

August 7, 2023

To: Board of Supervisors
From: C. McGarry
Re: Report for August 8, 2023 Board Meeting

- A. Comprehensive Plan:** The project website is www.Nelson2042.com. There will be a Public Open House on the latest full draft plan on August 29th at 6:30pm – 9pm at the Nelson Center in Lovingson.
- B. Line of Duty Act Resolutions & Legislative Initiatives:** After the Board's adoption of Resolution R2023-45 honoring Officer Wagner and requesting General Assembly action to amend the Line of Duty Act to include private police departments, the County requested similar action be taken by Board's across the State. Currently, we are aware that the same or similar resolution has been adopted by: Amherst, Augusta, Campbell, Greene, Madison, and Montgomery County, with more indicating theirs will take it up in the near future. Senator Creigh Deed's office has indicated his support and VML and VACo will consider including this in their legislative programs.
- C. Findlay Gap Road Repairs:** In follow up to directives from the last meeting; Jerry West, Supervisor Reed, and VDOT staff met on sight at Findlay Gap Road to look at creek crossings that affect public access to the Sturt Park property. VDOT has indicated they will make immediate surface and ford repairs to the road using undesignated tele-fees in the Secondary Six Year Plan that are available. In the coming year, the Board can consider adding Findlay Gap Road to the Rural Rustic priority list for paving.
- D. Virginia Outdoors Foundation PTF Grant – Sturt Park:** County staff met with Supervisor Reed, Bill Perry of VDOF, Susan McSwain of the Master Naturalists, Grace Monger of VDOE, and William Rose, property caretaker to discuss ways to improve the County's second grant application for these funds. The meeting was very productive and an enhanced application will be submitted by the Monday August 7th deadline. Thank you to Jerry West for his diligence on this grant application.
- E. Courthouse Complex Trees Evaluation:** Staff has received several evaluations and recommendations from tree specialists (arborists) and Bill Perry of VDOF concerning the large pin oak at the right-hand corner of the entrance road and the sugar maple on the opposite side (left-hand) of the entrance road. All recommended their removal due to their declining health and risk to the public and surroundings (see attached). Board advisement on the desire for any further investigation or information on this subject is requested prior to formal consideration. The three cost proposals received for this work to date range from \$17,110 - \$20,000.
- F. Piney River Solar, LLC Special Exception 2023-369 – Amherst County:** Amherst County will hold a public hearing on a special exception request for a revised utility scale solar energy system by Piney River Solar, LLC located at 2508 Patrick Henry Highway on tax map parcel 40-A-64 at 7pm, Thursday, August 17th in the Amherst County Administration Building.
- G. Gladstone Solid Waste Collection Site:** In follow up to concerns expressed at the last meeting, staff will be working on ways to keep this site in better condition; inclusive of determining the best regular day(s) of the week to clean up the site; possible improvements to site visibility, and other ways to reduce illegal dumping.
- H. DSS Building/Calohill Site:** PMA has provided the final geotechnical report from Timmons which confirms the site conditions that were presented to the Board. Staff and PMA are working towards finalization of space needs and PMA is drafting a proposal for the Board's authorization to proceed into the conceptual/preliminary and schematic design phase of the project. Estimates will be able to be further nailed down during this phase. Mr. Burdette is checking with the State DSS to see if they can provide any increase in the reimbursement amount for the new facility. Staff is working with Davenport on timing of a future financing and proposing consideration of a reimbursement resolution at the same time the design phase is authorized. An update of the Debt Capacity analysis will be forthcoming once some project costs are more solid and FY23 end of year financial status is analyzed.
- I. Shipman Historic District:** The Virginia Department of Historic Resources (DHR) will be issuing a request for quotes for selective survey and preliminary information form work on August 14th. The contractor is expected to initiate the project by November, reach 75% completion by February, and 100% completion by the end of March.

J. Building Official: Its official, Jeremy Marrs has obtained his Building Official certification. Congratulations to Jeremy!

