

Town of Garrett Park

Resolution Adopted on June 18, 2018

Whereas, at the January 8, 2018, Town Council meeting, residents of Clermont Avenue expressed concern about the planned removal of the tulip poplar in the Town right-of-way between 10914 and 10916 Clermont Avenue (hereinafter “Clermont tulip poplar”) as part of the SRTS sidewalk project;

Whereas, in response, Mayor Peter Benjamin stated at that meeting that, at Town expense, the Town would contract with outside arborists to inspect the tree and with the sidewalk engineering firm Clark Azar & Associates to analyze alternative alignments for the sidewalk project along Clermont Avenue to avoid impacts to the Clermont tulip poplar;

Whereas, the Town received written opinions from five private arborists and a team of three arborists from the Maryland Department of Natural Resources Forest Service (hereinafter “Maryland DNR FS”) as well as the alternative alignment analysis;

Whereas, the Town made these documents publicly available and sent them directly to concerned Clermont residents;

Whereas, the Maryland DNR FS assessment of January 24, 2018, based on a Level 2 Tree Risk Assessment, concluded that, independent of any impacts from sidewalk construction, the Clermont tulip poplar “is in danger of failing and should be removed immediately”;

Whereas, at the Feb. 12, 2018, Town Council meeting, Mayor Benjamin presented the findings of the arborists and engineering alternative alignment analysis and led an extensive discussion by Council members and Town residents;

Whereas, in April 2018, Mayor Benjamin invited opinions from the five private arborists on the Maryland DNR FS assessment, and subsequently made these opinions publicly available;

Whereas, at Town expense, the Town contracted with Bartlett Tree Experts to conduct a Level 2 and Level 3 Tree Risk Assessment, which was completed on May 1, 2018;

Whereas, the May 1, 2018 Bartlett report detected eight structural roots, two of which had decay on the underside near the trunk, and one of which showed evidence of fungal structures consistent with armillaria root rot;

Whereas, the Council has listened to the full range of opinions and concerns expressed by Town residents regarding the Clermont tulip poplar, the arborists' reports, and the alternative alignment analysis at Town Council meetings of March 12, 2018, April 9, 2018, and May 14, 2018;

Whereas, the Council is fully informed of the arborists' reports and other relevant information and has heard and carefully considered Town residents' various concerns regarding the Clermont tulip poplar;

Whereas, Section 715(b) of the Garrett Park Town Code states that "The planting, maintenance and removal of trees in the unpaved street areas dedicated to public use shall be the responsibility of the Council and trees may be planted in or removed from such an area only with the explicit consent of the Council";

Whereas, because the Town is required under the Maryland Roadside Tree Law, MD. CODE ANN., NAT. RES. §§ 5-401–5-411 and its implementing regulations, to work with the Maryland DNR FS with respect to the Town's street-side trees, including by obtaining permission from Maryland DNR FS for removal of trees within the Town right-of-way, the January 24, 2018 Maryland DNR FS finding and recommendation on the Clermont tulip poplar is particularly compelling, both with respect to the individual tree and to the Town's continued working relationship with the State for ongoing tree care and management;

Whereas, the Council has determined that the Clermont tulip poplar is a public safety risk to Clermont residents, pedestrians and passersby, and private property;

Now, therefore, be it resolved, the Council directs that the Clermont tulip poplar shall be removed as soon as possible because it poses an unacceptably high risk to public safety and private property and an unacceptably high potential for Town liability;

Be it further resolved, that, pursuant to the authority vested in it by Section 715(b) of the Garrett Park Town Code, the Council directs the Town Manager to obtain the necessary permit from Maryland DNR FS and to schedule the removal of the Clermont tulip poplar;

Be it further resolved, that the Council directs the Town Manager to employ a certified arborist to 1) assess all tulip poplars in the Town right-of-way and provide an initial assessment to the Arboretum Committee and the Town Council for their consideration, and 2) assess any trees identified as being at risk during sidewalk construction; and

Be it finally resolved, that the Council directs the Town Manager to notify the Council, Clermont residents, and the public of the date(s) on which the removal of the Clermont tulip poplar will be accomplished.

Town Council Meeting
May 14, 2018
7:30 PM
Town Hall

PARKING LOT UPDATE

1. Concern about access to Rest Rooms on 2nd Floor/Black Market Bistro, especially ADA compliance. (Mayor, Gene) *Daily check; have met several times w/Blk Mkt managers*
2. 10916 Clermont Avenue Tulip Poplar: letter from Amy Williams re: home and family safety. (Mayor) *In discussion*
3. Absentee ballot return when requested and sent to resident via email. (Phil S., Elizabeth) *Ongoing review of election process*
4. Should the Candidates Nomination Meeting be facilitated by the Citizens Association or--? (Phil S., Elizabeth) *Ongoing review of election process*
5. Appointment of new judges if/when necessary including choosing of Chief Judge. (Mayor) *In February 2019*
6. Notify GPES of new parking regulations as well as notifying GP residents in all possible ways (website/p.o. notices/?) (Gene) *Will distribute to mayor and council for review*
7. Town Hall renovation kickoff and date. (Stephen P.) *TBD*
8. Peter's list re: sidewalk project next steps; post on website/in p.o. (Gene, Elizabeth) *Posted*
9. Wells Park playground renovation and equipment, PUSH ! (Joanna) *Construction beginning*
10. Night time lighting around (in?) Wells Park. (Shields on current street lights? "Directed light?" (Hans) *TBD*
11. Announce the new archivist on the website and in the post office. (Elizabeth) *Done*
12. Two vacancies on the Archives Committee (Gene) *Three seats available*
13. Chipper (Gene) *In progress*
14. MLK, Jr. representative for the town. (Mayor) *Will publicize*
15. White Flint/Amazon town rep (Joanna W.) *Will work with resident John King (GPCA rep)*

