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# TOWNSHIP OF FERGUSON

3147 Research Drive • State College, Pennsylvania 16801  
Telephone: 814-238-4651 • Fax: 814-238-3454  
[www.twp.ferguson.pa.us](http://www.twp.ferguson.pa.us)

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## Tree Commission Hybrid Meeting Agenda

<https://us02web.zoom.us/j/84324261360>

May 16, 2022

5:15 pm

**I. CALL TO ORDER**

**II. CITIZEN'S INPUT**

**III. APPROVAL OF MINUTES**

1. April 18, 2021

**IV. SPECIAL REPORTS**

None.

**V. UNFINISHED BUSINESS**

**1. EDUCATION & OUTREACH**

**10 minutes**

**Narrative**

Education & Outreach subcommittee will provide a brief report.

*Recommended motion: That the Tree Commission approve the monthly article topics and other outreach efforts.*

**VI. NEW BUSINESS**

**1. CONSENT AGENDA**

Nothing to report.

**2. AUTUMNWOOD DRIVE STREET TREE REMOVAL**

**15 minutes**

On March 24, 2022, a Township resident at 2097 Autumnwood Drive conducted an unpermitted removal of an 8" DBH Honeylocust tree located in the Right-of-Way adjacent to their property. The removal of this tree is a violation of the Township Code of Ordinance, Chapter 25, Section 106. Penalties for this violation are provided in Chapter 25, Section 110, Subsection 2A and 2B. A Notice of Violation letter was mailed to the resident along with an invitation to the Tree Commission meeting to discuss this matter.

*Recommended action: That the Tree Commission make a motion providing a recommendation to the Public Works Director on remediation and penalty.*

**3. REPLACE INVASIVE TREE**

A Township resident reached out via email with Tree Commission Chair Dr. Marc McDill regarding an invasive Bradford pear located on Township property adjacent to their home. Resident is in the process of developing a landscape plan for their property involving many native species. The homeowner is inquiring if they can remove the invasive tree and replace with a native specimen.

*Recommended action: That the Tree Commission make a motion providing a recommendation on the matter to the Public Works Director*

**VII. STAFF AND COMMITTEE REPORTS**

**15 minutes**

**1. Arborist Report**

**VIII. COMMUNICATIONS TO THE BOARD**

**IX. CALENDAR ITEMS**

- a. Next FTTC meeting June 21st at 5:15pm (Hybrid & In Person)

**X. ADJOURNMENT**

**FERGUSON TOWNSHIP TREE COMMISSION  
MEETING MINUTES  
Monday, April 18, 2022  
5:15 PM**

**I. ATTENDANCE**

The Tree Commission held its regular meeting via hybrid format on Monday, March 21, 2022. In attendance were:

**COMMISSION:**

Scott Pflumm-Absent  
Marc McDill-Absent  
Allyson Muth  
Josh Potter  
Mike Jacobson

**STAFF:**

David Modricker, Public Works Director  
Summer Brown, Recording Secretary  
Larry Maginnis, Township Arborist

Others in Attendance: Bill Keough, Ferguson Township Resident.

**II. CALL TO ORDER**

Mr. Josh Potter called the Monday, April 18, 2022 Ferguson Township Tree Commission (FTTC) meeting to order at 5:23 pm.

**III. CITIZEN'S INPUT**

None.

**IV. APPROVAL OF MINUTES**

**Mr. Potter made a motion to approve the March 21, 2022 meeting minutes with one correction. Section IV, number one, the newsletter topic should read "Black Knot Fungus". Mrs. Allyson Muth seconded the motion, and the motion passed unanimously.**

**V. SPECIAL REPORTS**

None.

**VI. UNFINISHED BUSINESS**

**1. EDUCATION & OUTREACH**

Mrs. Muth stated that Mr. Scott Pflumm engaged Dr. Megan Hoskins from the Penn State Sustainability Institute regarding a partnership with Penn State students on education and outreach events related to sustainability. Mr. Pflumm recommended that if any students were interested that they could follow up with the FTTC. Mrs. Muth stated that a plan has been made for the news topics through July. Mr. Maginnis noted that he changed the article for April. Mr. Maginnis stated that brush collection has commenced this month and he noticed that in preparation for this collection some residents were performing improper pruning of street trees and at times putting themselves in dangerous positions while pruning the trees. Mr. Maginnis stated that the April article discussed proper pruning techniques. Mr. Maginnis stated that staff also

received HOA contact information to get the article distributed to all.

