to look forward and consider where the program will/should be in the next 25 years, i.e., what the needs will be/areas for investment. He asked that the program let Council know how they can assist in these endeavors. Mr. Wyckoff agreed that the 25th anniversary adds an element of a story to the program. He noted that Council can advocate, help to document, and write letters as needed.

Ms. Zipse asked for an update on the RGGI funding for forestry, noting that the letter from Council to NJDEP was received. Mr. Wyckoff responded that there has been no final decision made at the DEP Commissioner level on the use of RGGI funding for forestry. While the Program has nothing concrete, he believes that NJUCF is favored and positioned to benefit from RGGI funding; it is a good fit for RGGI funds as the program promotes the beneficial sequestration of carbon and climate resiliency. The NJFS will continue to advocate for RGGI funding. Mr. Wyckoff then provided a brief overview of the RGGI program for new Council members. He confirmed that there has been no release of the RGGI funds for tidelands or forestry, though statutorily there is a legislated 10% of auction proceeds split among these two areas. Dr. McDermott voiced concern about the RGGI state reauthorization process and report on distribution of RGGI funds. She asked if this process could provide leverage to get DEP upper management to release the funds. Mr. Wyckoff responded that the DEP RGGI strategic funding plan is for a three-year period, of which this year is year 3. Under this plan, DEP is required to report on how the RGGI funds have been used and the carbon sequestration numbers for the funded projects. Should money be allocated for tidal/forestry projects this year, reporting out on those projects will be required. It is incumbent upon the NJFS/DEP to reinsert forestry projects into the next RGGI strategic funding plan. Mr. Wyckoff confirmed for Doctor McDermott that the 10% for forestry and tidal marsh is a NJ legislated amount and that the NJ Forest Stewardship Act further defines how the RGGI forestry funding must be spent.

Dr. Grabosky stated that we all know that the federal infrastructure funding conversation includes forestry related initiatives. While RGGI is important, the idea of infrastructure and climate change, carbon, and importantly water, is something we should be arguing for. He asked if there are plans/discussions within the NJFS to secure some of this federal funding for New Jersey when the federal government makes it available. Mr. Wyckoff responded that as he understands it, the US Forest Service (USFS) has been tasked with developing the guidance documents for disbursement of the funds to the states. The National Association of State Foresters (NASF) and the NJFS is heavily engaged with the USFS on this process to capture some of that funding for forestry. Ms. Sargeant stated that we may get more detailed information on this funding at our March Council meeting as our federal counterpart, Julie Mawhorter., may be in attendance. Mr. Wyckoff then noted that we have some systems in place to

be able to spend this money quickly if needed, and that NJUCF is an appropriate place for the funding to go.

Mr. Lang cautioned that there has been pushback from 200+ climate change and proforestation groups on how funding from the infrastructure bill will be spent. Therefore, it may be an opportune time for the Council to lend support nationally. Mr. Wyckoff stated that we would welcome such support. Mr. Brash suggested that this topic be put on the agenda for the March Council meeting and Ms. Sargeant agreed to do so.

Chairperson's Report:

Chairman Brash welcomed new Council members Kristin Ace and Neil Blitz and then asked each Council member on the meeting to introduce themselves, starting with Chairman Brash, and provide a bit of background information. This was done.

New Business:

Urban and Community Forestry Report.

Ms. Sargeant alerted Council to the fiscal report which is essentially unchanged from the last meeting. She also confirmed that the spending plan for 2022 Stewardship grants is still under review by the DEP Commissioner's office.

Mr. Martini provided updates on Community Forestry Management Plans and Stewardship Grants.

Community Forestry Management Plans (CFMPs)

- No new plans submitted since the last Council meeting
- 251 currently approved plans – 46 first plans, 63 second plans, 68 third plans, 72 fourth plans, and 2 fifth year plans. There are some plans that need edits; staff has reached out regarding same
- There were no plan reviews in December or expected for January, though there may be a review within the next few months for Monmouth Beach

Urban & Community Forestry Stewardship Grants

- NJUCF has one Green Communities grant request in the system
- 38 stewardship grants for 2021 are open/in process -- 1 open for 2016 (expected to close soon), 4 for 2017, 7 for 2018, 6 for 2019

Mr. Martini advised Council that for the next round of NJUCF Stewardship grants that there will be changes to the budget information required. Applicants will have to provide additional specificity with respect to how match will be accomplished. Ms. Drewes asked if guidance regarding same would be forthcoming to which Mr. Martini responded that the new grant RFP is expected to provide more detail on what is required. The NJUCF is also working to make the online grant system (SAGE) more user friendly.

