

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON PARKS AND RECREATION

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October 6, 2010
Start: 10:12am
Recess: 11:53am

HELD AT: Council Chambers
City Hall

B E F O R E:
MELISSA MARK-VIVERITO
Chairperson

COUNCIL MEMBERS:
Council Member Elizabeth S. Crowley
Council Member Daniel Dromm
Council Member Julissa Ferreras
Council Member James S. Oddo
Council Member James G. Van Bramer

A P P E A R A N C E S (CONTINUED)

Liam Kavanagh
First Deputy Commissioner
Department of Parks and Recreation

Juliana Dubovsky
Member
New Yorkers for Parks

Geoffrey Croft
President
New York City Park Advocates

CHAIRPERSON MARK-VIVERITO: Good morning, I want to welcome everyone for being here today. I'm Council Member Melissa Mark-Viverito, Chair of the City Council's Parks and Recreation Committee. And today's hearing will be an oversight hearing, keeping pedestrians and park users safe from damaged trees. And additionally, the Committee's going to hear testimony regarding Intro 311, a local law to amend the Administrative Code of the City of New York, in relation to requiring notification prior to any planting of trees. This hearing was originally scheduled for September 20th, and was postponed due to the recent severe storms that caused the downing of more than 1,000 trees, and led to the death of one of our City's residents and injury to another, as a result of a falling tree. Clearly, the death of any one person is a great tragedy, but considering the extent of damage and the severity of the storms, we can count ourselves lucky that no more lives were lost. Additionally, the extent of property damage was so severe that the area affected by the storm led FEMA to strongly consider declaring it a disaster area. Also, I

1 want to commend the Department of Parks and
2 Recreation as well as the Office of Emergency
3 Management for their collaborative efforts to
4 restore a sense of normalcy to the affected areas.
5 And the work obviously continues. The storms left
6 behind extensive damage and both offices have
7 worked efficiently and effectively to move forward
8 with a plan of action that assisted those
9 affected. One simply cannot underestimate the
10 importance trees play in our urban environment.
11 The planting and maintaining of trees is
12 beneficial to the health and wellbeing of the
13 citizens of this City. However, when things
14 happen that bring death and injury, even a small
15 number of people, government must ensure that we
16 take all of the steps possible to prevent that
17 from happening. Moreover, we must ensure that the
18 Parks Department remains vigilant in ensuring the
19 public's safety, even at locations where Parks has
20 given over day-to-day operations of the park to a
21 private entity. When the tragic death of a six
22 month old baby, Gianna Recciuti, occurred near the
23 Central Park Zoo, it was a great concern to read
24 in the news that in the initial stages the Parks
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1 Department appeared to not know who had
2 jurisdiction over the tree. The Parks Department
3 also did not seem to have information on the tree
4 that led to the death of this infant. Also,
5 there's been other cases, as well, with regards to
6 injury and deaths, but we'll probably address that
7 later on. There will also be inclement weather in
8 our City. However, this should not imply that we
9 must accept loss of life and serious injury as
10 part and parcel of our, of our daily life here in
11 the City. This hearing will explore measures that
12 the City is taking to ensure that this happens in
13 the future. In addition, today we're going to
14 hear Intro, testimony on Intro 311. And I want to
15 thank Council Member Oddo for sponsoring this
16 important piece of legislation. And I believe
17 he'll be coming at some point to express some
18 points on that. This bill would require
19 notification prior to the planting of a tree
20 within 200 feet from the entrance or exit to a
21 school, hospital, or similar such building that
22 primarily provides services to children, the
23 elderly or the disabled. This is not an anti-tree
24 bill; however, trees should be planted at
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2 locations where they will not lead to hardship and
3 danger to the vital services that the subject
4 buildings provide. Schools need locations for
5 pickup and drop off and entities that serve the
6 elderly and the disabled need locations where they
7 can adequately and safely pickup and drop off
8 those in wheelchairs or similar devices. This
9 bill will hopefully lead the Parks Department and
10 the entities that provide such vital services to
11 work together to ensure the proper delivery of
12 services and the continued planting of more and
13 vital trees. So with that, I want to thank the
14 Parks Department for being here today, and we have
15 First Deputy Commissioner Liam Kavanagh, and
16 Michael Schnall is at the table, as well. So want
17 to thank them for being here. And I want to
18 recognize my colleague, Council Member Julissa
19 Ferreras who has just joined us. And with that,
20 and I know some of my colleagues are not here, do
21 have some statements to make, and have asked me to
22 share that on their behalf, so I'll do that after
23 the testimony. But First Deputy Commissioner, if
24 you could start your testimony. Thank you for
25 being here today.

LIAM KAVANAGH: Okay. Good morning, Chair Mark-Viverito, and Council Member Ferreras, and Members of the Parks Committee who may join us. My name is Liam Kavanagh, First Deputy Commissioner at the Department of Parks and Recreation. I'm joined at the table by Michael Schnall, our Director of Government Relations, and a number of Parkies are here in the audience with me today, including Deputy Commissioner Larry Scott Blackmon, Public Partnerships; Counsel Alessandro Olivieri; Assistant Commissioner Susan Donoghue, who is Assistant Commissioner for Sustainability and Strategic Initiatives; Bram Gunther, Deputy Chief of Central Forestry and Horticulture; Morgan Monaco, Director of the Million Trees NYC Program; Danielle Gift, who is a Forester and Analyst in our Central Forestry Division; and Elizabeth Ripotola who is my Chief of Staff. On behalf of Commissioner Benepe I want to thank you for the opportunity to discuss our tree maintenance and safety procedures, and giving us an opportunity to comment on Introduction 311 of 2010. First, I want to thank Speaker Quinn and Chair Mark-Viverito for rescheduling the hearing.

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2 And I would like to acknowledge and thank all the
3 elected officials, including the Comptroller, for
4 their, for their critical support during the
5 recent storm. As you are well aware, New York
6 City was hit by an uncommon and unusually powerful
7 storm on September 16th that ripped through three
8 boroughs, with two tornadoes and a micro-burst,
9 felling over 2,000 trees in a matter of minutes.
10 This storm, with its winds up to 125 miles per
11 hour, caused considerable damage to buildings,
12 power lines, mass transit systems, and trees under
13 the jurisdiction of the Parks Department, both on
14 the streets and in the parks. With the areas of
15 greatest impact being north in Queens and
16 Brooklyn. The storm also triggered an
17 unprecedented response from local, state and
18 federal levels of government that included, of
19 course, all of our forestry staff and many other
20 Parksie--Parkies drawn from all divisions of the
21 agency. Citywide resources from ten different
22 agencies, private contractors, support from
23 surrounding counties, hundreds of volunteers and
24 thousands of citizens who rolled up their sleeves
25 and help us dig into the massive cleanup effort

1 that was largely completed in less than three
2 weeks. But before we discuss the massive cleanup
3 efforts resulting from this storm, I'd like to
4 give you some information and background on how we
5 monitor and manage City trees, and our comments on
6 Introduction 311 of 2010. The Department of Parks
7 and Recreation is the steward of over 29,000 acres
8 of green space across New York City and our first
9 priority is to ensure that parks, playgrounds and
10 all of our facilities are safe places for the
11 public to enjoy. That includes the two million
12 trees, park trees, and 600,000 street trees that
13 fall under the Parks Department's jurisdiction.
14 Trees are large, complex, living organisms, whose
15 structure and internal biological systems make
16 them adaptable and resistant, resilient, even in
17 the face of harsh urban growing conditions. But
18 like all living organisms, age, disease and injury
19 can lead to a loss of vitality and disrupt the
20 processes that support healthy growth and
21 development. Our management strategy for this
22 essential resource has two, has the primary goal
23 of building a safe, urban forest through an
24 effective and focused tree maintenance program,
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2 and by creating the conditions that support health
3 tree growth. Trees are part of the--I'd just like
4 to acknowledge that Council Member Oddo has joined
5 us, thank you. Good morning. [laughter,
6 background noise] I'm sorry. [background noise,
7 laughter] Trees are part of the green
8 infrastructure that improve the quality of life in
9 urban areas. Mayor Bloomberg acknowledged the
10 important role that trees play by launching the
11 Million Trees NYC Campaign, as part of his
12 visionary sustainability agenda, PlaNYC. Under
13 his leadership Parks has developed one of the
14 leading urban forestry programs in the country.
15 With a strong cadre of talented professional
16 foresters and extensive network of partners, Parks
17 has been at the forefront of research and
18 innovation in the field. Projects and programs
19 like Trees for Public Health, the Young Tree
20 Mortality Study, the Trees and Sidewalk
21 Initiative, research into storm water management
22 climate change, and the Urban Heat Island Effect,
23 as well as the Million Trees NYC Campaign, have
24 been created, led or supported by our forestry
25 division. And as important as these subjects are

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2 to our understanding of this extraordinary
3 resource that tree population represents, we never
4 lose sight of the fact that public safety is the
5 critical component in our management of the urban
6 forest. In fact, the focus of our daily
7 operations and many of the major initiatives we
8 have undertaken in recent years directly addressed
9 tree health and safety, both in the immediate and
10 long term. Among them are our daily tree
11 maintenance programs, substantial investments in
12 skilled staff and modern equipment, the recent
13 tree census, our new Forestry Management
14 Information System, a reengineering of the tree
15 planting and procurement processes, and
16 professional development and continuing education
17 programs for staff, and a renewed commitment to
18 education and tree stewardship. First and
19 foremost, in our management of urban tree
20 population is tree maintenance. Tree maintenance
21 services are conducted by the Forestry Divisions
22 in teach borough. We have three major goals for
23 tree maintenance, that is to remove dead trees
24 within 30 days of request, maintain the health and
25 safety of our street tree population through

1 pruning, and responding effectively to tree
2 related emergencies. All of the free programs are
3 supported by inspections conducted primarily by
4 trained foresters, but also by members of the
5 maintenance and operation divisions throughout the
6 Parks Department. Since Fiscal Year 2002, the
7 number of trained foresters and skilled tree
8 workers has more than doubled, going from 70 in
9 Fiscal Year 2002 to 147 in Fiscal Year 2010. And
10 similarly, Parks has invested almost \$12 million
11 in the last nine years to increase and modernize
12 the vehicles and equipment that the Forestry
13 Division depends on to carry out its mission.
14 Trees that are dead or in serious decline have the
15 most potential for structural failure, injury to
16 the public or damage to property. Parks actively
17 removes dead, dying and diseased trees within 30
18 days of request, after verification by a qualified
19 inspector. Anyone can request for a public tree
20 to be removed via 311. Each tree is inspected to
21 see if the request is valid, and when confirmed
22 the tree is removed. Since Fiscal Year 2002, we
23 have averaged approximately 9,500 tree removals
24 per year, and have removed them within 30 days, 98

1 percent of the time, exceeding our management goal
2 of 95 percent. Pruning promotes safety and tree
3 health by removing dead, diseased, unsound limbs,
4 branches that interfere with surrounding
5 infrastructure, and eliminating growth that can
6 compromise health development. We have three
7 approaches to pruning: block pruning, individual
8 pruning, and the new traffic law pruning program.
9 Block pruning, sometimes called cyclic pruning, is
10 a systematic process in which every tree on a
11 block larger than five inches in diameter, the
12 requires pruning is done at the same time. It is
13 the most efficient and cost effective way to
14 deliver pruning services while providing a
15 systematic approach to street tree care. Many
16 United--cities in the United States use this
17 established urban forestry management strategy,
18 including Los Angeles and Chicago. Parks uses
19 private contractors to complete most of block
20 pruning work. To ensure for the safety of the
21 crew and the health of the tree, pruning work must
22 be done in accordance with the American National
23 Standard Institute A300 Pruning Standards, and at
24 least one member of the crew or a supervisor must
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2 be a certified arborist or the equivalent, as
3 certified by the International Society of
4 Arboriculture. The pruning specification in the
5 contract requires crown cleaning to remove dead,
6 broken, crossing, rubbing, damage, fungus and
7 insect infected branches, dead or decaying stubs,
8 sucker growth and all other undesirable growth.
9 The specification also requires that low branches
10 be pruned to a 15 foot clearance over roads and an
11 eight foot clearance over sidewalks, and pruned
12 back to give at least a six foot clearance from
13 buildings. Our process includes inspection by
14 Parks once the work is complete to ensure that the
15 standards are met. If defects are discovered,
16 they, and they are not able to be mitigated by
17 pruning, the contractor will inform the Forestry
18 Office so that any other remedial actions can be
19 taken if needed. Since Fiscal Year 2002, Parks
20 has pruned 405,794 street trees, again that are
21 greater than five inches in diameter, through the
22 block pruning program, and that represents
23 approximately 84 percent of the eligible street
24 tree population. In addition to block pruning and
25 recognizing that there are tree pruning needs that

1 fall outside of the block pruning program, Parks
2 also performs pruning on individual trees to
3 mitigate potential problems. Due to the size of
4 our urban forest, we rely on the vigilant eye of
5 the public to help notify our agency of those
6 conditions, as they, as they develop. Citizens
7 can make reports if they notice an emergency
8 condition or something that they think may pose a
9 safety hazard, such as illegal street tree damage,
10 dead or diseased branches or hanging limbs. Once
11 received by Parks, conditions are inspected and
12 assessed to determine the proper course of action
13 to safeguard tree health and public safety. This
14 work is completed by our own forestry crews. On
15 average, we prune about 3,500 street trees outside
16 of the block pruning program each year. And
17 additionally, on average, 5,700 Park trees are
18 pruned based on inspections conducted by Park
19 supervisors. And that number does not include
20 routine pruning or broken limb removal performed
21 by local maintenance staff as part of their normal
22 maintenance responsibilities. The final program
23 that prunes street trees as a result of the
24 guidelines of Local Law 28 of 2008, sponsored by
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1 Council Member Lappin and passed in :April of 2008
2 by the Council, known as the Traffic Pruning Law.