## **2. PARK HILLS TREE PLANTING PLAN**

Mr. Modricker forwarded the Commission's concerns regarding species diversity to the consultant and out of the three proposed plantings they were in support of two. The consultant also provided clarification on the number of plantings. The Township is also asking for a 2-year warranty. Mr. Modricker stated that the project is still in design and recently the Township received the easement agreements.

## **3. ARBOR DAY**

Mr. Maginnis stated that he is currently finalizing design plans for the pop up arboretum and tree tour. Mr. Maginnis also noted that the event was moved to 4:00 pm due to a conflicting event scheduled in the same area of Tudek Park.

## **4. FARMSTEAD VIEW – MODIFICATION WAIVER UPDATE**

Mr. Modricker stated he attended the Planning Commission meeting. Mr. Modricker stated that the Commission extensively discussed the red pine and the tree preservation plan modification request. Mr. Modricker stated the developer is proposing to save 1 black walnut along the street frontage and this amounts to 17% of the canopy and will plant trees to make up the other 3%. In the end the Planning Commission voted 5-2 in favor of the developer to approve the modification request. The Board of Supervisors will take action on this request at their meeting on Tuesday, April 19<sup>th</sup>.

# **VII. NEW BUSINESS**

## **1. CONSENT AGENDA**

- **FARMSTEAD VIEW 4<sup>TH</sup> SUBMISSION**

Mr. Maginnis stated that the modification waiver was passed by the Planning Commission and will be sent to the Board Of Supervisors. Mr. Maginnis' comments for the fourth submission were related to the tree preservation.

## **2. FERGUSON TOWNSHIP TREE PLAN 2017-2022**

Mr. Maginnis stated that he has quickly reviewed the Tree Plan and there are numerous changes he would like to make including but not limited to tree species, chemical application, and renderings.

Mr. Modricker suggested the Commission could provide comments to Mr. Maginnis who can update the tree plan this fall for an anticipated approval early in 2023. Mr. Modricker stated that tonight's agenda was just an introduction and Mr. Maginnis will review the plan and start revisions over the course of this year. Mr. Potter suggested the Commission review and compile thoughts in the fall.

## **3. BAILEYVILLE COMMUNITY HALL – HERITAGE TREE DEDICATION**

Mr. Keough was present on behalf of the Baileyville Community Hall. Mr. Keough stated that the community hall is holding its annual picnic and would like to have the heritage tree dedicated with a permanent marker at this picnic. Mr. Keough stated that the picnic will take place July 17<sup>th</sup> from 3:00-7:00 pm.

Mr. Maginnis noted that in the agenda is a link to the City of Portland's webpage on their Heritage Tree Program highlighting how he previously attached a plaque to a tree. Mr. Maginnis explained the plaque and stated that he and staff have discussed this technique and are in favor.

**VIII. STAFF & COMMITTEE REPORTS**

**1. ARBORIST**

Mr. Maginnis stated that the Township has kicked off the bare root tree planting. Mr. Maginnis stated that new trees have been planted along Circleville Road. The Township will be planting all week.

**2. PUBLIC WORKS DIRECTOR REPORTS**

None.

**IX. COMMUNICATIONS TO THE TREE COMMISSION**

None.

**X. CALENDAR ITEMS**

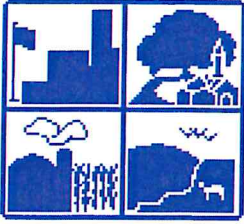
**XI. ADJOURNMENT**

The April 18, 2022 Tree Commission meeting ended at 7:00 pm.

RESPECTFULLY SUBMITTED,

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David J. Modricker, Secretary  
For the Tree Commission



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## TOWNSHIP OF FERGUSON

3147 Research Drive • State College, Pennsylvania 16801  
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April 21, 2022

Mr. Dean Dimidio  
2097 Autumnwood Drive  
State College, PA 16801

**Certified Mail Number 7017 1450 0001 7467 0655**

**RE: Notice of Violation - Unlawful Removal of Public Tree and Unlawful Pruning of a Public Tree**

Dear Property Owner:

The Ferguson Township Arborist made note on Township record that around the date of March 24, 2022, a Honey Locust tree, 8" in diameter, was removed from the right of way of Autumnwood Drive. We have included photographs of the tree stump after removal.

We regret to inform you that removal of this tree is a violation of the Township Code of Ordinances Chapter 25, Section 106. Penalties for this violation are provided in Chapter 25, Section 110, Subsection 2A and 2B (enclosed).

