

A Tree Commissioner Reminisces



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It was in the late 1960s that two events in State College first brought to my attention how trees are managed in a community, and, perhaps more importantly, how strongly and positively people feel about trees. What happened was that PennDOT and “the borough,” who were perceived as tree adversaries by tree lovers, ordered removal of mature trees on two streets.

In the first event, needed realignment of a main town road called for the removal of perhaps a dozen large, mature trees that partially hid some rundown, unsightly nineteenth century houses converted to lucrative student slums. A gentleman who

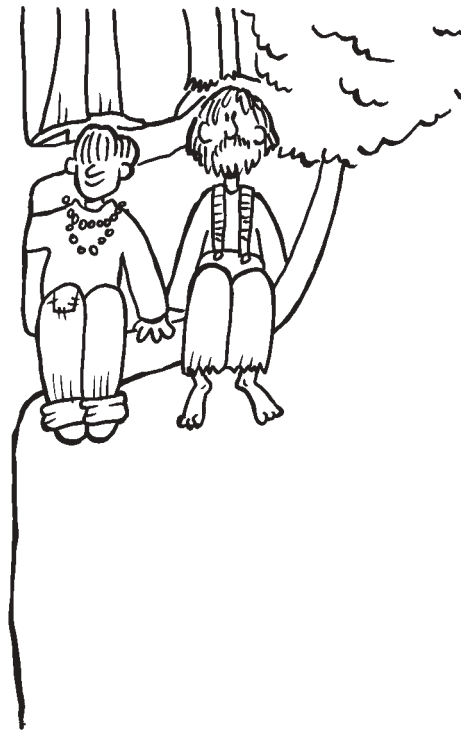
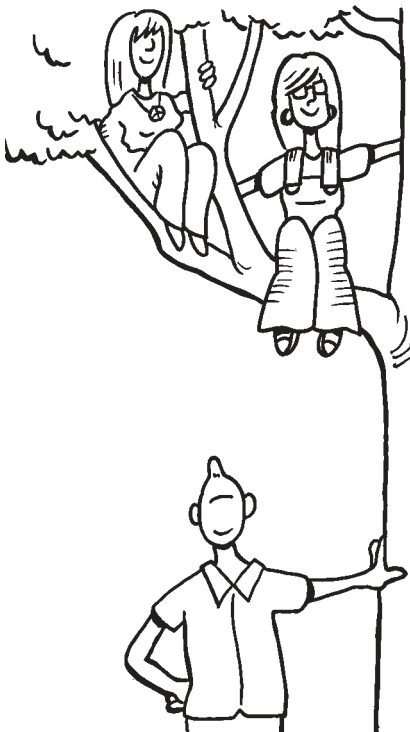
taught theater arts at Penn State, and who was also the owner of a small movie house in that block, led a protest against the removal of the trees. When the men with the chain saws arrived, they found his students in all of the trees. Ordered to come down, the academic monkeys stayed, climbing higher in some cases, and waving their placards protesting the removal of the trees. The unexpected drama of tree-sitting students got the attention of national and international newspapers, and it became an episode in the comic strip Steve Canyon.

Because I had some credibility with the students, residents, and members of the

borough council, the council chairman asked for my help. I was at that time the associate dean of the College of Science. We were just beginning to experience the first student rumblings over the war in Vietnam, and I had been playing the role of mediator on that issue. Furthermore, I was about forty and this age gave me some clout with both the students and the older citizens. I did what I thought was needed: I arranged a meeting between the organizers of the protest and the borough council. At the meeting, each group found the other reasonable. They talked away their concerns. They compromised. Both groups felt justified. Both felt like winners.

In the second event, the chairman of the shade tree commission ordered the removal of more than twenty mature Norway maples on a lovely residential street. These trees had long since grown up into a complex of utility lines. They had been severely pruned more than once, and the opening of the centers had resulted in the structural deterioration common to Norway maples. Residents did not want the trees removed, judging that even such butchered trees were better than the proposed alternative, small flowering crab-apples under a particularly ugly set of poles and wires. Furthermore, the residents learned that they would have to arrange and pay for the removal of the tree in front of each of their individual properties. Last, but not least important, the borough and its tree commission were seen as a machine-like organization, holding in contempt the feelings of the supporting taxpayers, and the beauty of their neighborhood.

The residents asked me to help. They had observed how I had handled the earlier crisis involving the protesting students. I quickly determined that the tree commission chairman, asked by the local electric utility to remove and replace the trees, had acted quite on his own to order the trees down. The public hearing required by law had been omitted, largely, I believe, because the chairman was not familiar with the ordinance under which he operated. When the borough council was presented with this evidence, its solicitor quickly saw that the borough was wrong. A public hearing was held. The people were heard.



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The trees were pruned, not removed. The trees are there yet today and the houses still have electricity.