3 We have always addressed conditions like that, but
4 as a result of the legislation, we track is
5 separately as required by, by the law, and Parks
6 must inspect any complaint of a tree branch or
7 branches blocking a traffic signal, traffic sign
8 or road sign within four days of receiving notice.

9 If action is needed, trees obstructing traffic
10 signals or signs are pruned within ten days, and
11 trees blocking road signs are pruned within 20
12 days. 1,660 that obstructed signals or signs have
13 been pruned since the law went into effect.

14 Responding effectively to tree emergencies is a
15 core responsibility of Parks. Those kind of
16 conditions often occur more frequently during
17 inclement weather and when trees are in full leaf.

18 Tree emergencies are generally classified into
19 three categories: trees down, including fallen
20 and split trees; limbs down that have fallen from
21 the tree onto the ground or onto a car; and
22 hanging limbs, those are broken limbs that are
23 still lodged within the crown of the tree. In
24 Fiscal Year 2010, borough forestry offices
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1 completed 20,271 work orders, the highest number
2 that we recorded in the last nine years, the
3 majority of which were either hanging limbs or
4 fallen limbs. In contrast, the annual average
5 number of emergencies over the last nine years is
6 11,500, and the second highest number of
7 emergencies we recording during that period was
8 14,000--approximately 14,700 recorded in Fiscal
9 Year 2007. So we, we did have an unusually large
10 number of storms in Fiscal Year 2010. It resulted
11 in the highest number of emergencies we've seen so
12 far in any one fiscal year, though we are off to a
13 really head start this year, which we hope does
14 not lead to a new record in Fiscal Year 2011.
15 During storms, Parks may receive thousands of
16 calls within a short window of time, inspections
17 and remedial work are prioritized according to the
18 severity of the damage. Clearing roads to allow
19 emergency vehicle access and mitigating any risks
20 to human health are the primary focuses during and
21 immediately after a storm hits. Emergency work is
22 primarily performed by our borough forestry crews,
23 though we do have the ability to call in private
24 companies under contract to us in periods of very
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1 high demand or unusually heavy storm damage.

2 Parks also works closely with other agencies, such

3 as the Office of Emergency Management, Police and

4 Fire Department, the Department of Sanitation and

5 Transportation, and utility companies during major

6 storms. And of course 311, the City's information

7 hotline connects the public to Parks at all times,

8 but especially during storm emergencies. The

9 storm that hit New York City on September 16, 2010

10 was the most intense we've experienced in the last

11 15 years, the 15 years that we have been tracking

12 storm damage in a consistent manner. And with 311

13 receiving over 1,150 storm related service

14 requests over the last three weeks. The cleanup

15 effort included not only the Parks Department's

16 Forestry crews, but essential help from many City

17 agencies, including, as I mentioned before, the

18 Departments of Sanitation, Transportation,

19 Environmental Protection, Design and Construction,

20 Information Technology, coordinated through the

21 Office of Emergency Management. We also were

22 assisted by the Mayor's Office of Operations, 311,

23 the Scout Program of the Office of Operations, NYC

24 Service, and of course the Police and Fire

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1 Department, who are always there to assist us
2 during storm emergencies. Critical assistance was
3 also provided by Westchester, Nassau and Suffolk
4 Counties, the Port Authority, State Parks and
5 Transportation Departments, the U.S. Forest
6 Service, and the National Guard, and scores of
7 emergency tree care companies, all of whom worked
8 to complete roughly 9,500 work orders. In fact,
9 the total number of emergency conditions generated
10 by the storm of September 16th exceeded the number
11 of emergencies recorded in four of the last nine
12 fiscal years. Thanks to their help, tree damage
13 from what we think is the single largest storm
14 we've seen since Hurricane Gloria in 2005, was
15 effectively completed in less than three weeks,
16 which was an amazing accomplishment. I am
17 particularly proud of the work hundreds of Parkies
18 contributed to that effort, especially our
19 climbers and pruners who's skill and dedication
20 are extraordinary. All of our tree maintenance
21 programs are underpinned by our tree inspections
22 program. Trees, by design, are self-optimizing
23 mechanical structures that are able to respond and
24 adapt to environmental stress extremely well.
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2 They have the ability to sense areas that are weak
3 or damaged and produce additional wood to
4 strengthen them. They also actively respond to
5 wounding through compartmentalization the damaged
6 tissue through a series of biological barriers or
7 wall, walls. This helps prevent the spread of
8 disease into existing tissue, and also protects
9 any new growth from attack. These walls also
10 preserve the vascular function of the tree so that
11 it continued to transport resources and maintain
12 vitality. Overall, trees have evolved to be
13 excellent at maintaining their mechanical
14 structure, and also their biological functions,
15 such as large, photosynthetic canopies that can
16 produce food and will shade out competing
17 vegetation. They are able to withstand all but
18 the most severe weather, and can respond to
19 wounding and damage by restricting the spread of
20 disease, and actively preserving the functions and
21 build new tissues to strengthen any weaknesses.
22 Tree inspection is a vital component of urban
23 forestry risk management, and inspection
24 investigates both the biological and mechanical
25 attributes of the tree. The initial inspection of

1 a tree is usually visual, and from the ground
2 level. Parks inspectors carry tools to aid their
3 work, such as soundings hammers, binoculars and
4 measuring tapes. During the evaluation, the
5 inspector looks for any mechanical defects and
6 signs of pathogen attack, and assesses the general
7 vitality of the tree. The environment adjacent to
8 the tree is also observed to identify any
9 additional stress factors that could be
10 contributing to its condition, such as recent
11 construction work, as well as any usage factors
12 that can influence management decision. The
13 combination of all these findings allows the
14 inspector to formulate a report for the tree that
15 includes tree work recommendations, such as
16 pruning or removal. Occasionally, the discovery
17 of a defect or potential defect will require
18 further investigation. Further investigation
19 could mean that the tree is inspected from above
20 ground level, that is using an aerial lift to get
21 up into the crown of the tree, or using more
22 specialized equipment, such as resistographs,
23 which can help map the internal wood decay.
24 Sometimes a combination of both approaches are, is
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2 used. Parks has a core group of 44 qualified and
3 experienced inspectors, whose primary function is
4 to perform tree assessments on a regular basis.

5 Parks has a resistograph available to inspectors
6 in each of the five boroughs, and has recently
7 inquired, acquired two tomographs that also map
8 internal decay in trees by using sound waves.

9 These tools are widely used in Europe and provide
10 a much more complete assessment of decay than the
11 resistograph which we have used for a number of
12 years. And we think we are the first municipal
13 agency in the country to deploy such advanced
14 equipment in our efforts to preserve and monitor
15 tree health. And also since 2008, 86 Forestry
16 inspectors, supervisors and managers have attended
17 a three-day course on the principals of urban tree
18 care, developed by the New York Botanical Garden,
19 which featured Dr. Chris Luley, an recognized
20 expert on identifying and evaluating tree decay.

21 Trees in and around parks are also inspected
22 through the Parks Inspection Program, our
23 nationally recognized system for identifying
24 structural and cleanliness issues that can impact
25 the public's use and enjoyment of parks and open

spaces. PIP inspects for dead trees, dead wood in trees that are greater than two inches in diameter, broken limbs lodged in the crown of trees and low branches that can interfere with pedestrian traffic. Conditions that require immediate attention are reported electronically to the managers responsible for the site on a daily basis. Over 5,000 PIP inspections are conducted annually, and similarly Park inspectors perform more than 50,000 property inspections each year based on the PIP model, which includes an assessment of all trees on the site using the same criteria as the PIP inspection. Supervisors report any tree issues they discover through an online database, which is used by borough managers to plan and track work requests. And all Parkies are encouraged to call in any tree issues they notice during their workdays or during their travels around the City, through our Eyes on Park Program. While our daily operations focus on creating a self--a safe and healthy urban forest through maintenance and inspection, many of the management initiatives we've launched in the last nine years contribute to a safer and healthier

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2 environment by improving growing conditions and
3 expanding our understanding of the tree
4 population. The trees and sidewalk program
5 introduced by Mayor Bloomberg in 2005 repairs
6 sidewalks damaged by City trees in front of one,
7 two and three family homes, while completely
8 eliminating the longstanding practice of cutting
9 or shaving tree roots. No matter how careful or
10 clean the cut, it injures the tree and can be an
11 entry point for disease and decay, and we, as I
12 said, we have completely eliminated that practice.
13 Contractor tree growing has completely
14 revolutionized the way in which we acquire new
15 trees. Rather than accept or reject trees
16 provided by landscape companies, we contract
17 directly with three of the largest nurseries in
18 the country, to grow the species we want to the
19 highest standards in the industry. We now have a
20 reliable stream of high quality tree, trees that
21 allows us to diversify our tree stock, which is an
22 important component of building a healthy urban
23 forest. Tree planting specifications have also
24 been overhauled to allow more rooting space for
25 trees, and to place trees where possible away from

1 curbs and overhead wires, thus avoiding the stress
2 and injuries associated with those sites. The
3 young tree mortality study, the most comprehensive
4 study of its kind, identified the factors that
5 contribute to the survival and long term success
6 of newly planted trees. This will help us to
7 maximize the investment made in the Million Trees
8 NYC Campaign, and also contribute to a healthier
9 urban forest. Trees Count, the 2005/2006 street
10 tree census collected over nine million pieces of
11 information, about 592,000 street trees. This
12 information provides the raw material for many
13 research projects, including Stratum, the
14 groundbreaking analysis of the economic value of
15 street trees conducted by the U.S. Forest Service,
16 the role street trees can play in storm water
17 management, and establish neighborhood tree
18 stocking levels and species distribution maps,
19 which allow, which will inform our planting
20 decisions for years to come. FoRMS, our
21 computerized information management system, has
22 connected Parks with the public like never before.
23 Its robust suite of features allows it to manage
24 the entire workflow from service request to work
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2 order, through final distribution of the, of the
3 request. FoRMS centralizes six disparate
4 databases to one common server, and is accessible
5 through the Parks website and on handheld field
6 computers. In addition, FoRMS has two-way
7 integration with the City's 311 system, which
8 allows residents to initiate service requests and
9 receive status updates through 311. And they can
10 also track the progress of their service requests
11 online through a website. This, this increases
12 accessibility, accountability and transparency
13 with the public and other entities that we work
14 with. And the GIS and mapping functions available
15 through forms were especially useful in the wake
16 of the tornadoes, service requests were quickly
17 mapped and distributed to inspectors and work
18 crews, allowing managers to direct resources to
19 the areas with the most damage. The Million Trees
20 NYC Stewardship Corps engages New Yorkers in urban
21 tree stewardship through free tree care workshops
22 and toolkits, coordination and expansion of
23 existing tree stewardship activities across the
24 City, through our network of partners, and an
25 online site where stewards can network and share

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2 ideas on resources. In tandem with the Million
3 Trees NYC education programs, the Stewardship
4 Corps has enlisted thousands of New Yorkers in the
5 campaign to build a cleaner, greener and healthier
6 environment. [pause] Parks has worked with a
7 number of organizations and entities, to help
8 maintain public facilities throughout the City.
9 It's been a longstanding practice of the agency.
10 And we do allow individuals to care for trees.
11 Unauthorized pruning or removal of public trees is
12 both unsafe and illegal, of course; however,
13 anyone can apply to perform work on public tree--
14 on public trees by completing a forestry
15 application that can be downloaded from our
16 website. The applicant must provide contact
17 information as well as define the tree and the
18 type of works they're interested in performing.
19 If the work is, is necessary, a forestry permit
20 can be issued to the applicant. All work must be
21 completed in accordance with accepted
22 arboricultural standards, and approved by the
23 Parks Department. In addition, members of the
24 work crew or a supervisor must be certified as an,
25 as an arborist by the International Society of

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2 Arboriculture. And the company must provide proof
3 of insurance. There is no charge for a forestry
4 permit, and tree pruning contractors working on
5 behalf of other agencies also need to secure
6 forestry permits before commencing any work.