K. Staff Reports: Department and office reports for May have been provided.

Rob Farrell
State Forester



COMMONWEALTH of VIRGINIA

Department of Forestry

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(434) 977-6555 • Fax: (434) 296-2369 • www.dof.virginia.gov

August 3, 2023

Nelson County
c/o Candy McGarry
P.O. Box 336
Lovingston, VA 22949

Dear Ms. McGarry,

This report is in reference to a sugar maple and pin oak trees that are on either side of the entry to the courthouse. I assessed these trees on August 2, 2023 and am sad to report that both of these trees should be considered for removal. These two trees have extensive die back in the canopy. The pin oak shows nearly 50% of the canopy has died and the maple shows closer to 40% die back. While the living portions of both trees appear healthy, the dead portions will soon become hazards as these large branches further decay and deteriorate.

I would recommend that the county explore ways to utilize some of the wood from the oak tree. Ideas include large slabs for benches and tables or boards for display shelves, etc.

When thinking about species to replace these trees, consider planting trees native to Virginia. Ideas for trees that will grow large include white oak, pin oak, willow oak, sycamore, and American beech. Trees that will be medium sized include black gum, yellow poplar, red maple, and hackberry.

Sincerely,

A handwritten signature in black ink, appearing to read "W. E. Perry".

William E. Perry
Area Forester Specialist
Virginia Department of Forestry
P.O. Box 465, Amherst, VA 24521
Mobile: 540-817-3344
Email: bill.perry@dof.virginia.gov

Candy McGarry

From: Paul Truslow
Sent: Monday, July 31, 2023 9:52 AM
To: Candy McGarry
Cc: Amanda Spivey
Subject: FW: Big O Tree Service
Attachments: Truslow20230728_3acc5337-7c8f-42a0-9647-131f90f52981.pdf

Candy

Another tree removal proposal for the courthouse lawn

Thanks

From: Jamey Sensabaugh [mailto:bigojamey@gmail.com]
Sent: Friday, July 28, 2023 2:38 PM
To: Paul Truslow <PTruslow@nelsoncounty.org>
Subject: Big O Tree Service



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender bigojamey@gmail.com

[View Proposal](#)

Hey Paul,

Here is a proposal for the work that we talked about. Due to the condition of the oak tree having hypoxylon it is recommended that the tree be removed. It is likely that the tree will die within the next year or two and there is no treatment for hypoxylon. The maple tree seems to have a large girdling root which can be seen at the base of the trunk where the trunk goes straight into the ground and is absent a root flare. The maple tree is in better shape but will likely slowly decline over the next few years until dies. Right now we are back logged 6-8 weeks but I will get you on the schedule sooner due to the condition of the trees and the amount of traffic and targets under the canopies. If you have any questions or you decide you would like to have any of this done please just let me know. It was nice to meet you. Hope to hear from you soon.

Jamey Sensabaugh
(540) 649-1312

Sent from my iPad



**VAN YAHRES
TREE COMPANY**

SINCE 1919

July 6, 2023

Paul Truslow
84 Courthouse Square
Lovingston, VA 22949

Dear Mr. Truslow,

As a certified arborist and Crew Leader with Van Yahres Tree Company, I have assessed two trees located at 84 Courthouse Square, Lovingston, VA 22949.

The first tree is a 44" Pin Oak that is in serious decline. There is a significant amount of crown dieback and an immense amount of epicormic sprouts in the main stem indicating that this tree is showing alarming signs of stress. Due to the current state of this tree, it is more than likely to decline even further. What this means is that this tree poses an undue threat to the surrounding properties, structures, and people near this tree as it declines and drops large branches or ultimately falls. The only remedy for this tree is to have it removed to eliminate the risk of harming people, properties, and structures.

The second tree that I inspected is a 30" Sugar Maple. This tree has a very large crack in the center of its trunk. As a result, the wood is decaying as can be seen by the fungi that is present on the main stem. It is likely that the main stem has rotted in the center, beyond what can be detected by a visual assessment. This tree needs to be removed as soon as possible to remedy the risk of it falling or dropping branches on people and/or structures.

While Van Yahres Tree Company is happy to provide an estimate to remove these trees, we are more concerned about the safety of the public than we are about being hired for this job. We highly recommend that an insured, accredited tree company like us is called as soon as possible to provide an estimate and execute this work.

If you have any questions, please feel free to call our office at 434-982-8733.