Ms. Farschon provided updates on NJUCF Accreditation and Annual Accreditation Reports

NJUCF Accreditation Update

- Still receiving CEU documentation and updating the database accordingly
- Annual Accomplishment reports are starting to come in; the new computer program is working to automatically read the forms and transfer the information over to pdfs. The first 2021 accreditation “yesses” are expected to show up in about a week.

Mr. Martini reconfirmed the total funding in the license plate account. The program will have an update for the next council meeting.

Ms. Sargeant acknowledged the incredible hard work and dedication of NJUCF staff Mike, Emily, Pat, and Terri regarding the NJUCF grant program, federal Landscape Scale Restoration grant, tree inspections, accreditation, legislation, and more. Also acknowledged was the great work of Dr. Grabosky and Ms. Zipse and the Rutgers Urban Forestry Program in cultivating new staff for the NJUCF Program.

Mr. Emens reminded Council that many municipalities have changed over their staff so it is likely Annual Accomplishment Reports may not be submitted until the end of January. In addition, Chairperson Brash noted that Covid has had a significant effect on municipal staffing. Ms. Farschon confirmed that the due date for submittal of the 2021 annual accomplishment report remains February 15th, 2022, and that should reports come in after that date they will still be accepted. She cautioned, however, that there is no guarantee that the program will be able to get them processed and these late-submitting communities accredited and therefore eligible to apply for a 2022 Stewardship grant. Dr. McDermott requested clarification regarding Accreditation which was provided.

Legislative Issues

Ms. Slack provided Council with legislative updates and briefly discussed. She also noted that a new legislative session has begun and that over 3,000 bills have been introduced so far. With respect to the neonic bill (S1016/A2070), Mr. Dubin expects that the Governor will sign this into law and there will be a 2-year phase-out of neonic use. Ms. Slack mentioned an upcoming forest forum wherein Senator Smith is expected to announce several forest stewardship related bills. She also informed Council that the target date for the federal Occupational Safety and Health Administration (OSHA) tree care standard is June 2022. Mr. Dubin advised council that the tree care industry has issues with this OSHA standard, much of it related to fall prevention, and the use of chippers; OSHA struggles with the standard because it believes there is insufficient prevention for injury in the tree care profession to create a separate standard. Dr. Grabosky voiced some concerns regarding the NJ Forest Forum listed on the legislative report, as there is no “management” of forests on the agenda nor DEP/other forestry professionals participating. Ms. Sargeant suggested that an agenda item for the next Council meeting can be to discuss whether the Council wants to convene a Conservation Forum. Ms. Zipse and Ms. Jenssen agreed with Ms. Sargeant, Ms. Jenssen adding that Council or NJFA wants to put forward a positive pro-forest stewardship, pro-management position. Ms. Zipse noted that such a forum would be a good opportunity to showcase the new State Forest Action Plan and the diversity of forest management strategies, which include more than just proforestation.

Ms. Slack then alerted Council to information provided on the Governor’s veto power at the end of a legislative session. She also noted that the NJ Board of Public Utilities (BPU) has proposed to readopt its rules regarding utility vegetation management with little change, though a definition is proposed for “danger” tree. Ms. Ace asked if in adding a definition for “danger tree” does that give utilities increased authority to cut down trees? There was general consensus that yes, this could be the case. Dr.