According to Subsection 2A, the Township allows for an agreement be reached by both parties whereby the person in code violation agrees to replace the equivalent cross-sectional area of the tree with new, smaller trees. For example, planting 16 new 2" diameter street trees would be equivalent to the cross-sectional area of the 8" diameter tree that was removed. If an agreement could be reached, the Township would be reimbursed for the cost of removal of the tree stump, and 16 new 2" diameter street trees at locations to be determined by the Township would be planted.

If this agreement cannot be reached by both parties under subsection 2A, then under subsection 2B, the Township Ordinance Officer, on behalf of the Public Works Director, will file a citation for the appraised value of the tree estimated, plus a fine no less than \$1,000.00.

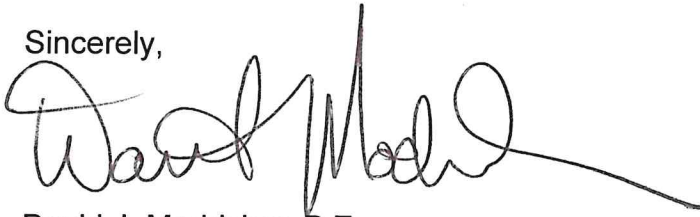
The Township is also aware that another street tree at this address was unlawfully pruned to the detriment of the tree. This instance constitutes another violation of the Township Code of Ordinances Chapter 25, Section 106. Penalties for this violation are also provided in Chapter 25, Section 110, Subsection 2A and 2B (enclosed).

These matters will be discussed by the Ferguson Township Tree Commission at their regular meeting on Monday, May 16, 2022, at 5:15pm in Conference Room 2 of the Ferguson Township Municipal Building, and you are invited to join to discuss as well

You are also invited to attend the meeting virtually via Zoom with the link posted on the Township website: <https://us02web.zoom.us/j/84324261360>.

The Ferguson Township Tree commission will discuss the violation and provide advice on the matter. We welcome you to attend this meeting. Larry Maginnis, Ferguson Township Arborist. Is available to discuss these matters prior to the meeting if you wish to contact him at: [arborist@twp.ferguson.pa.us](mailto:arborist@twp.ferguson.pa.us) or phone at 814-238-4651.

Sincerely,

A handwritten signature in black ink, appearing to read "David J. Modricker". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

David J. Modricker, P.E.  
Public Works Director

File: Tax Parcel: 24-004C,172-,0000-

Copy: Larry Maginnis, Township Arborist  
Centrice Martin, Township Manager  
Jenna Wargo, Planning Director  
Ferguson Township Tree Commission

Attachment: Photograph  
Enclosure: Ordinance

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Dean Dimidio  
 2097 Autumnwood Drive  
 State College PA 16801



9590 9402 3797 8032 9337 38

2. Article Number (Transfer from service label)

7017 1450 0001 7467 0655

PS Form 3811, July 2015 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Dean Dimidio*  Agent  
 Addressee

B. Received by (Printed Name)

Dean Dimidio

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt



*Township of Ferguson, PA  
Thursday, May 12, 2022*

## Chapter 25. Trees

### Part 1. STREET AND PARK TREES

#### § 25-106. Protection of Public Trees.

[Ord. 991, 8/18/2014, § 6.00]

1. **Duty to Protect.** In any public park, public area or in any public right-of-way to which the Township has title, no person shall without written permission, as outlined in § **25-106** of this Part, cut, prune, break, destroy, overthrow, injure, scrape, paint, deface or remove any public tree; or cut, disturb or interfere in any way with the roots of any tree; or remove leaves, flowers or fruit from any tree; or spray with any chemicals or insecticides any tree; or place any rope, sign, poster or other fixture on a tree or tree guard or other device erected to protect such tree; or injure, misuse, or remove any guard or device placed to protect such tree. The penalties for violations of this section which shall be those provided in § **25-110**, Subsection 2A and B.
2. **General Protection of Public Trees.** The penalties for violations of this section shall be those provided in §§ **25-110**, Subsection 2A and B.
  - A. **Hitching Animals, etc., to Trees.** No person shall fasten a dog or other animal in any manner to a tree or tree guard or other device erected to protect such tree, nor cause a dog or other animal to stand so that such dog or animal can injure a tree.
  - B. **Regulations and Standards for Arbor Work.** The planting, removal, pruning, treatment or maintenance of any public tree shall be done in accordance with the Township's Regulations and Standards for Arbor Work. These rules and regulations may only be amended by the Board of Supervisors by resolution to add new technical standards and criteria recognized by the tree care profession.
  - C. **Township Tree Planting List.** The planting of any public tree shall be done in accordance with the Township's Tree Planting List. The tree planting list may only be amended by the Board of Supervisors by resolution to add new technical standards and criteria recognized by the tree care profession.
  - D. **Protection of Public Trees During Grading, Building Construction or Repair Work on Public or Private Property.** In the grading for, destruction, erection or repair of any building or structure, the property owner thereof shall place, or require to be placed, a chain link fencing, or such guards as approved by the Public Works Director, around the drip lines of all nearby public trees as shall effectually prevent injury to such trees. Any trenching, excavating, filling or pruning of limbs or roots within the drip line of any public tree shall be done with written permission of the Department of Public Works as outlined in § **25-107**. All root and canopy pruning and other tree work shall be done in accordance to the Township's Regulations and Standards for Arbor Work.
  - E. **Pouring Injurious Substances to Injure Trees.** No person shall purposely pour salt, salt water, acid, oil, wood killer or any injurious substance in such a way as to injure any public tree.
  - F. **Attaching Wires, Etc., to Trees.** No person shall, without written permission from the Department of Public Works, attach any wire, insulator or any device for the holding of a wire