7 Three organizations are permitted to perform work
8 on Park trees without applying for a permit in
9 advance. They are the Central Park Conservancy,
10 the Wildlife Conservation Society and the Prospect
11 Park Alliance. In each case, tree care is
12 overseen by qualified professionals and conforms
13 with industry standards, including the American
14 National Standard Institute A300, which was
15 mentioned earlier, and the requirement that a
16 certified arborist is a member of the crew or
17 supervising the work that is performed. With the
18 exception of the trees on the ground at the Zoo,
19 Central Park Conservancy manages and maintains all
20 the trees within the, within and on the perimeter
21 of Central Park; the Wildlife Conservation Society
22 maintains trees on the grounds of the three City
23 owned zoos in Central Park, Prospect Park and
24 Flushing Meadows Corona Park; and the Prospect
25 Park Alliance shares responsibility for tree care

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2 in Prospect Park with the Borough Forestry Office.
3 Park concessionaires are also, are responsible for
4 managing parkland, are managed through our revenue
5 and marketing division. These properties include
6 golf course and restaurants, and there are about a
7 hundred of them around the City that include
8 trees. The agreement with the concessionaires
9 states that they are required to prune trees as
10 needed, and all planned tree work is subject to
11 the Parks Department approval before it occurs.
12 I'd like to take the opportunity to comment on
13 Introduction 311 of 2010. Introduction 311 of
14 2010, sponsored by Council Member Oddo, amends the
15 City's Administrative Code to require notification
16 of tree planting. Specifically, the bill would
17 require 30 day notification to schools, hospitals
18 and other entities providing services to children,
19 the elderly or persons with disability, and when
20 the tree is to be planted within 200 feet of the
21 entrance or exit to such an institution. The
22 notification would be written and provide, or
23 provided by facsimile or by personal service. And
24 the draft bill would take effect 90 days after
25 enactment, and allows the Department to implement

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2 rules to facilitate enactment of the, of the
3 legislation. First, we appreciate the Council's
4 support and leadership for the Department's tree
5 planting effort, whether it's helping to promote
6 It's My Park Day events, attending Million Trees
7 NYC Planting programs, or identify and providing
8 thousands of locations to plant trees, we consider
9 the Council a partner in our efforts to green all
10 five boroughs. And we need your continued support
11 on these initiatives as well as in regard to our
12 tree care activities and goals. Second, we
13 appreciate Council Members, Council Member Oddo's
14 bill and support for any effort to increase the
15 public's awareness and investment in our tree
16 planting efforts. We believe that by providing
17 prior notice to planting trees, we build
18 stakeholders in the care and maintenance of that
19 tree, as well as a deeper appreciation for all
20 that trees have to offer the community during the
21 course of its life. However, we believe the bill
22 as drafted is a little overbroad and we a few
23 concerns. We believe that the nine--30 day or one
24 month written notification requirement falls short
25 of the 180 days that we typically provide to

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2 institutions already. Our forestry teams usually
3 serve locations twice a year, and it often sur--
4 entering a survey, a surveyed location or the
5 building adjacent to the property location to
6 discuss our planting plans. In more residential
7 settings, approximately a month in advance of the,
8 of the actual planting. We notify the building,
9 the building owner of planting plans by providing
10 flyers or posters. In terms of services for
11 children and the elderly and disabled, it's kind
12 of a broad definition. And that might provide a
13 real world challenge to our Forestry staff in
14 identifying such groups. The type of services
15 provided are often not clearly marked on the front
16 of the institution, and were we required under the
17 law to do so it might jeopardize our ability to
18 plant trees and focus more on the content of
19 adjacent businesses and institutions rather than
20 on the efficient and appropriate siting of trees
21 on the City's map right away. We believe that we
22 adequately provide notice to homeowners, large
23 institutions and other agencies, with site visits,
24 flyers and posters. Some of the ways in which we
25 do that, or suggest that we might be able to do

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2 that, are upon surveying for tree planting along
3 the sidewalk adjacent to a school, hospital or
4 other prominently identified educational facility,
5 we would enter the facility and leave a flyer
6 notification. That survey usually takes place
7 between 120 and 180 days in advance of tree
8 planting, although there are sometimes late
9 editions to the tree planting contracts. And
10 after marking the site with the contractor, which
11 means placing white markings on the sidewalk,
12 staff can return to the place, to place flyers at
13 all of our block planting sites and other
14 locations, where we typically may not have
15 received an individual request from an adjoining
16 property owner to plant a tree at that site. This
17 takes place any time from, from one month in
18 advance to several days in advance of the actual
19 excavation process. With the steps detailed
20 above, and leaving a contact name and number for
21 someone who has issues or concerns, we think are
22 effective and will help Parks to remain efficient
23 while providing street tree recipients with proper
24 notice of a tree installation. A law that
25 requires, you know, very detailed written

1 notification might hamper our staff and their
2 ability to site and plant trees in an efficient
3 and timely manner. However, we look forward to
4 continuing our partnership with the Council and
5 discussing this legislation as it moves forward
6 through the process. We would like to thank the
7 Committee again for inviting us to discuss Parks'
8 effort, efforts to maintain trees and to keep
9 members of the public safe in our parks and on our
10 streets. And we also thank Council Member Oddo
11 for sponsoring legislation that seeks to make the
12 public more aware of our tree planting plans.
13 Thank you. I'll be happy to answer any questions
14 you might have.

16 CHAIRPERSON MARK-VIVERITO: First
17 Deputy Commissioner, I want to really thank you
18 for your extremely thorough testimony, I really do
19 appreciate the information that you've shared.
20 Obviously very much appreciate the extensive work
21 that you've outlined that Parks is doing with
22 regards to tree plantings and surveys and the
23 monitoring and the maintenance. And obviously,
24 you've raised a lot of, of, a lot of questions
25 have been raised as well, that which we'd like to

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2 get some clarity on some issues. The abnormal
3 situations with our environment as of late have
4 definitely put Department of Parks front and
5 center, you know, and in terms of conversations,
6 in terms of resources that you've had to lay out.
7 I have, I've been telling people that as someone
8 who is very concerned about the environment, I
9 think it's, Mother Nature is pissed off at us, so
10 to speak, and she's speaking loud and clear, not
11 only to New York City, but to the world about how
12 she is being hurt, and that we need to really take
13 care of her. So, these incidents are very rare,
14 as we all know, very strange, for New York City to
15 see as many tornadoes as we've seen, and kind of
16 all these different environmental situations that
17 have emerged. So, with that, I know that I have a
18 lot of questions, but I know Council Member Oddo,
19 as the sponsor of the Intro that we're hearing
20 testimony on today, did want to say a few opening
21 remarks. I would welcome his remarks now.

22 COUNCIL MEMBER ODDO: Thank you,
23 Madam Chair, and let me just begin by thanking
24 you, not only for having a hearing on this bill,
25 but for your unwavering support of Staten Island

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2 on various Parks issue, not the least of which was
3 the Cedar Grove issue. It was nice having an off-
4 island ally. And, and we really are genuinely
5 appreciative; even though we lost the bigger
6 battle, we know we have a strong friend on the
7 island in you. And I want to thank you for that
8 publicly. Commissioner, I, Deputy Commissioner, I
9 want to thank you. Unfortunately, in the last few
10 weeks, you and I have been on the opposite sides
11 of a few issues, but I want to say publicly
12 something similar to what I said to you privately
13 at City Hall: I do respect you and in the heat of
14 the battle last few weeks, I, I perhaps crossed
15 the line a time or two in my frustration, and I, I
16 want to say publicly that I do respect the job you
17 do, you've been around for a long time, and you do
18 good things. And I'm sorry that there's been this
19 friction. I, I want to say that I do not have an
20 anti-tree agenda, I don't have an anti-roots
21 agenda, an anti-bark agenda, an anti-leaf agenda.
22 I don't believe Council Members Arroyo, Dilan,
23 Fidler, James, Koslowitz, Palma, Williams, Barron,
24 Vacca, Nelson, Cabrera, Halloran, Koo and Ulrich
25 have any anti-tree agenda. And by the way, I did

1
2 say that Charles Barron and Dan Halloran are
3 supporting the same piece of legislation. So,
4 that tells you either the bill is brilliant or
5 there's a real issue that they both want to
6 address. We are not anti-Million Tree NYC
7 Campaign, we support that. In fact, there's
8 probably video somewhere that should be destroyed
9 of me reciting the famous tree poem that Henry
10 Stern, the former Commissioner, would make us
11 recite at every Parks event. And I agree with
12 you, we should be looking at folks as stakeholders
13 and partners in this process as we plant trees.
14 But unfortunately, myself and some of my
15 colleagues haven't seen that. And what we've seen
16 is an attitude on, on the part of the Parks and
17 the folks pushing the Million Tree initiative,
18 that it's sort of their way, and everyone else
19 fall in line. And specifically, I have a specific
20 example, of PS 54 in my district, where the folks
21 came in and planted trees with no notice to the
22 principal, they came in and they started jack-
23 hammering the sidewalks during the school day.
24 The principal came out and she was completely
25 rebuffed. Which is kind of odd given how much

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2 emphasis this Administration has put on empowering
3 principals. And what really is disturbing, which,
4 and I think underscores the underlying problem we
5 have, is that there was a reticence on the part of
6 the Million Tree folks with meeting with the
7 principal after the fact. And I think it, it
8 speaks to an attitude that, you know, these good
9 folks believe they're doing God's work, and that
10 they're not going to be deterred, no matter how,
11 how much merit, you know, falls within the
12 concerns we have. And, and I want to tell you
13 something, long before the Million Trees Campaign,
14 and long before there was this rush for everyone
15 to get to environmental heaven, there was a little
16 article in the New York Post about a pilot program
17 on putting trees on the BQE and how wonderful they
18 were in terms of filtering. I read it, and within
19 a year I had funded a bunch of trees being
20 installed along the Staten Island Expressway. I
21 want to see the process move forward. But when
22 you plant trees at, in front of a school, with no
23 input from the principal, and the principal comes
24 out and says, "I have this wildly successful Stop
25 and Drop program for my students, where I've had

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2 triple parking and kills almost kids, now I have a
3 program in place where I teach the kids to walk to
4 the fence, walk along the fence, the kids are
5 safer, the students are safer, the parents are
6 safer, and you put trees in there and there's no
7 discussion at all as to the location of the trees.
8 That's a problem." And that's what necessitates
9 and forces my colleagues and I to put a piece of
10 legislation in, to ensure, not just rhetoric, to
11 ensure a process is in place where there is proper
12 notification. Not to stop the trees from going
13 in, not to stop this, this program, but to make
14 sure that people like the princ--Ms. Castley, the
15 Principal of PS 54, who's charged with the
16 responsible of the safety of her kids, has some
17 say into what's happening in and around her
18 school. So, again, I want to work with you, I
19 don't want to, I want to tailor a bill that
20 achieves a very specific goal of empowering
21 partners in government to work with you and the
22 others in the Parks Department and the Million
23 Tree Program, so that we ensure that we plant
24 trees in the right place, under the right
25 circumstances, so that everyone buys into the

1
2 program. I will end my rant, and once again I
3 want to thank the Chair for allowing a hearing on
4 this bill.