Grabosky noted that the rules must be read in their entirety to determine if this new definition is truly an issue. Ms. Ace stated that not every municipality has an arborist on staff to assess whether a tree truly poses a danger which is why even small changes in the regulations can result in negative consequences. Mr. Lee explained that the new definition may be added as a point of clarification, since danger trees and hazard trees are related (a danger tree has no defects, while a hazard tree does), though it is likely that BPU will err on the side of taking down a tree. Ms. Sargeant stated that the new definition of danger tree includes trees that are not within the utility right-of-way, and to our knowledge, BPU does not employ utility arborists. Therefore, they do not have the technical staff to review utility vegetation management plans or get involved in disputes between utilities and communities. Mr. Simons reminded Council that this is a small part of a larger rule encompassing many other requirements, such as community/private owner notification, that play a part as to whether a tree is removed. He too believes it is likely a clarification. Ms. Sargeant noted that utility community notification does not always occur as required.

Ms. Slack then shared a list of recently introduced legislation that Council may want to follow. Ms. Zipse alerted Council to two bills from last year which were reintroduced – one involving licensing of landscape companies (with its implication for tree work and therefore something the Board of Tree Experts is watching), and a recurring bill which moves the NJ forest service under the NJ Department of Agriculture. She asked if the latter bill was likely to see movement this legislative session. Whether or not it will move is unknown. Ms. Jenssen reported she met with the sponsor of the landscape bill - Assemblyman Karabinchak - to share New Jersey Nursery and Landscape Association's, especially the bill's lack of follow-up to ensure compliance. Ms. Jenssen also alerted Council to another of Assemblyman Karabinchak's bills, one which would require licensing of general contractors. Ms. Jenssen also reported that Assemblyman Karabinchak is adamant that the landscape licensing bill get passed and that the NJ Landscape Contractors Association is behind the contractor licensing bill.

Mr. Blitz alerted Council to recently enacted legislation which was not on the on the legislative update provided by Ms. Slack. This bill – S2515, P.L.2021, c.391 – established postconsumer recycled content requirements for rigid plastic containers, glass containers, paper and plastic carryout bags, and plastic trash bags; it also prohibits sale of polystyrene loose fill packaging. Mr. Blitz noted that it creates an end market for recycled materials and as such may have a positive impact on industries that deal with wood, such as urban wood.

Ms. Ace informed Council that she is working on a bill to prevent the sale of invasive species that negatively affect the state's forests using recently passed PA legislation as a start. Ms. Jenssen said the NJNLA was involved in past legislative efforts of this kind and offered to work with Ms. Ace on this bill. Ms. Drewes noted recently passed legislation which creates a New Jersey natives designation for certain plant materials which could be complimentary to Ms. Ace's efforts regarding our urban forests and landscapes.

NNL Program Reports

Ms. Sargeant reminded Council that the NJFS recently lost its staff person for NNL, so there is no report or new plans to submit to the NNL Committee at this time.

Community Forestry Management Plan Guidelines Update

Ms. Sargeant reported that Mr. Martini and Ms. Farschon have been tasked with assisting with the Trenton tree inventory, which is expected to take 12 field days to accomplish. Ms. Sargeant expects to

send a draft of the guidelines to the Council guidelines committee on/about the beginning of February. Chairperson Brash if the inventory for the other 2 cities is complete. Ms. Sargeant stated that Gloucester City is done; Trenton and Camden are not. Chairperson Brash then asked how close Camden was to completing the inventory. Mr. Martini responded that 1/3 of the Trenton inventory is complete; Camden's inventory has not begun. The Trenton inventory will be completed before Camden is started. Ms. Sargeant also noted that assistance with these tree inventories may be counted as "match" under the NJUCF's federal Landscape Scale Restoration (LSR) grant. Ms. Sargeant also noted that tree consultants that truly engage with their clients and communities are presently overburdened, leaving a gap in staff available to do the required field work. Chairperson Brash then asked if the LSR tree inventories are full or random inventories. Ms. Sargeant confirmed that these are random samplings of just street trees; they do not include the public open space. Mr. Martini further clarified for Chairperson Brash that the 12 days for Trenton is the total days the inventory is expected to take, not the number of days needed to complete the remaining 2/3 of the inventory. Ms. Zipse asked for clarification on the relationship between the inventory and having updated guidelines. Ms. Sargeant responded that the program wanted to look across all three LSR communities to get recommendations from our consultant for what the entry inventory would be. Ms. Zipse then asked if there was a way to move forward on the guidelines without having these inventories complete. Ms. Sargeant responded that it is constraints on her time and not the inventories are not the limiting factor on getting the revised guidelines ready for Council committee review.