Best,

Bryan Rauscher
Van Yahres Tree Company
MA-6426A (International Society of Arboriculture/Certified Arborist)



422 Perkins Hollow Lane
Faber, VA 22938

Arboristry

a **DAVEY**  company



Office: (434) 263-4324
Fax: (434) 263-8908

June 13, 2023

Candice McGarry
Nelson County
County Administrator
P.O. Box 336
Lovingson, VA 22949

Re: Oak and Maple at County Courthouse

Dear Ms. McGarry,

In response to your request for a narrative regarding two trees recommended for removal at the courthouse, I offer the following;

1. Large oak located on lawn area

This tree is over 50% dead and represents an unreasonable risk of failure, especially the dead and dying parts, which begin to become unstable as the wood decays. The live portion of this tree contains limbs that are overextended and at an elevated risk of failure. Failure of this tree may cause contact with the power lines along the street. Failure towards the lawn would result in a less troublesome scenario, unless the area was populated at the time. Remedial treatments, such as removing the dead portions and crown reducing the live portions, would result in a very lopsided tree, and would reduce the risk from unreasonable to high. In my opinion, there are no viable options other than removal.

2. Sugar maple, left of entrance road

This tree is about 30% dead, leaning toward the road, and has multiple co-dominant stems, an inherently weak condition. It appears to be in decline. This tree represents a high risk of failure, with the roadway being the target. Remedial treatments could include pruning, crown reduction and cabling, but the tree will still be leaning toward the road and would appear lopsided. The risk factor would be somewhere just less than high after the work was completed. In my opinion, the remedial treatments would result in an unsatisfactory result, so are not a viable option.



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a **DAVEY**  company



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I trust this will satisfy your request for further information about these trees, please contact me if you have any questions.

Regards,

Dean Dykeman
ISA Certified Arborist NY-#0143a
Registered Consulting Arborist #397
VA Pesticide License
Certified Treecare Safety Professional
434 825 8367 cell
dean.dykeman@davey.com

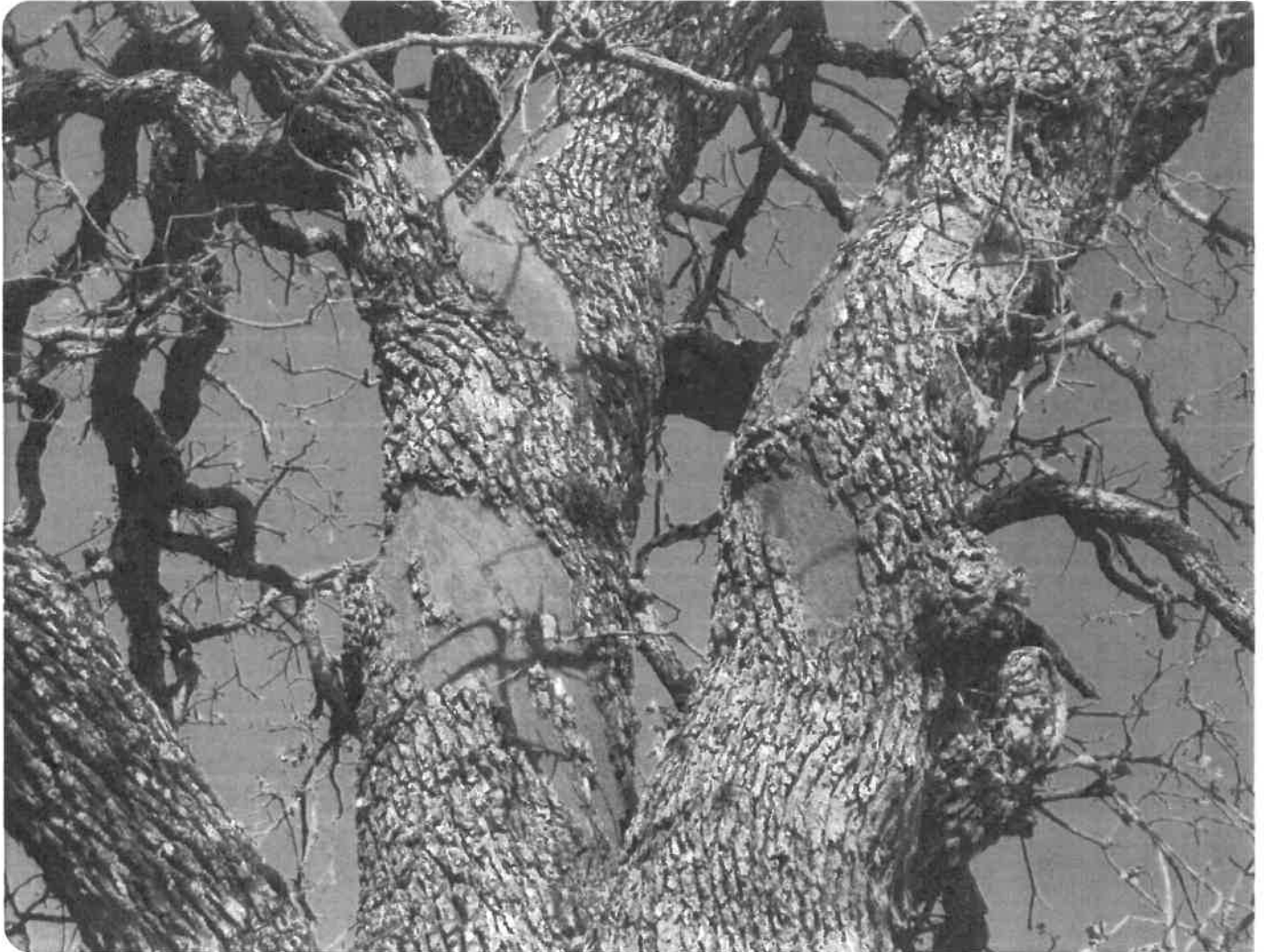
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Tree Diseases: Hypoxylon Canker of Oaks (*Hypoxylon atropunctatum*)