5 CHAIRPERSON MARK-VIVERITO: Thank
6 you, Council Member Oddo. And I know that some
7 questions will be raised with regards to the
8 specific Introduction. I do want to recognize,
9 though, all my colleagues that have joined us, all
10 from Queens, and that have a personal firsthand
11 experience with what happened recently in terms of
12 the storms. We have Council Member Elizabeth
13 Crowley, we've got Council Member Julissa
14 Ferreras, Jimmy Van Bramer and Danny Dromm. And I
15 know that they have some questions. But I just
16 want to ask one first question with regards to the
17 storm in general. Could you share with us,
18 there's obviously a large coordination of not only
19 local agencies, but there's also been assistance
20 from outside of the City. But with regards to the
21 costs so far, that we have incurred as a City,
22 with the cleanup, and if you have any sense,
23 consider--you know, about all the other agencies
24 involved, or can you only speak to the expenses on
25 the Department of Parks' end?

LIAM KAVANAGH: I know that in our application to FEMA for our potential disaster declaration, we estimate, the City estimates through the Office of Emergency Management, that it has cost the City, both in direct out expenses, for staff and emergency contracts, and in property damage to City facilities, over \$27 million. The Parks Department has spent, or will spend, with, by the end of the next week, over \$5.6 million in emergency contracting services. And we haven't tabulated our own direct costs, but we have had literally hundreds of people working twelve hour shifts since the start of the storm, through weekends, and even in some cases overnight. So, we expect that direct costs to the Parks Department in personal services, will be in the neighborhood of about \$3 million or \$4 million. And in addition to that, our contract with waste management to process wood was increased by about \$500,000 to account for the additional volume of wood that needed to be removed from the streets. So, we, we probably are looking at \$10 million in direct costs to the Parks Department and another \$17 million in City costs.

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2 CHAIRPERSON MARK-VIVERITO: So,
3 then, considering that we went through a very
4 difficult budget cycle--

5 LIAM KAVANAGH: Yes.

6 CHAIRPERSON MARK-VIVERITO: --where
7 Department of Parks had proposed a lot of cuts--

8 LIAM KAVANAGH: Yes.

9 CHAIRPERSON MARK-VIVERITO: --we
10 worked diligently, restored some of it, but
11 considering these are costs that were not taken
12 into account in your budget, how do you see other
13 aspects of your budget being impacted, due to
14 this? And what measures are you taking? I mean,
15 I know that, maybe it's a little bit of a derail
16 from the immediate conversation, but I'm, I'm
17 curious, I think many people would be, as well.

18 LIAM KAVANAGH: One, of course, we
19 are hopeful that there will be a disaster
20 declaration, under which the federal government
21 will reimburse the City for most of the costs, if
22 not all. But, but frankly, City Hall immediately
23 declared that we should do everything we possibly
24 can to address the storm as efficiently and
25 effectively as possible, and not to worry about

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2 the cost.

3 CHAIRPERSON MARK-VIVERITO: Okay.
4 I'm curious as we move forward how that will be,
5 'cause I'm sure there's still additional costs
6 that will be incurred--

7 LIAM KAVANAGH: Yes.

8 CHAIRPERSON MARK-VIVERITO: --in
9 response. So, with that, I do have questions, but
10 I will ask my colleagues, I'll allow them to ask
11 the questions first, and I will start off with
12 Council Member Elizabeth Crowley.

13 COUNCIL MEMBER CROWLEY: Thank you,
14 Chair Viverito. Good morning, Commissioner.

15 LIAM KAVANAGH: Good morning.

16 COUNCIL MEMBER CROWLEY: Middle
17 Village was of the hardest hit in Queens, amongst
18 the hard hit areas. And I have to thank first
19 your Department, your Commissioner in Queens was
20 on the phone constantly, giving me an update. And
21 I think the City's response was better than I
22 think most cities could've responded. My
23 curiosity is now going forward, in terms of the
24 current contracts that were given out to do
25 pruning or tree removal, were there any contracts,

1
2 or were there contracts in process right now, that
3 will put new trees in place before we have the
4 colder months of the winter?

5 LIAM KAVANAGH: We have our normal
6 tree planting program, which will start in a
7 couple of weeks. We project to plant
8 approximately 10,000 trees citywide. I don't know
9 off the top of my head how many of those will go
10 into Queens, but we've already selected the sites
11 for those trees. However, in the spring, we are
12 planting, and we will plant another 10,000 trees
13 approximately in the spring. We hope to replace
14 many of the trees that were lost in the storm,
15 during that planting season.

16 COUNCIL MEMBER CROWLEY: So no new
17 trees will be planted in, in areas where they were
18 removed.

19 LIAM KAVANAGH: There will probably
20 be some, but nowhere near the number of trees that
21 were lost.

22 COUNCIL MEMBER CROWLEY: Does that
23 fall under cost to FEMA?

24 LIAM KAVANAGH: No, unfortunately
25 the replacement trees are not considered to be an

1
2 eligible cost under FEMA's guidelines.

3 COUNCIL MEMBER CROWLEY: Is there
4 any guarantee that those who lost street trees in
5 front of their home will get any type of
6 preference instead of going on a long line of
7 those that may have been waiting years, that may
8 have never even had a tree and there's not tree
9 pit?

10 LIAM KAVANAGH: It's hard, it's
11 hard to guarantee that we can put them, you know,
12 ahead of other people who have requested trees,
13 but our goal is, is to replace every tree that is
14 lost, either due to storm or normal tree removal.
15 So, they will be getting a replacement tree.

16 COUNCIL MEMBER CROWLEY: Do you
17 know how many trees were lost?

18 LIAM KAVANAGH: Citywide, there
19 were approximately 2,000 trees were actually lost
20 in the storm, with the majority of them in Queens.

21 COUNCIL MEMBER CROWLEY: And when
22 you issue a contract for street pruning, are those
23 your City Park workers, or is that a private
24 contractor?

25 LIAM KAVANAGH: Those are private

1
2 contractors.

3 COUNCIL MEMBER CROWLEY: Okay.
4 'Cause some of the trees that have come down
5 through the storm, we've heard complaints from
6 constituents saying that, you know, they put in a
7 call to 311 and even some cases a Forestry or a
8 contractor had come out and said that the tree
9 didn't need to be pruned, and now the tree is
10 down. Is there any accountability? You mentioned
11 this program form that you have.

12 LIAM KAVANAGH: FoRMS, it's an
13 information management system.

14 COUNCIL MEMBER CROWLEY: Is that
15 open to the public?

16 LIAM KAVANAGH: The public can make
17 service requests online through a website, or they
18 can call 311, which is electronically linked into
19 FoRMS.

20 COUNCIL MEMBER CROWLEY: When
21 people are calling in to express concern about
22 current trees needing to be pruned because they
23 feel like it's an emergency situation, how--if
24 they're in the, the area that was hit by the
25 tornado, how soon are they going to be seen?

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2 LIAM KAVANAGH: Well, we have
3 actually been systematically going through the
4 sectors that were most impacted by the storms,
5 block by block, looking at trees. The City's
6 Scout Program, the, the group that monitors street
7 conditions, has been out there since after the
8 first week of the storm doing that, and the
9 National Guard did a block by block survey of the
10 trees in those areas, identifying conditions that
11 were not called in by the public. In addition to
12 that, we are using our emergency crews to go
13 through those sectors in a systematic fashion, to
14 try to address anything that either fell--either
15 the public didn't notice or might've escaped the
16 inspections by either Scout or the National Guard.

17 COUNCIL MEMBER CROWLEY: Now, they
18 were blaming most of the trees coming down because
19 of the storm, we're not looking at other
20 underlying issues that might have been preexisting
21 through certain tree branches that may have needed
22 to be pruned prior to the storm?

23 LIAM KAVANAGH: I, I'm sure that
24 there were trees that, that could have used
25 pruning prior to the storm, but a storm of that

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magnitude, it's--

COUNCIL MEMBER CROWLEY: It's hard to determine whether--

LIAM KAVANAGH: It doesn't--it, yeah, and healthier trees unfortunately are often more susceptible to damage during storms because a full canopy resists the wind more so than a, than a tree that may, you know, not be as full. And we saw many very healthy trees come over in this storm.

COUNCIL MEMBER CROWLEY: Just my final question. Can we be guaranteed here in Queens and the neighborhoods that were hit the hardest, that every tree that needs to be pruned, because definitely there's storm damaged tree branches, if the whole tree didn't come down, throughout the borough--and definitely the areas hardest hit--that each tree will be inspected so we don't have to worry about public safety?

LIAM KAVANAGH: We are doing that right now, yes.

COUNCIL MEMBER CROWLEY: So every tree will be inspected.

LIAM KAVANAGH: Every tree in those

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2 zones is being looked at, and we're doing remedial
3 work with, with the emergency contractors.

4 COUNCIL MEMBER CROWLEY: And as a
5 Council Member I could get the zone which covers
6 my area?

7 LIAM KAVANAGH: Sure, yes.

8 COUNCIL MEMBER CROWLEY: 'Cause it
9 may not be the whole entire district, it may just
10 be--

11 LIAM KAVANAGH: Yes, I mean, the
12 zones that we created in response to the storm
13 were, were built around clusters of service
14 requests, so that we could target our, our
15 resources most effectively, and they probably
16 don't correspond with either the Council lines, or
17 even the community board lines in some cases.

18 COUNCIL MEMBER CROWLEY: That,
19 that's reassuring, and we could be guaranteed of
20 this in just a few weeks because we still have the
21 mutual aid from Westchester and--

22 LIAM KAVANAGH: Well, the mutual
23 aid has left, unfortunately, but they were a great
24 help for the two weeks that they were here.

25 COUNCIL MEMBER CROWLEY: But we

1 still have private contractors helping.

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3 LIAM KAVANAGH: We still have
4 private contractors working, yes.

5 COUNCIL MEMBER CROWLEY: And that
6 could all be contributed to the cost that we're
7 hoping to get reimbursed for.

8 LIAM KAVANAGH: Yes.

9 COUNCIL MEMBER CROWLEY: Thank you.

10 CHAIRPERSON MARK-VIVERITO: Thank
11 you, Council Member. Deputy Commissioner, just a
12 question, when do you expect to hear a
13 determination from the federal government on it?

14 LIAM KAVANAGH: I, I wouldn't
15 project a date. They have their own internal
16 processes, and I think it will be several months
17 before we hear a decision on their part.

18 CHAIRPERSON MARK-VIVERITO: Thank
19 you. Next to ask questions is Council Member
20 Julissa Ferreras.

21 COUNCIL MEMBER FERRERAS: Good
22 morning.

23 LIAM KAVANAGH: Good morning.

24 COUNCIL MEMBER FERRERAS: And
25 again, I can't thank you enough for the work that

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2 you did shortly after the storm. I, too, was able
3 to get a lot of response and feedback, the open
4 lines of communication were excellent. My
5 district was impacted, I think, on its way to
6 Middle Village--

7 LIAM KAVANAGH: Yes.

8 COUNCIL MEMBER FERRERAS: --it
9 happened to stop in Corona. And it happened to be
10 that that was the day that the Mayor was at the
11 Hall of Science, so 108th Street and Flushing
12 Meadows Park, Corona was greatly affected. Trees
13 that I had grown up seeing my entire life were
14 just toppled over. So it was just very
15 interesting to see how the newer trees kind of
16 took the brunt a lot easier than the bigger trees.
17 So, your explanation helped and your testimony
18 helped answer a lot of questions for me. One
19 question that I have is relevant to the trees on,
20 on streets, and the pruning program. I think, I
21 couldn't tell you off the top of my head the
22 percentage of calls that I get, but I definitely
23 get a lot of calls from my homeowners trying to
24 get a better understanding of what trees are their
25 responsibilities, and what trees are Forestry's,

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2 or what trees are the City's responsibility. And
3 it really has taken up a good percentage of my
4 constituent services where they say "The tree's on
5 the sidewalk, but I called the City, I called 311,
6 no one has come out," and so on and so forth. So
7 can you explain that process to me? And also, if
8 you could tell me how many, what's the team for
9 Forestry look like in Queens?

