

## Moniz-Carroll, Rhonda

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**From:** Patty Sechi <psechi@gmail.com>  
**Sent:** Saturday, March 21, 2015 1:23 PM  
**To:** JudTestimony; Fred Camillo; zRepresentative Livvy Floren; zRepresentative Mike Bocchino  
**Cc:** Peter Malkin; JoAnn Messina  
**Subject:** Re: HB 5602

As a member of the Advisory Board of the Greenwich Tree Conservancy and a concerned citizen and resident of Greenwich, CT, I urge that you adopt the following amendments to the pending legislation for HB 5602 or reject it in favor of the standing common law, which has long provided adequate remedy for the goals of HB 5602:

- Revision of key to liability from "diseased" to "hazardous". Definitions of "diseased" are conflicting and a tree may be classified as "diseased" without being a hazard or at risk to fall.
- Provision for the owner of property on which tree stands to have the right to obtain an opinion from a qualified arborist and for a procedure for resolving "arborist's dispute".
- A requirement that potential liability apply to a subsequent owner of a property on which a tree in question stands, and that certification of risk by an arborist be placed upon local title records to provide fair notice.

I would also like to state that though this cannot be legislated, we should always suggest that our residents observe the uncontested Golden Rule, which is part of being a good neighbor and speaks to everyone's best interests, in conjunction with the standing common law.

Patty Sechi

On Sat, Mar 21, 2015 at 12:25 PM, Peter Malkin <[plmalkin@malkinholdings.com](mailto:plmalkin@malkinholdings.com)> wrote:

I join the Greenwich Tree Conservancy in urging amendments to this pending legislation or rejection of it since the common law has long provided adequate remedy for the goal of HB 5602 :

Revision of key to liability from "diseased" to "hazardous". Definitions of "diseased" are conflicting and a tree may be classified as "diseased" without being a hazard at risk to fall

Provision for owner of property on which tree stands to have the right to obtain an opinion from a qualified arborist and for a procedure for resolving "arborists dispute"

A requirement that for the potential liability to apply to a subsequent owner of the property on which the tree stands that the certification of risk by an arborist be placed upon local title records to provide fair notice

Peter L. Malkin, Esq.

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Patty Sechi

*Greenwich Community Gardens, President & Founder*

*"I can think of no better form of personal involvement in the cure of the environment than that of gardening." Wendell Berry*