November 23, 2017

Introduction

Hypoxylon canker of oaks is a fungal disease caused by the pathogen, *Hypoxylon atropunctatum*. The fungus infects weakened, injured, and dying wood on oak trees. The fungus generally infects trees that have sustained mechanical injuries, or are suffering from environmental stress. Oak trees may be readily infected in landscape and forested settings. Infected trees will generally succumb to infection within 1 to 2 years.

Distribution & Habitat

Hypoxylon canker of oaks is common across southern Canada. It is also widespread across the United States, particularly the Northern, Southern, and Midwestern states.

Hosts

Black, blackjack, pin, post, red, water, and willow oak are the most prone to infection. Burr, chestnut, swamp white, and white oak are infected as well, albeit with less frequency. While the fungus generally colonizes live plant material, it also exhibits sacrophytic behavior, infecting the dead wood of basswood, beech, hickory, hornbeam, maple, and sycamore.

Disease Cycle

From late spring to early summer, the fungus infiltrates susceptible trees through wounds on the branches or trunk. The fungus feeds on the conductive tissue within the sapwood, effectively killing it. As the fungus progresses downward, the infected branches gradually die back. Dead, sunken patches will become visible on infected branches and trunks. A soft, silver-colored sheet of fungal material called stromata develops beneath the bark, on the infected wood. Minute, black dots arise on the surface of the stromata. These dots release spores, which are dispersed by air currents, splashes of rain, or various rodents, birds, and insects to nearby trees, where they initiate new infections. Meanwhile, the fungus continues to advance within the tree, eventually killing it.

Symptoms of Infection

At the onset of infection, leaves may become discolored, and wilt. The most characteristic symptom is the sloughing of bark on infected branches and trunks. As the bark sloughs off, it exposes the stromata on the diseased wood. In spring or early summer, powdery, green to brown masses of spores called conidia are produced on the surface of the stromata. After the conidia have been released, the stromata thicken, and become firm. During this period, the stromata turn brown to black in color. When mature, the stromata may extend from several inches to a few feet in length. Sunken or depressed areas will appear on infected sections of the tree prior to the formation of the stromata. As the infection advances, the tree will undergo extensive foliar dieback. This will eventually result in plant mortality.

Management

- There is currently no effective control method for hypoxylon canker.
- If over 15% of the crown has been infected, it is recommended that the tree be felled, and the debris safely disposed of. Avoid using diseased plant material as compost.
- Following the removal of infected trees, avoid planting in previously diseased areas for at least six months.
- If 15% or less of the crown is infected, prune out all infected branches and cankers. Dispose of the diseased material.
- Maintain plant vigor through sound cultural practices.
- Ensure that plants are sufficiently watered, especially during extended periods of drought.
- Apply a layer of organic mulch around the base of trees to improve soil quality, moderate soil temperature, and retain soil moisture.

- Monitor for the presence of insects. Treat infested plants accordingly to eliminate insects, and prevent damage to vulnerable plants.