10 LIAM KAVANAGH: Okay. Basically,
11 all trees in the public right of way are the
12 City's responsibility and managed by the Parks
13 Department. In street situations, that normally
14 means trees planted at the curb are the
15 responsibility of the Parks Department. There are
16 situations in different neighborhoods around the
17 City where trees fall on the inside of the
18 sidewalk, but are still on public property and are
19 still on, you know, under the Parks Department's
20 jurisdiction. In most cases, both the resident
21 and the, you know, the Forestry staff and the
22 borough are familiar with those property lines,
23 and know just by looking whether or not the tree
24 is public responsibility or the responsibility of
25 the property owner. There are some situations

1 where it's necessary to go to the, to the records
2 at the Borough President's office and establish
3 the legal width of the street in order to
4 determine exactly where the tree falls and whether
5 it is on public or private, or private property.
6 Queens has the largest street tree population in
7 the City, and we divide up our Forestry resources,
8 our maintenance resources, proportionate to the
9 percentage of street trees. So, Queens has
10 approximately 43 percent of the street trees, and
11 as a result receives approximately 43 percent of
12 the resources we have for maintaining trees, and
13 the other borough percentages are, you know, fall
14 in the same proportion. The exact numbers of
15 staff in Queens Forestry, I'm afraid I can't give
16 you off the top of my head, though I know it is in
17 excess of 50 people who work full time, and that
18 any contract money we have to spend in Queens
19 outside of emergency situations is also spent
20 proportionate to the total tree population. So
21 roughly 43 percent of our contract maintenance
22 dollars are spent in Queens.

24 COUNCIL MEMBER FERRERAS: And now
25 in the case, I know that in, in one of my local

1
2 schools, in reference to this legislation, they
3 have been motivated to do some more planting
4 within the school property.

5 LIAM KAVANAGH: Mm-hmm.

6 COUNCIL MEMBER FERRERAS: And
7 making more green spaces, converting a lot of the
8 asphalt space into green space, and also planting
9 trees on the sidewalk, and so on and so forth.
10 So, the maintenance of those trees within the
11 school property, does that fall under your
12 jurisdiction?

13 LIAM KAVANAGH: No. That would
14 fall to the, to the custodian. If it's on the
15 grounds of the school itself.

16 COUNCIL MEMBER FERRERAS: Okay. I
17 don't, but you, the, so the custodians would have
18 a separate department for maintenance of those
19 trees, even though you guys are the experts?

20 LIAM KAVANAGH: They're welcome to
21 consult with us, and we'll be happy to, to work
22 with them. We do work very closely with the
23 school facilities division, that is the
24 maintenance division of the Department of
25 Education. But if it's on the grounds of the

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2 school, that is within the fence line, in the
3 lawn, either in front of, on the side of the
4 school, the custodian or the school facilities
5 agency is responsible for maintaining it.

6 COUNCIL MEMBER FERRERAS: Okay,
7 thank you very much.

8 LIAM KAVANAGH: You're welcome.

9 CHAIRPERSON MARK-VIVERITO: Deputy
10 Commissioner, just in, in response to that, I mean
11 that really, I think just confirms what Council
12 Member Oddo was just saying in his opening about
13 the level of coordination and communication that
14 there should be. I mean, if you are planting a
15 tree in a facility, and then expecting that
16 facility to then assume responsibility, and that
17 there is absolutely no communication, that just
18 really seems to defeat even the purpose of what
19 you're doing.

20 LIAM KAVANAGH: I'm sorry if I was
21 unclear. We would not plant a street tree in that
22 situation. We, we would only plant a street tree
23 on the sidewalk, or in what we consider the public
24 right of way. We would not go on the grounds of
25 the school itself, as, as the Council Member was

1 asking, to plant a tree, unless the school
2 specifically asked us to do that. And there are
3 instances where we've worked on Arbor Day projects
4 with schools and have planted trees on those
5 grounds.

6 CHAIRPERSON MARK-VIVERITO: Okay.

7 COUNCIL MEMBER FERRERAS: [off mic]

8 And then, in that case do you do maintenance?

9 LIAM KAVANAGH: No.

10 COUNCIL MEMBER FERRERAS: So even
11 if the, the Arbor Tree program is in place, which
12 is kind of what I speak to in my district, would
13 the maintenance of those trees be under your
14 jurisdiction?

15 LIAM KAVANAGH: No, we would not
16 perform regular maintenance. But again, we'd be,
17 you know, willing and able to, to you know,
18 consult on the tree care, going forward.

19 COUNCIL MEMBER FERRERAS: Okay, and
20 I'm sorry, I just have one more question. If,
21 kind of like the sidewalk program, there's a
22 program where if a resident decides to repair
23 their own sidewalk, or decides to hire the City to
24 come in and, and to repair the sidewalk, the, the
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2 resident or the owner gets a bill--Is, has there
3 ever been a situ--or is there a program within
4 Forestry where you would do the pruning and then
5 bill the, the homeowner?

6 LIAM KAVANAGH: No. Pruning and
7 other tree maintenance is the City's
8 responsibility, and we don't bill homeowners,
9 property owners for that service. Property owners
10 can hire private companies to do it at their, at
11 their own expense, if they want to do that. As I,
12 as I mentioned in the testimony, the company does
13 need to get a permit from us, we have to approve
14 the work. We make sure the company is qualified
15 to do the work and has insurance to protect both
16 the City and the property owner, in case an
17 accident or damage occurs.

18 CHAIRPERSON MARK-VIVERITO: All
19 right, thank you. The next one to ask, Council
20 Member to ask questions is Council Member Dromm.

21 COUNCIL MEMBER DROMM: Thank you
22 very much, Chairwoman Viverito. And Commissioner,
23 thank you for coming. I, I know that some of the
24 questions that I have were partially answered
25 before, but I just wanted to maybe go a little bit

1
2 more into depth. In terms of the Million Trees
3 program, can people who were expecting to have
4 trees planted in their districts through the
5 Million Trees program still expect to have those
6 planted despite the storm effects in certain
7 neighborhoods?

8 LIAM KAVANAGH: Of course, anything
9 that is in our current contract to plant this fall
10 is going to be planted. But yes, you know, having
11 to integrate 2,000 new planting locations into our
12 plans going forward, may make it a little bit
13 longer of a wait for people who are, were hoping
14 to receive trees perhaps next spring or even next
15 fall.

16 COUNCIL MEMBER DROMM: So if it
17 doesn't occur in the fall, it probably would then
18 occur in the spring, is that what you're saying?

19 LIAM KAVANAGH: Yes.

20 COUNCIL MEMBER DROMM: Okay, good.
21 And also, I received several letters, three or
22 four letters, from constituents regarding a
23 dangerous tree limb after the storm. I pleaded
24 with them to have some patience because my area
25 was not the most devastated by the effects of the

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2 storm, of the tornado. But it brings up a very
3 curious question, they were complaining about a
4 dangerous tree limb partially cracked that might
5 fall. And there, it was in front of a residential
6 apartment building.

7 LIAM KAVANAGH: Mm-hmm.

8 COUNCIL MEMBER DROMM: And then
9 they've emailed me back several times to find out
10 if anybody from Parks was actually there. And I
11 don't know if there's a way to track whether or
12 not you were there, or if a determination was
13 made, or how people would know what the situation
14 is. Is there any way for people to know that
15 information, or how would they go about getting
16 it?

17 LIAM KAVANAGH: By making their
18 initial service request through 311, or online
19 through our website, the, the request or the
20 person who makes the request, receives what is
21 called a service request number. And they can
22 call 311 to follow up on the status of that
23 request, or go online to follow up on the status
24 of the request. To be completely honest, given
25 the volume of information that's passing through

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2 the system right now, we're not able to provide
3 the most up-to-date information. And probably
4 won't for a couple of weeks. But in normal
5 practice, you can track your service requests
6 through either of those two means virtually at any
7 time, because the 311 operator has access to our
8 database and can see where the request stands in
9 rela--where it stands within the process.

10 COUNCIL MEMBER DROMM: Through that
11 tracking process, they can then find out whether
12 or not further action was needed, or if action was
13 taken.

14 LIAM KAVANAGH: Yes.

15 COUNCIL MEMBER DROMM: Okay, thank
16 you.

17 CHAIRPERSON MARK-VIVERITO: [off
18 mic] Thank you. [on mic] Thank you, Council
19 Member. I have a couple of, of, of questions, and
20 I know Council Member Crowley has another set of
21 questions. But, considering the aggressive way
22 that we've been planting trees again, not taking
23 away from obviously the vital importance, but the
24 maintenance of tree then becomes an issue. And I
25 guess, speaking about some kind of collaboration

1
2 and maybe paving the way, has there been any way
3 of assessing how many trees either die or need
4 severe maintenance because of lack of care?

5 LIAM KAVANAGH: We, we know how
6 many trees die or, or are in poor enough condition
7 to be removed pretty much on an annual basis
8 because, you know, we receive requests from
9 homeowners that we inspect, and we inspect our own
10 properties, you know, constantly throughout the
11 course of the year. And we remove, on an average,
12 9,400, but it ranges from, you know, as low as
13 8,000 to over 10,000 in some years, and that's
14 been pretty stable over the 15 or so years that we
15 have been tracking information in a consistent
16 manner. Are there other trees out there that
17 might need to be removed? Probably there are, but
18 I think that's a pretty good number, you know, to,
19 to center on. You know, the more difficult
20 question is, how, how do you project how many
21 trees need specific care over the course of the
22 year. Obviously, most of the care that we give is
23 through the block pruning program, and that
24 addresses, you know, a pretty significant number
25 of trees on an annual basis. We assess the

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2 requests that we receive from residents that don't
3 fall within the, the block pruning program, and we
4 address those that, based on our inspections, need
5 attention, and that's sort of an objective look,
6 if it has, if it has deadwood or, or diseased
7 limbs, or is interfering with a structure, or
8 things like that. You know, we'll get to them,
9 and we average about 3,500 of those kind of
10 conditions in the course of a year. But I, I
11 couldn't conclusively say that represents the
12 entire universe of potential tree work, or
13 legitimately, legitimate tree needs.

14 CHAIRPERSON MARK-VIVERITO: Right,
15 'cause I guess the reason I'm asking is because I
16 know that you talk about, extensively about all
17 these collaborations that have been established--
18 the stewardship, getting people to really take
19 responsibility--and I'm wondering to what extent
20 is some of that education being done prior to, you
21 know, maybe the aggressive planting? I know, for
22 instance, East Harlem was severely under planted.

23 LIAM KAVANAGH: Yes.

24 CHAIRPERSON MARK-VIVERITO: And
25 Department of Parks in collaboration with PlaNYC

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2 came in and aggressively planted, which is
3 wonderful. But to the extent that may be putting
4 the cart before the horse, if there's a level of
5 kind of introducing the community to this concept,
6 creating a level of stewardship ahead of time,
7 then you plan the trees and people take
8 responsibility. It may in fact, you know, help
9 you, in cutting down your costs and may help,
10 obviously helps the community, but it also, that
11 sense of collaboration and ownership on behalf of
12 the community, because you might be creating more
13 work for yourselves if people are not taking care
14 of the trees, and then you've got to maintain
15 them. You know, there's--

16 LIAM KAVANAGH: Yes.

17 CHAIRPERSON MARK-VIVERITO: --
18 there's that' kind of discussion. So, I'm
19 wondering if, has there been any thought given to
20 maybe in certain communities coming in ahead to do
21 some of that stewardship work prior to planting?