to any shrub or tree growing or planted in or upon any public property, in any park or in or upon any public right-of-way in the Township.

- G. Free Passage of Water and Air to Tree Roots. Every person placing or maintaining upon the ground in a public right-of-way any stone, cement or other substance or combination thereof, which shall impede the free passage of water and air to the roots of any public tree shall leave such open space of ground outside of the trunk of the tree as may be designated by the Department of Public Works and the Township's Rules and Regulations for Arbor Work.
- H. Electric Wires Not to Contact Trees. Every person having any electric wires running through, on or over a public highway in the Township shall securely fasten such wires so that they shall not come in contact with any tree.

*Township of Ferguson, PA  
Thursday, May 12, 2022*

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- H. Electric Wires Not to Contact Trees. Every person having any electric wires running through, on or over a public highway in the Township shall securely fasten such wires so that they shall not come in contact with any tree.

## § 25-110. Violations and Penalties.

[Ord. 991, 8/18/2014, § 10.00]

1. Failure to Comply with Order or Notice. Any person who shall fail to remove, prune, replace, replant or treat a hazardous or diseased/nuisance tree, or in any other way violate any provision of any section of this Part, including any section in which a penalty is not specifically provided, after receiving written order or notice from the Department of Public Works, or other form of charge of violation, as applicable, such person shall, upon conviction, be guilty of a summary offense and shall be subject to a fine of not less than \$1,000 for each violation.
2. Unlawful Public Tree Destruction, Removal or Injury. Any property owner, contractor or other person who, without the written permission of the Department of Public Works, cuts, breaks, destroys or removes any public tree, or permits or allows any other person, without the written permission of the Department of Public Works, to cut, break, destroy or remove any public tree shall, under the advisement of the Tree Commission and at the direction of Public Works Director shall:
  - A. Plant or cause to be planted, or if there is a written agreement signed by such person and accepted by the Department of Public Works, by which such person agrees to reimburse the Township for costs incurred by it, permit the Department of Public Works to plant similar trees to replace the equivalent total cross-sectional area of the tree which was unlawfully cut, broken, destroyed or removed. In all instances of replacement pursuant to this subsection, such replacement trees shall be sufficient to replace the total cross-sectional area as measured at diameter at breast height (DBH) of the tree removed. For example, for every six-inch diameter tree removed, it shall be replaced with one six-inch tree, or four three inch trees or nine two-inch trees, all in a manner satisfactory to and in locations approved by the Department of Public Works. It shall be a violation of this Part for any person to fail to replant any tree when, as, and if directed by the Department of Public Works to do so. For purposes of this Part, the word similar shall mean and include a tree that has a minimum diameter of two inches or more and is approved by the Department of Public Works.
  - B. For willfully injuring or killing a living tree in any public area by cutting, debarking, breaking, pruning of roots over two inches, pruning for lights or views, by the use of herbicides, use of a vehicle or in any other manner wherein it is determined by that such damage or destruction was intentionally inflicted, such person shall, upon conviction, be guilty of a summary offense and shall be subject to a fine of not less than \$1,000 for each violation as well as the cost of repairing or replacing each damaged tree shall be levied. The value of tree(s) to be repaired or replaced shall be determined by an International Society of Arboriculture Certified Arborist using a valuation method approved by the Council of Tree and Landscape Appraisers, said appraisal shall be paid for by the property owner, contractor or other person who injured or killed a living tree in any public area and said appraisal shall be provided to the Township.
3. Interference with Township Departments. No person shall prevent, delay, harass or interfere with the Department of Public Works or any other Township department, or any of their agents or

employees, including any employees of the Department of Public Works in the planting, pruning, spraying or removing of a public tree, or in the removal of any stone, cement or other substance about the trunk or roots of a public tree, or in any other aspect of the administration and enforcement of the provisions of this Part. Any person who violates the provisions of this section shall upon conviction thereof be guilty of a summary offense and be subject to a fine of not less than \$100.

