

BOROUGH OF HILLSDALE
RESOLUTION 19068

OPPOSE THE VEGETATIVE MANAGEMENT RESPONSE ACT
(S2505/A2558)

WHEREAS, there is presently pending before the New Jersey Senate and Assembly the proposed Vegetative Management Response Act (S2505/A2558); and

WHEREAS, said legislation would allow any public utility to unilaterally usurp the role of local government in the management of public trees within public parks and within the public right-of-way, and would unilaterally permit the removal of trees on private property without the owner's consent whenever the public utility determines that such trees are "growing in, near, or adjacent to the electric utility's right-of-way, and the electric distribution and transmission system...which may fall into, touch, affect, or otherwise interfere with an electrical distribution line;" and

WHEREAS, proposed amendments to N.J.S.A. 40:64-12.c would expand the purview of any public utility (such as electric, gas, water, and pipeline) or cable television company to clear, remove, cut, or destroy any tree, shrub, or plant, without municipal permission or consultation, if done to install or maintain any structures or fixtures; and

WHEREAS, the proposed legislation exempts public utilities from local regulation or penalty if they claim to be "acting in good faith, with due diligence and reasonable judgment;" and

WHEREAS, under the proposed legislation, a utility is under no obligation to confer with the local government or the private property owner before unilaterally choosing to clear, move, cut, or destroy the vegetation; and

WHEREAS, the proposed legislation limits the authority of local shade tree commissions by granting authority to any public utility to carry out "vegetative management" without notifying or consulting with the municipality or taking municipal regulations into account; and

WHEREAS, the Borough of Hillsdale values both its public and private trees, which not only add to the beauty and overall livability of the Borough but also serve as a buffer to the extremes of weather, offer cooling shade in the summer and shelter from winter winds, produce oxygen and reduce carbon dioxide in the air and help to curtail flooding and restore the groundwater supply; and

WHEREAS, the proposed legislation is imbalanced and dramatically expands the authority of electric and other public utilities; and

WHEREAS, the Borough Council finds that public utilities and cable television providers have an obligation and responsibility to work with local authorities to cooperate in the responsible management of trees;

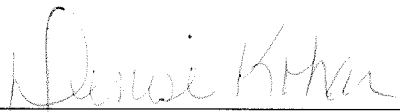
NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hillsdale, Bergen County, New Jersey that the Borough of Hillsdale opposes the Vegetative Management Response Act in its present form and urges the New Jersey Senate and Assembly not to adopt same; and

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized and directed to provide a copy of the within resolution to State Senator Gerald Cardinale, Assemblyman Robert Auth and Assemblywoman Holly Schepisi and to the municipal clerks within Bergen County.

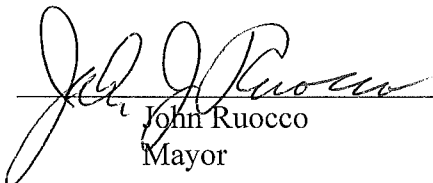
Council member	Motion	Second	Yes	No	Absent	Abstain	Recuse
DeRosa, Anthony					X		
Escobar, John			X				
Horvath, Zoltan			X				
Lundy, Abby		X	X				
Pizzella, Frank			X				
Segalas, Steven	X		X				
Ruocco, John							

Adopted: March 12, 2019

Attest:



 Denise Kohan
 Municipal Clerk



 John Ruocco
 Mayor