22 LIAM KAVANAGH: Not necessarily
23 ahead, but simultaneously.

24 CHAIRPERSON MARK-VIVERITO: Okay.

25 LIAM KAVANAGH: In PlaNYC, we have

1
2 a very specific goal of, of planting neighborhoods
3 first, or targeting neighborhoods, that have lower
4 tree stock, stocking levels, such as East Harlem.

5 CHAIRPERSON MARK-VIVERITO: Mm-hmm.

6 LIAM KAVANAGH: And we've targeted
7 them for extensive planting. In tandem with that,
8 we have done stewardship outreach and focused our
9 stewardship outreach and education efforts in
10 those neighborhoods. Those are largely the
11 neighborhoods that we identified through the Trees
12 for Public Health Initiative.

13 CHAIRPERSON MARK-VIVERITO: Right.

14 LIAM KAVANAGH: We, where we sought
15 to connect, you know, the, the good work trees do
16 in, in cleaning the air with neighborhoods that
17 have high incidence of asthma and other
18 respiratory diseases. And as I said, we did focus
19 both, we are still focusing stewardship and
20 education. We deliver education programs in
21 schools in those districts, as well as many of our
22 partners--

23 CHAIRPERSON MARK-VIVERITO: Right.

24 LIAM KAVANAGH: --including New
25 York Restoration Project.

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2 CHAIRPERSON MARK-VIVERITO: So
3 then, in speaking in your testimony, you talk
4 about the tree maintenance--you know, you had a
5 section here on tree maintenance, and you talk
6 about the \$12 million in the last nine years
7 invested, and the Forestry Division. Now, within
8 the budget of Forestry, I'm assuming the pruning
9 is part of that, correct? Or--

10 LIAM KAVANAGH: Yes.

11 CHAIRPERSON MARK-VIVERITO: Right,
12 so that, that level of it. Would you say, maybe
13 you could speak to that, the percentage of your
14 budget, dedicated to tree pruning, is keeping up
15 with maybe the percentage increase in how you're
16 planting trees? I know this, you know, since the
17 last three or four years that you've aggressively
18 been planting trees, would you say that that
19 budget is keeping up with that percentage?

20 LIAM KAVANAGH: No, it is not. And
21 you--and in actuality, the trees that we're
22 planting, and the trees that we planted over the
23 last few years, won't be eligible for a block
24 pruning--

25 CHAIRPERSON MARK-VIVERITO:

1
2 Pruning.

3 LIAM KAVANAGH: --program for, for
4 anywhere from five to ten years. So, in that
5 respect, I can't say that, you know, the, the
6 pruning funds have, have, you know, kept pace with
7 the planting.

8 CHAIRPERSON MARK-VIVERITO: Right.
9 And in the direction we're heading, it seems like
10 pruning gets cut every year, so it's, you know,
11 we're talking about three or four years, now from
12 down the line, or five years down the line, it's
13 obviously going to be an issue. So, just trying
14 to get a sense. So, what is that, what is that
15 amount that is allocated for that now?

16 LIAM KAVANAGH: Well, we have about
17 a million, \$1.5 million for tree pruning contracts
18 this fiscal year.

19 CHAIRPERSON MARK-VIVERITO: And,
20 okay, well, seems very well. Okay, with that,
21 I'll, I'll allow Council Member Crowley to ask you
22 a few questions. I have a couple more, but
23 obviously--Council Member Crowley.

24 COUNCIL MEMBER CROWLEY: Thank you,
25 Chair Viverito. Commissioner, when your staff

1
2 goes out and prunes trees, do they let the, the
3 block know, or the area know that the trees are
4 getting pruned?

5 LIAM KAVANAGH: I, I can't say that
6 they do that in a consistent manner. What often
7 happens, particularly with block pruning, is the
8 contractors want to ensure that there are no cars
9 parked that might impede their progress, and
10 they'll go out and post notices on the trees in
11 advance, telling the people that there will be
12 pruning. But I couldn't say that we notify
13 everybody in advance.

14 COUNCIL MEMBER CROWLEY: Right, I
15 couldn't--I often hear from, you know,
16 constituents on certain blocks, "Oh, this trees on
17 this block have never been pruned" or "I've lived
18 here for 30 years," and from your testimony isn't
19 it every, is it every seven years, or every ten
20 years?

21 LIAM KAVANAGH: It is approximately
22 every ten years. The, you know, the industry
23 standard is every seven years. But over the last,
24 I would say ten years, we're probably on a ten
25 year cycle.

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2 COUNCIL MEMBER CROWLEY: But when a
3 tree is pruned, it will be put on your FoRMS
4 system.

5 LIAM KAVANAGH: Oh, yes.

6 COUNCIL MEMBER CROWLEY: Okay. And
7 then this question just follows Council Member
8 Danny Dromm's questions, about the replacement of
9 trees due to the storm in Queens.

10 LIAM KAVANAGH: Yes.

11 COUNCIL MEMBER CROWLEY: Currently,
12 how many are waiting for a new tree? Not storm
13 victims, but just new trees through the NYC Plan?

14 LIAM KAVANAGH: I, I don't know off
15 the top of my head, but I know it is in the
16 thousands.

17 COUNCIL MEMBER CROWLEY: Right.
18 And--

19 LIAM KAVANAGH: And I can provide
20 you with the exact number, 'cause we--

21 COUNCIL MEMBER CROWLEY: And--

22 LIAM KAVANAGH: --keep--we keep
23 track of it.

24 COUNCIL MEMBER CROWLEY: If you
25 could that, that would be great.

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LIAM KAVANAGH: Yes.

COUNCIL MEMBER CROWLEY: And then, for those that lost their tree, they'll just be put at the end of that line?

LIAM KAVANAGH: They'll be added to it, yes. In some cases, depending on the nature of the damage, it may be planted sooner. If an entire block lost all of its trees, which actually happened in some places in Queens.

COUNCIL MEMBER CROWLEY: Some on my blocks, yes.

LIAM KAVANAGH: You know, obviously we want to get those trees replaced as soon as possible, so some of them may be, you know, planted sooner than others.

COUNCIL MEMBER CROWLEY: Oh, that, that's good to know. And I understand that there's some type of fund that's been put together, if people of the City want to donate to make sure that this process moves along faster.

LIAM KAVANAGH: Yes, the Mayor's Fund for the City of New York is accepting donations to help, you know, replace the trees that were lost during the storm.

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2 COUNCIL MEMBER CROWLEY: But a
3 homeowner can go to Forestry and get a permit and
4 purchase their own tree.

5 LIAM KAVANAGH: Yes, they can, the
6 permit is free of charge. Again, we want to make
7 sure that the contractor is qualified, has
8 insurance, and does the work according to our
9 specifications.

10 COUNCIL MEMBER CROWLEY: Okay. And
11 if let's say a Council Member wants to dedicate
12 discretionary dollars to this program, could they
13 see to it that the trees are planted faster in
14 those areas?

15 LIAM KAVANAGH: Yes, if a Council
16 Member designates discretionary money, it will be,
17 the trees will be planted within his or her
18 district, and Council Members have done that over
19 the years.

20 COUNCIL MEMBER CROWLEY: And they
21 will be moved--they'll be done sooner rather than--
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23 LIAM KAVANAGH: They'll be planted
24 as soon as the contract allows for it. You know,
25 there is a, a contracting process that no one can,

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you know, circumvent.

COUNCIL MEMBER CROWLEY: Sure.

LIAM KAVANAGH: And it does take some time.

COUNCIL MEMBER CROWLEY: Great, thanks very much.

LIAM KAVANAGH: You're welcome.

CHAIRPERSON MARK-VIVERITO: Thank you, Council Member. I just want to indicate that Council Member Brad Lander from Brooklyn had wanted to be here, he couldn't. He definitely wants to thank the Brooklyn Parks Department for having done a great job dealing with the damage. And so, he had some questions which we will be asking. I want to just turn to a couple, you know, to questions now with regards to recent incidents, you know, of trees falling, and I guess the maintenance issue, which we've touched on a little bit here, in light of the storm. But do Parks employees check to ensure that proper tree maintenance has been done by other Parks employees or by Conservancies, or similar such entities? And I know that there's the recent incident in Central Park, with, with that, the death of that

1
2 young baby. So, if we could just maybe turn our
3 attention a little bit. And I wanted to ask about
4 the conservancy agreements and--

5 LIAM KAVANAGH: Mm-hmm.

6 CHAIRPERSON MARK-VIVERITO: But
7 particularly that question first, if Parks
8 employees check, or do any sort of monitoring of,
9 of the proper tree maintenance happening that's
10 being done by conservancies?

11 LIAM KAVANAGH: In the three
12 instances that I cited in my testimony, no we do
13 not routinely inspect the work performed either by
14 the employees of the organization or the
15 contractors that they hire.

16 CHAIRPERSON MARK-VIVERITO: Okay,
17 so then you mention a lot of work here that is, is
18 don't, you know, by, by doing tree mortality
19 studies, the trees count, which is a tree census,
20 you know, all this other work that you do with
21 trees. Are those expectations also there, is that
22 written into the contracts with conservancies,
23 that the same level of work that you're doing to
24 monitor trees, to survey trees, you know, is also
25 being done by them? Is that part of the

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expectation of the contract?

LIAM KAVANAGH: The expectations in the contracts, where they exist, are that they perform work up to the standards of the Parks Department. And you know, we discuss what those standards are, they are written industry standards that have been adopted widely throughout the country. That they have qualified staff responsible for overseeing whatever work is done, within the area that they're responsible for. And that they, you know, inform us of anything that is unusual and falls outside of the scope of, of routine maintenance.

CHAIRPERSON MARK-VIVERITO: Would you be able, considering it's only three, could you share with us may--in terms of specifically within those agreements, what aspects fall, you know, what expectations there are about tree maintenance and tree care?

LIAM KAVANAGH: Well, the Central Park Conservancy contract requires them to provide all of the maintenance within Central Park, except in some very specific areas, such as the Zoo, Lasker Pool, which is operated by the Parks

1
2 Department, not, it's operated by the Parks
3 Department, Wollman Rink and the Tennis Center.

4 CHAIRPERSON MARK-VIVERITO: No, I
5 know, but you were saying maintenance. I mean,
6 that's a broad, you know--

7 LIAM KAVANAGH: Yes.

8 CHAIRPERSON MARK-VIVERITO: --that
9 could be defined any which way.

10 LIAM KAVANAGH: Well, the
11 maintenance includes tree care. And tree care has
12 been part of the Central Park Conservancy's
13 responsibility, and one of the services that they
14 have provided to the Park for many years, even
15 before there was a formal contract with the, with
16 the Conservancy.

17 CHAIRPERSON MARK-VIVERITO: Well,
18 would you be able to provide us, for each of those
19 agreements, exactly the language that is within
20 them, that, that spells out what the expectation
21 is for tree maintenance and tree care?

22 LIAM KAVANAGH: We can provide the
23 language, yes.

24 CHAIRPERSON MARK-VIVERITO: Okay.
25 Thank you. And then, kind of related to that, in

1
2 terms of supplying data, with regards to some of
3 that information, in the case of, of the incident
4 in Central Park recently, I think the reporting
5 that came out, the Post was trying to get access
6 to data and the Central Park Conservancy was not
7 making it forthcoming. And I think actually there
8 was a quote from a Parks Department spokesperson
9 that said that the Central Park Conservancy didn't
10 even have to give you that report. And so, the
11 expectation of data to be provided in situations
12 that merit it, I mean, what's the expectation
13 there? Is that something that should be--

14 LIAM KAVANAGH: I, I think the way
15 that was either heard or presented was
16 unfortunate. Technically, nonprofit organizations
17 aren't subject to, to the FOIL statutes, as, as
18 agencies are. And I bel--I could be wrong about
19 this, I think the initial request was, was
20 submitted as a FOIL request, which they're not
21 subject to. They did provide all of the
22 information that was requested in this case.

23 CHAIRPERSON MARK-VIVERITO: So, if
24 a FOIL request, that's interesting, in terms of
25 what--so if a FOIL request is made to Parks

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2 Department as a City agency, yet the information
3 that's being required is work that's being
4 performed by a conservancy, what--is, is the
5 expectation that you still have to provide that
6 information to whoever's requesting it?