Council Business

Unfinished Business – Term Expirations

Ms. Sargeant noted that although not addressed by the current bylaws, there needs to be language delineating how we sever a member from Council. For example, what do we do about members on the Council whose terms have expired, we've reached out to see if they are interested in renewing, yet we have gotten no response? Ms. Sargeant pointed out that the bylaws do say that 6 months before a Council member's term expiration that they should let the program know of their intention to stay on or leave Council. However, the bylaws are mute on what happens when a Council member's term expires. This can impact quorum and NJUCF must ensure that Council business is conducted properly and in accordance with the law. Chairperson Brash believed there to be two issues 1) Council members whose terms are expiring and haven't submitted their letter to the state forester either requesting another term or asking to step down; and 2) members whose terms are not expired but have not met expected Council participations, such as attending Council meetings. Ms. Sargeant clarified that lack of attendance is the only reason Council currently has to remove a member from Council or take some form of action for non-participation. The bylaws do not address removing someone from Council because their term has expired. Ms. Drewes asked that the list of Council member terms be sent after the meeting to all with the expectation that members whose terms have expired get the required paperwork in prior to the next Council meeting. Ms. Sargeant agreed to send Council the bylaws and the term expiration spreadsheet provided previously after this meeting. Mr. Brash then asked for volunteers from Council to assist him in crafting needed amendments to the bylaws. Ms. Drewes agreed to work with Chairperson Brash to craft the needed amendments to the bylaws, which as Dr. Grabosky noted, could then be brought to the Council and voted on. Dr. Grabosky clarified that a motion is needed to adopt any proposed amendments to the bylaws, but no motion is necessary to draft the amendments.

Subcommittee Assignments

Council was provided with an updated list of Subcommittees and members. Ms. Sargeant noted that the Utility Forum should be listed as an "ad hoc workgroup." (Standing committees and ad hoc

committees are defined in the bylaws.) Ms. Sargeant invited Council's newest members to review the Committee list and let NJUCF know which committees they would like to join. New members were invited to reach out to the Committee members or the NJUCF program if they have questions. Ms. Slack thanked members of the Council who reached out previously regarding their committee assignments and noted that some Committees have no chair.

Public Comment:

No public comment was received.

Chairperson Brash then opened the floor to comments from the Council. Mr. Lang asked if the NNL subcommittee was locked up because the NJUCF staff person assigned has left the program. Ms. Sargeant responded that is not the case; the program currently has no plans to review. She noted that the update to the NNL guidelines is on hold from a program perspective, though the NNL Council Committee is free to meet to further the discussion. Ms. Sargeant will do her best to get the NNL plans to the Committee for review. Mr. Lang then noted that it might be useful for the Committee to develop comments on a NNL bill - A1441, which includes a grid system. Chairperson Brash was concerned that NNL plans may come into the program but not be entered into the portal for Committee review. He suggested this could be added to the letter regarding Program staffing that he and Dr. Grabosky are drafting. Ms. Sargeant clarified that there is no full-time staff member dedicated to NNL to conduct plan reviews, updates, and revise the guidelines. The Program has received no information from upper management on the NNL program since Anna's departure. Ms. Zipse then questioned whether the NNL legislation provides funds for administration. Ms. Sargeant confirmed that the Program gets reimbursed for staff time spend on the program. Temporary and hourly positions require additional paperwork and coordination time. She confirmed for Chairperson Brash that it is technically a procedural issue not a funding issue in getting replacement staff, as staff hours for NNL work is charged to the State agencies conducting the projects.

Chairperson Brash then adjourned the public portion of the meeting. Council members were asked to stay on the meeting call so that the Special State Officer Ethics Training and Cannabis Training videos could be shown, and they could then receive credit for taking these required trainings. Council members who could not stay on the meeting were alerted that they must take both trainings on their own and submit proof of same to the program. While a technical issue was encountered with the Cannabis training, the following Council members watched the Special State Officer Ethics Training and were, therefore, credited with having completed it:

- Bill Brash
- Mark Beamish
- Donna Drewes
- Barry Emens
- Lori Jansen
- Robert Lee
- Vinh Lang
- Dr. Melanie McDermott
- Matt Simons