4. Unlawful to Prune Oak Trees During Certain Times of the Year. To prevent the spread of oak wilt, within the Regional Growth Boundary, it shall be unlawful for any person, resident, contractor, utility company to prune, or allow to be pruned, any private or public oak trees from April 1 to October 31 without first obtaining a tree permit from the Township Arborist which may be issued to address emergency conditions. Any person who violates the provisions of this subsection shall upon conviction thereof be guilty of a summary offense and be subject to a fine of not less than \$500 nor more than \$5,000.

[Added by Ord. 1023, 10/17/2016]

5. Unlawful to Climb Oak Trees With Boot Spurs or Spikes. To prevent the spread of oak wilt, within the Regional Growth Boundary, it shall be unlawful for any person, resident, contractor, utility company to climb, or allow to be climbed, any private or public oak trees at any time with boot spikes or spurs, except to remove the tree in its entirety. Any person who violates the provisions of this subsection shall upon conviction thereof be guilty of a summary offense and be subject to a fine of not less than \$500 nor more than \$5,000.

[Added by Ord. 1023, 10/17/2016]

## Brown, Summer

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**From:** Modricker,David  
**Sent:** Thursday, May 12, 2022 10:25 AM  
**To:** Brown, Summer  
**Subject:** FW: [Ferguson Township PA] Replace Invasive Tree with Native Tree? (Sent by Sarah Reed, sarahstreed@gmail.com)

**From:** Marc McDill <mmcdill@psu.edu>  
**Sent:** Monday, May 9, 2022 11:23 AM  
**To:** Sarah Reed <sarahstreed@gmail.com>  
**Cc:** Modricker,David <dmodricker@twp.ferguson.pa.us>; Maginnis, Larry <lmaginnis@twp.ferguson.pa.us>; FergTreeComm <FergTreeComm@twp.ferguson.pa.us>  
**Subject:** Fwd: [Ferguson Township PA] Replace Invasive Tree with Native Tree? (Sent by Sarah Reed, sarahstreed@gmail.com)

Hi Sarah,

Dave Modricker (copied) or Larry Maginnis can correct me if I'm wrong, but I believe that is a decision that the Tree Commission must make. We can put it on the agenda for our next meeting.

If the Tree Commission agrees then the township would actually have to be the ones to remove and replace it. If you are willing to pay for the pear tree to be removed and for the replacement, I think it is very likely that the Commission would approve the request. Furthermore, we would also be open to your suggestions regarding the species of the replacement tree.

~Marc

----- Forwarded message -----

**From:** Contact form at Ferguson Township PA <[cmsmailer@civicplus.com](mailto:cmsmailer@civicplus.com)>  
**Date:** Mon, May 9, 2022 at 10:56 AM  
**Subject:** [Ferguson Township PA] Replace Invasive Tree with Native Tree? (Sent by Sarah Reed, [sarahstreed@gmail.com](mailto:sarahstreed@gmail.com))  
**To:** McDill, Marc <[mmcdill@twp.ferguson.pa.us](mailto:mmcdill@twp.ferguson.pa.us)>

Hello mmcdill,

Sarah Reed ([sarahstreed@gmail.com](mailto:sarahstreed@gmail.com)) has sent you a message via your contact form (<https://www.twp.ferguson.pa.us/user/34/contact>) at Ferguson Township PA.

If you don't want to receive such e-mails, you can change your settings at <https://www.twp.ferguson.pa.us/user/34/edit>.

Message:

Hi, Marc!

We are working on a landscape plan that involves many native plants in the side lot adjacent to our home. The landscaper we met with noticed that one of the Township-owned trees on the lot was a Bradford pear. He said that these trees are now out of favor and considered invasive. So, we wanted to reach out and ask if we had the option to remove the tree and replace it with a native species. Could you let us know the policy on that? We are happy to provide more info if needed.

Thanks,  
Sarah

--  
Dr. Marc McDill  
Associate Professor of Forest Management  
Program Coordinator, MPS Program in Ecosystem Management and Administration  
Penn State Department of Ecosystem Science and Management  
310 Forest Resources Bldg  
University Park, PA 16802  
Phone: 814-865-1602