7 LIAM KAVANAGH: I'm not an expert
8 on, on the FOIL requirements. I, I am, my
9 understanding is that as a, as a public agency,
10 we're required to provide any information that's
11 relevant to the request, that we possess. We
12 don't have to create new information to comply
13 with the request.

14 CHAIRPERSON MARK-VIVERITO: Okay,
15 let me if I understand, so based on what I just
16 asked, and the way you've responded, you would say
17 no. That you would not be required to--even
18 though it is a City park, although it's being
19 given oversight day-to-day to a conservancy, if a
20 FOIL request is made to Parks for information that
21 they maintain, meaning the Conservancy, you're not
22 required to provide it.

23 LIAM KAVANAGH: I don't want to
24 make it appear as if we're--

25 CHAIRPERSON MARK-VIVERITO: Well, I

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would like a definite--

LIAM KAVANAGH: --we are not, we're not, you know, complying. We, we do understand that we're a public agency, that what we and our partners, or the work that we and our partners perform are fair subject, you know, for public scrutiny. And, as I said, we did, and the conservancy did provide all of the information requested in this case.

CHAIRPERSON MARK-VIVERITO:

Understood, but I actually, you know, and maybe not right now, but I would like a definite answer to that, because if it's right now, if by law they would not have to be, you would not have to be required because it's being contracted to somebody else, that would be of concern.

LIAM KAVANAGH: Sure.

CHAIRPERSON MARK-VIVERITO: And if the information's being provided because you willingly are giving it up, that's, that's, you know, different. So, I just would like maybe at some point in the future kind of more clarity on that. Now, as a result of, of the recent incidents, that, that have occurred, and we

1
2 delineate some of them in our briefing, as well,
3 what procedural changes have been implemented by
4 Parks Department in light, you know, of these
5 recent incidents? Are there been any procedural
6 changes? Any revisions that have been made? You
7 know, anything that you can speak to?

8 LIAM KAVANAGH: I can't speak to
9 any, any revisions that have been made. And of
10 course, any accident, you know, triggers a, a
11 review of, of the processes that are in place.
12 And we, we have done so, with both, all of the
13 organizations we work with. And while you can
14 always do something different, or do more, we, we
15 believe that the processes that were in place to
16 provide tree care were consistent with the best
17 practices in the industry.

18 CHAIRPERSON MARK-VIVERITO: Okay,
19 thank you. Now, in light of, again, you know, the
20 storm, and I know that there was also a recent
21 storm that also impacted Central Park, and a lot
22 of trees fell. But do, does Parks do any special
23 monitoring of trees and their sturdiness after a
24 storm hits? I think you were speaking a little
25 bit to that when you were talking to Council

1
2 Member Crowley, but is, is that, is that part of a
3 regular procedure?

4 LIAM KAVANAGH: It is part of a
5 regular procedure. You know, particularly with
6 Park properties, I know it's a standard practice
7 in Central Park after any, any wind event that
8 they inspect all of the playgrounds and all of
9 the, the busiest public areas to see if there's
10 any tree damage. We do the same thing with our,
11 with our parks and playgrounds. You know,
12 depending on the extent of a storm, or, or a wind
13 incident, it's, it's very difficult to inspect all
14 of the City's street trees, but in a case like the
15 September 16th storm, and because of the
16 concentrated nature of the damage, we have been
17 able to systematically look at trees within the
18 impact zone to see if there's any additional
19 damage.

20 CHAIRPERSON MARK-VIVERITO: Okay.
21 And then in, in terms of, of differentiation maybe
22 of, maybe prioritizing the work, or what has to be
23 done, do you differentiate between trees that may
24 be--and the danger they may pose, trees that maybe
25 overhang pedestrian areas or heavily walked, you

1 know, transited areas, versus maybe a canopy or a
2 forested area that maybe is not--

3
4 LIAM KAVANAGH: Oh, yes.

5 CHAIRPERSON MARK-VIVERITO: --
6 transited?

7 LIAM KAVANAGH: Yes, you know,
8 heavily trafficked areas receive the most
9 attention. And trees in forested areas actually,
10 unless they are blocking a path or a trail, we
11 rarely do maintenance work on them, and we
12 actually would prefer that the normal forest
13 processes--

14 CHAIRPERSON MARK-VIVERITO: Take
15 care of themselves.

16 LIAM KAVANAGH: --take care of
17 themselves, yes.

18 CHAIRPERSON MARK-VIVERITO: So then
19 basically when it comes to inspection, that's the
20 way you would prioritize, areas where it's
21 obviously more--

22 LIAM KAVANAGH: Yes.

23 CHAIRPERSON MARK-VIVERITO: --
24 pedestrian. And then, you may have spoken to this
25 before a little bit, if you could just speak to it

1
2 again, but in terms of the prioritizing again, of,
3 of trees that need pruning because they pose a
4 threat or safety, and if you could just talk a
5 little bit again about the prioritization. I'm
6 sure it's part of this, people calling in--

7 LIAM KAVANAGH: Yes.

8 CHAIRPERSON MARK-VIVERITO: I know
9 Danny Dromm asked about it, too. But versus I
10 guess what you find on a normal inspection, and
11 maybe routine inspections. How, how do you, how
12 does that work, the coordination?

13 LIAM KAVANAGH: Well, again, the,
14 the block pruning program is, is what we use to
15 provide most of the maintenance services for trees
16 in the City. And we look at a tree, we look at
17 its general condition; as I said you assess
18 whether there is any, any dead, diseased, unsound
19 wood in the tree; whether there is unhealthy
20 growth that is cross-rubbing branches that can
21 lead to wounds; whether there is growth that
22 actively interferes with adjoining infrastructure--
23 --a streetlight, a building, a traffic sign--or
24 might inhibit normal traffic either on the street,
25 or on the sidewalk. And you make an assessment

1 based on those factors, as to, as to how important
2 any individual job is done. In most cases, you
3 know, we rely on the block pruning program to
4 address those conditions. If the inspector sees a
5 condition that he or she believes to be severe and
6 requiring immediate attention, we channel it to
7 that - -, that program that does prune individual
8 trees outside of the block pruning program,
9 recognizing that not every tree can wait until the
10 cycle, you know, reaches that particular
11 neighborhood.
12

13 CHAIRPERSON MARK-VIVERITO: And
14 then what percentage of, of that work that you're
15 just defining right now, what percentage of that
16 work is done in-house, versus contracted out?

17 LIAM KAVANAGH: Virtually all of
18 that work is done in-house, that individual
19 pruning. All of the block pruning work is done by
20 private contractors. But the individual work,
21 there may be a couple of instances where a
22 contractor does an individual pruning. But I
23 would say 99 percent of the time it's our staff
24 doing that work.

25 CHAIRPERSON MARK-VIVERITO: 'Cause

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2 that, you also mentioned in your testimony, that
3 you use private tree contractors, the contracting,
4 you were talking about for pruning and the pruning
5 specification in the contract requires crown
6 cleaning to remove dead, broken, crossing. You
7 defined the work that is to be completed by these
8 tree contractors, the private contractors. Then,
9 is there a level of monitoring that is done to
10 ensure the work done was done properly, that what,
11 you know, you expected it, if it's being done?

12 LIAM KAVANAGH: Yes, we have
13 inspectors assigned to each contract to review the
14 work that has been performed by the contractors.

15 CHAIRPERSON MARK-VIVERITO: Just
16 looking at my notes because I was taking notes
17 while you were doing your testimony. [pause] - -
18 The, okay, if you, if you find a tree that is
19 potentially dangerous, is there a set number of
20 days in which that situation has to be addressed?

21 LIAM KAVANAGH: Well, a tree that
22 is dead, diseased or structurally unsound, we
23 remove within 30 days of, of the request,
24 actually, not just the, the inspection.

25 CHAIRPERSON MARK-VIVERITO: So

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that's for both people that call in with that--

LIAM KAVANAGH: Yes.

CHAIRPERSON MARK-VIVERITO: --

versus, and also what you find on the inspections.

LIAM KAVANAGH: Yes.

CHAIRPERSON MARK-VIVERITO: Okay.

So then, you, what was the, if you, what's this percentage of, of drop, that you've seen?

Although I understand in your, in your testimony, you talk about the number of, the amount of money that has been dedicated in the last couple of years. What has been the percentage decrease in the amount allocated for that, for let's say the Forestry Division?

LIAM KAVANAGH: Well, the, the--our borough Forestry staff has not seen any reduction, except for, you know, the attrition that has been experienced throughout the agency. So we, we haven't cut any of our, our full time staff, and in fact, since 2002, it has increased pretty dramatically. Contract money has been reduced, I guess from, from--we, we probably averaged about \$2.6 million in contract spending, on an annual basis over the last nine years, with the highest

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2 individual year being \$4.5 million. And we are at
3 \$1.5 million this particular year. So, we have
4 had to retrench in a number of areas. This is one
5 of the areas that we, unfortunately, did have to
6 take some of the cuts as we did in other, other
7 aspects of our maintenance and operations
8 division, because it is the biggest sort of chunk
9 of the Parks Department's budget. You know, we,
10 we believe that the work that we've done over the
11 last nine years puts us in a, in a stronger
12 position, you know, to absorb some of these, what
13 we thought, what we hope are just cyclical
14 reductions.

15 CHAIRPERSON MARK-VIVERITO: I would
16 hope. So then just going back a minute to what I
17 was asking before with regards to the, when you do
18 the inspections in the block and the private
19 contractors, who, who from the Parks Department is
20 it, actually, that does these inspections? Like
21 to monitor the work that's been done, or--

22 LIAM KAVANAGH: There is a, an
23 inspector, or a Forester. And inspector is either
24 a climber and pruner who has advanced to the
25 position of inspector, or a person in the Forester

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2 title.

3 CHAIRPERSON MARK-VIVERITO: And how
4 many climbers and pruners are there in the Parks
5 Department?

6 LIAM KAVANAGH: There's
7 approximately 100 climbers and pruners, and
8 approximately 50 Foresters. I might be off by a
9 few here or there, but that's the rough breakdown.
10 And there are other support personnel in the
11 Forestry Division, as well. There are people who,
12 who drive equipment, heavy equipment, operate log
13 loaders who support the division administratively,
14 you know, maintaining the FoRMS system. There are
15 supervisors who oversee the work on a daily basis,
16 and of course managers who organize and direct the
17 operations.

18 CHAIRPERSON MARK-VIVERITO: Right.
19 I mean, any, any division has the different levels
20 of, of staff, but in terms of the actual people
21 with the skill, you say it's 100 climbers and
22 pruners.

23 LIAM KAVANAGH: Approximately.

24 CHAIRPERSON MARK-VIVERITO: And you
25 said 50--

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2 LIAM KAVANAGH: Approximately 50
3 Foresters. And the Foresters also work on our
4 central Forestry and Horticulture Division, you
5 know, doing our street tree planting program, in
6 addition to working in the borough Forestry
7 offices.

8 CHAIRPERSON MARK-VIVERITO: Well,
9 first, Deputy Commissioner, I want to really thank
10 you again for being here. I really want to thank
11 you for the information, the level of detail in
12 your testimony, the response to the questions
13 that, that have been posed. And, and again, I
14 know that the response, in light of this recent
15 storm has been commended by many, and I do, I did
16 echo that in my opening statement. And I just
17 want to say again, thank you for your work, and
18 thank you for the communication and coordination
19 with the Council Members affected, it's very much
20 appreciated. And we have been very strong
21 supporters of the Department of Parks over the
22 years, in these challenging budget times, and in
23 light of, of recent incidents we understand,
24 obviously, the importance in maintaining a strong
25 budget to care and maintain for our trees, and,

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2 and we hope to continue that partnership.