What did I learn from these two incidents? In each case, the borough council had assumed an authority over citizens it did not really have. It acted in a one-sided way, acquiescing to the requests of a state agency on the one hand and a public utility on the other. The council intended to avoid controversy by simply doing the job and explaining matters with figurative shrug of the shoulders after the trees were down. It was obvious that one of the borough's commissions, acting principally through its chairman, was ignoring the concerns of citizens. It was obvious that the public, students, residents, citizens, and taxpayers thought very highly of trees and would take dramatic action on their behalf. The development of State College's now outstanding community tree program can be traced back to this strong citizen interest.

Two citizen's groups requested my appointment to the shade tree commission. For a year or so the burgess resisted this, but ultimately I was appointed. I accepted the appointment because I felt committed to two things: the furtherance of the municipal tree program and the increasing citizen involvement in the decision making process.

At that time, I learned more about shade tree commissions in Pennsylvania: their legal basis in the uniform municipal codes of the state; the extremely small amount of local deviance from the state norm that was allowed; the special power given to commissions as advisors to councils or boards of supervisors; the weakness of commissions to penalize those who willfully destroy trees, including extremely small allowable fines; the difficulty of working with only three members, as required by law; and the tendency sometimes of tree commission chairpersons, if in the job for a while, to begin to act as free agents, above the law and borough control, and to decide on their own what the citizens should have.

I also learned how much my fellow citizens loved trees, how much they thought trees enhanced the quality of their lives, and how strongly they wanted the borough

to spend more, not less, money on its tree program. Some of these things I learned in the public hearings, which I made certain were reinstated.

Another example illustrates how these lessons were learned. A young professional citizen asked that a tree be removed outside his new office so that a new driveway giving access to the rear parking lot could be installed. Access to the rear parking area from three directions already existed. Both the traffic commission and the shade tree commission held hearings on the case. The traffic commission did not think the curb cut was necessary; the shade tree commission agreed. But rather than simply deny the request, the shade tree commission suggested that the decision be tabled for a year while the professional determined to what degree the comfort of his clients was compromised by the lack of one more parking access. The professional, who had pleaded that he was too busy to attend any of the meetings and hearings related to his case had sent his wife instead, made rude noises at this suggestion.

What happened next seemed to come out of the script of a bad film. One late afternoon as I was walking home along a route that passed the controversial site, I encountered the professional and his attorney standing astride the felled tree smiling like Cheshire cats. I disappointed them by reacting very little and walking on. Once home I called the borough's public works director who went to the site, verified what had happened, and saw to it that the professional was issued a citation.

The local paper naturally seized upon this new bit of drama about trees. At first it portrayed the borough and its commissioners as "the bad guys" interfering with the given-by-deity right of a businessman to pursue his affairs unimpeded. The editor was dismayed when the public outcry went in quite the other direction. More was involved here than trees. Longtime conservative businessmen called me or stopped me in the street to say, in effect, "Make a public spectacle of that man. Hang him by his toes." Many asked how much he could be fined, all of \$15. The "crime" in their eyes was not so much that he cut down a tree he should not have touched, but that he, a new resident of our community, had

defied the best and careful judgement of his fellow citizens, "How dare he?" they thought.

From these experiences, and from many evenings and lunch hours devoted to a municipal tree program, I became a citizen expert, a layperson who becomes skilled in a field other than his own. I helped to further acknowledge citizens' rights and to accommodate those rights as a first-class tree program was developed. We fed on the public support we now knew was there. We were careful to flaunt authority as seldom as possible, though a commission must sometimes tell a citizen that it is the community's will to have trees and that the tree in front of his property is not the exception he thinks it is.

At about the time of the illegal take-down event, our borough, by referendum, became a "home-rule" community. The tree commission seized the opportunity to write a new enabling ordinance that drew heavily from our local experiences. It allowed sizeable fines for un-permitted tree removal, destruction, or serious damage. Most importantly, the new ordinance increased the size of the commission from three to five members, three of whom were to be from the "green" professions: forestry, horticulture, landscape architecture, plant pathology, and entomology — a possibility in our community because of the presence of the university. When the borough was faced with ever larger pruning contracts and lessening ability to supervise the work, the tree commission played a large role in the decision to form a tree department under a full-time arborist with assistants and proper equipment. The commission has not only done the enjoyable, planting new developments with special cultivars selected from a commission approved list by the homeowners, but the difficult and tedious as well, such as removing over-mature and potentially dangerous trees, surveying the safety of trees in wooded parks, and struggling with "threats" from utilities and hostile councilpersons, including attempts by the borough's public works department to bypass the commission. In the elapsed twenty years, I have seen trees whose planting I ordered grow to mature form, gracing the streets of once bare developments. I feel good about that.