3 LIAM KAVANAGH: So do we. And let
4 me thank you for your, your kinds words, and the,
5 and the words of your colleagues. I think there
6 was a general, genuine appreciation for the work
7 that, that Park staff did out in the field over
8 the last few weeks, and as I said in the
9 testimony, it really has been extraordinary, and I
10 can't tell you how proud I am to be associated
11 with those people. Two things, just to follow up
12 quickly, because some of my colleagues pointed
13 things out to me. New York Restoration Project
14 has an MOU with the Department of Education to
15 plant trees on the grounds of schools around the
16 City, and they do help maintain those trees that
17 they plant, in coordination with the Department of
18 Education. And I, I just want to stress, in
19 regard to Intro 311, we absolutely agree that, you
20 know, notification is a good thing. People should
21 know what our plans are, and it is a tool to help
22 us, you know, create a sense of ownership in that
23 tree that is going to be planted. And we, we
24 definitely want that. Some of the details and the
25 timing of things like that, you know, right now

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2 don't work with our normal contracting processes,
3 but I'm, I'm sure we can find a way to work
4 through that.

5 CHAIRPERSON MARK-VIVERITO: Right,
6 I mean, this is the hearing, we're hearing
7 testimony, there will be obviously conversations
8 to follow--

9 LIAM KAVANAGH: Yes.

10 CHAIRPERSON MARK-VIVERITO: --with
11 the lead sponsor and yourselves to see what we can
12 arrive at. Again, thank you. I know that, you
13 know, we, we have our challenges as well. I, I
14 believe in giving proper respect when it's due in
15 terms of, of the work that's being done, but I am
16 also very open, you know, in terms of my, my
17 concerns and criticisms. And, as we, I want to
18 continue to have an open dialogue and, and
19 conversations along the way. But thank you very
20 much again for being here today.

21 LIAM KAVANAGH: You're welcome.

22 CHAIRPERSON MARK-VIVERITO: All
23 right. And with that we're going to allow for a
24 couple of minutes, but we're going to also hear
25 some testimony. [pause, background noise] The

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2 first two to testify, we've got Juliana Dubovsky,
3 and we have Geoffrey Croft. [pause, background
4 noise] Okay, thank you both for joining us today,
5 and any one of you feel free to begin.

6 [pause]

7 MALE VOICE: Go ahead.

8 Okay, can you hear me now? Okay.
9 Good morning, my name is Juliana Dubovsky, I'm
10 speaking on behalf of New Yorkers for Parks, the
11 independent organization fighting for greener,
12 cleaner and safer parks in all five boroughs. We
13 provide the tools that help communities build
14 better parks for better neighborhoods. The urban
15 forest provides numerous aesthetic and
16 environmental services for New York City. In the
17 following testimony, I will address maintenance
18 standards for trees, the recent drop in City
19 funding for such maintenance, Intro 311 and the
20 public/private partnerships that have sprung up in
21 the City over the past 30 years to maintain our
22 public spaces. We believe that trees are
23 essential components of our urban infrastructure,
24 and like any road or bridge, they must be
25 routinely inspected for signs of deterioration.

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2 Trees are living things and will fight for
3 survival in our harsh urban environment in amazing
4 ways, by leaning for sunlight and scouring deep
5 into the streets for water when it is scarce.

6 But, they are complex and require extra attention.

7 When damaged or in decline, extra measures must be
8 taken to ensure the tree's safety, and safety of
9 those sharing its space. Improving and expanding

10 the maintenance standards for New York City trees
11 is imperative, particularly since the City has
12 undertaken the Million Trees NYC initiative.

13 Thanks to the work of Million Trees, the City has
14 made enormous progress towards achieving its goal
15 of a 30 percent tree canopy by 2030. More than

16 375,000 trees have been planted since the project
17 was launched in October of 2007; however, these
18 saplings face a harsh battle for survival, and

19 they require increased and improved maintenance
20 standards in order to ensure their long term

21 survival. It is imperative that New York City
22 provide sufficient maintenance attention to our

23 expanding tree population. Trees are clearly a
24 top priority for the people of New York, as

25 highlighted in the recently released 2010 Mayor's

1 Management Report. Inquiries regarding removal of
2 trees or tree branches were the most frequently
3 received Parks related calls to 311 last year.

4 The MMR states that more severe weather conditions
5 and storm emergencies in Fiscal Year 2010

6 increased public service requests for Forestry
7 related services by 26.5 percent. With over

8 120,000 trees planted in Fiscal Year 2010 by DPR
9 alone, and another 100,000 targeted for Fiscal

10 Year 2011, it would be foolish not to reexamine
11 our strained system. We encourage the Parks

12 Department to increase maintenance and review of
13 trees. This is especially important for the most

14 vulnerable species to increasing disease and
15 pests, and trees in the most heavily traveled

16 areas, particularly after big storms. Regarding
17 increased funding, the 2010 Mayor's Management

18 Reports also states that, "As part of its routine
19 block pruning program, the Department pruned

20 approximately 35 percent fewer trees than
21 planned." To exacerbate the issue, the adopted

22 budget for Fiscal Year 2011 cut \$20 million from
23 the Parks Department, which will result in

24 significant losses, as we see in the staffing
25

1 programming and the maintenance of our park
2 system. Fiscal Year 2010's adopted budget reduced
3 tree pruning by \$3.5 million, significantly
4 reducing the Parks Department's ability to
5 maintain trees in the City, and this has still not
6 been restored. Additionally, total spending on
7 the Division of Forestry and Horticulture has
8 decreased from \$19 million in 2009, to \$12.5
9 million for Fiscal Year 2011. As a result,
10 staffing for Fiscal Year 2011 is projected to
11 decrease from 172 to 139 employees. New Yorkers
12 for Parks recommends that the cuts to the pruning
13 be restored, and the budget for the Division of
14 Forestry and Horticulture be increased to the 2009
15 funding levels. Bolstering this area of the
16 Department of Parks creates urban green jobs,
17 addresses public safety concerns, and supports the
18 lifespan of the urban tree canopy. Feel that
19 Intro No. 311 is a natural supplement to the
20 Million Trees NYC initiative. This legislation
21 requires City agencies planting trees in front of
22 establishments, providing services to children,
23 the elderly and the disabled, to notify the
24 building occupants. We feel this should be done
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2 in partnership with communities, since they often
3 have local insight regarding planting locations.
4 Also, improved communication and collaboration can
5 positively affect stewardship and maintenance of
6 trees and increased community awareness. New York
7 City's fiscal crisis in the 1970s resulted in
8 significant decline in the conditions of public
9 parks, spawning a new movement of private support
10 for parks that dramatically improved conditions in
11 select parks. Over the past 30 years, these
12 public/private partnerships have offered
13 innovations in park maintenance and improved park
14 performance. In 2007, the Citizens Budget
15 Commission, CBC, released a study commissioned by
16 New Yorkers for Parks assessing the fiscal and
17 management strategies of the Parks Department.
18 This study, making the most of our parks, found
19 that the public/private partnerships formed to
20 manage and operate City parks have been created ad
21 hoc, without a set of common principals. The CBC
22 recommended that "Common principles should guide
23 the relationships between the DPR and its
24 nonprofit partner organizations, and the terms of
25 arrangement should be transparent." As private

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2 support for parks continues to grow, New Yorkers
3 for Parks encourages greater transparency and
4 oversight governing public/private partnerships,
5 so that future New Yorkers can continue to enjoy
6 the beauty and benefits of our parks and public
7 spaces for generations to come. Thank you for the
8 opportunity and for holding this important
9 oversight hearing.

10 [pause, background noise]

11 GEOFFREY CROFT: Hi, good
12 afternoon, my name is Geoffrey Croft, I'm from,
13 President of New York City Park Advocates. I'm
14 actually going to be very brief this afternoon,
15 which is a rarity. I first want to thank the
16 Committee for having this, and just a suggestion
17 moving forward, you know, a lot of the Million
18 Tree testimony, we, in my opinion, we need to have
19 a further, just a hearing just on the Million Tree
20 program, because there's so many issues involved
21 with the, with this program, and I think it
22 definitely deserves its, its own hearing. One of
23 the issues, among many issues we get complaints
24 about, are not only, and I definitely appreciate
25 Council Member Oddo's passion and frustration for

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2 the Million Tree program, because if you're not
3 involving the stakeholders, and that's one of the,
4 the criticisms of this program, it's just a PR
5 thing, and there's not enough, you know, community
6 based consultation, community based, you know,
7 programming, when these decisions are, are made.
8 Also, the siting of trees, the species of trees,
9 these are serious issues and it also, I mean,
10 there's, you know, a lot of money that's, that's
11 being wasted, and we need to deal with this
12 accountability issue. A couple things I just
13 wanted to bring up is that, you know, what are the
14 actual, the conservancies' responsibility towards
15 tree maintenance, and also providing the data. I
16 know we worked on a, an article with the New York
17 Post, August 29, 2010, where the newspaper was,
18 was trying to get, I mean, these are, again, these
19 are basic public safety information, which is, you
20 know, where are these trees? What level of dead,
21 dying or diseased? And the quote from Vicki Carp
22 [phonetic] to the New York Post reporters about
23 the conservancy, private organization, which the
24 Central Park Conservancy is tasked by the City
25 with maintaining Central Park, she, she said that

1 they "Didn't even have to give you this report."
2 That is very disturbing, that we have a public
3 official working for the City, giving a newspaper
4 a hard time about providing basic safety
5 information regarding its trees. If a tree is
6 falling--I mean, the purpose of that report was to
7 find out, you know, quite possibly when the next
8 tree would, will be falling down, and the
9 locations. And they really, they, they did not
10 provide that information ultimately. And, and,
11 you know, that's something that we need to, you
12 know, to, to deal with. Obviously, \$1.5 million
13 is clearly not enough for climbing/pruning for,
14 you know, millions and millions and millions of
15 trees, and obviously, you know, the Parks
16 Department would love to have a bigger budget. So
17 again, I encourage the elected officials to make
18 this a, an issue. The other thing, too, is when,
19 when accidents happen, we've, we have at least
20 seven additional tree limbs falling on the public
21 since the six month old baby girl was killed in
22 Central Park. So, and that's just what, what
23 we've been able to get documentation for, seven
24 additional human beings have been hit by tree,
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2 tree limbs since that, that girl. The problem
3 again is that the Parks Department does not
4 release any of this information. And that's a
5 problem. Because, you know, we, we, this should
6 be very basic information. The last thing I
7 wanted to say was, the Million Trees program is
8 clearly an unsustainable program. I mean, you
9 know, they took out the, the maintenance for the
10 most part of these trees, asking the public to
11 take care of, you know, all these trees is, is,
12 it's a nice gesture, it's a nice thought, but you
13 know, we, we, this is New York City, and these
14 trees are an extremely important part of our green
15 infrastructure. And just like anything, our
16 sewers, our schools, anything, we, they need to be
17 taken care of as vital infrastructure. And that's
18 pretty much about it.

19 CHAIRPERSON MARK-VIVERITO: Well,
20 thank you both for your testimony. I think that,
21 you know, clearly, some of the questions that were
22 asked and information we've received, you know,
23 merits more follow up, and I think you're raising
24 the concerns, the, again, lack of real
25 accountability sometimes in these public/private

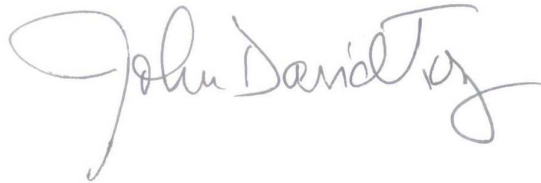
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2 partnerships in, in terms of the data, if that's
3 being captured, or the set of guidelines. And I
4 think that we had raised this in prior hearings
5 about there, there's no real consistent set of
6 guidelines that rules each conservancy, they're
7 very ad hoc, and very random, it seems. So, we're
8 going to do some follow up that, and obviously the
9 concern on, on the data that's captured on the
10 maintenance of trees, and how it's, how it's
11 relayed, as well. And obviously, as always, the
12 additional support that we need to provide for the
13 budget in order to care for that. So, with that,
14 thank you very much for your testimony today.

15 GEOFFREY CROFT: And seeing that
16 there is no one else that is registered to speak,
17 this meeting is adjourned. [gavel]

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C E R T I F I C A T E

I, JOHN DAVID TONG certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

A handwritten signature in cursive script that reads "John David Tong". The signature is written in dark ink and is positioned above a horizontal line.

Signature_____

Date October 13, 2010