



# Massachusetts Arborists Association

# NEWS

DECEMBER 2010

## MAA Elects New Officers & Directors

**M**AA's annual meeting and election of officers were held on Tuesday, November 30, 2010 at Ken's Steak House in Framingham, MA. This is the most important meeting of the year. Attendees were able to cast their vote for next year's MAA board.

### Election of Officers

The following slate of officers and directors were elected for 2011:

#### President

Dick Stoner, MCA  
Stoner Trees & Shrubs  
Sherborn, MA

#### Vice President

Mike Maley, MCA  
Cedar Lawn Tree Service  
Ashland, MA

#### Secretary/Treasurer

John Terault, Jr., MCA  
Asplundh Tree Expert  
Co., Inc.  
Shutesbury, MA

#### Past President

Mike Lueders, MCA,  
MCLP  
Lueders Tree &  
Landscape  
Medfield, MA

#### MCA Representative

Natascha Batchelor, MCA  
Davey Tree Expert  
Company  
East Falmouth, MA

#### Directors

Greg Mosman, MCA  
Boston Parks &  
Recreation  
Boston, MA  
Richard Herfurth, MCA  
Bartlett Tree Experts  
Lyndeborough, NH  
Marc Hansen, MCA  
Maltby & Co., Inc.  
Stoughton, MA



**MAA Board of Directors** Front row (l-r): Vice President Mike Maley, MCA; President Dick Stoner, MCA; Past President Mike Lueders, MCA, MCLP Back row (l-r): Director Greg Mosman, MCA; Director Richard Herfurth, MCA; MAA Executive Director Virginia Wood; Secretary/Treasurer John Terault, Jr., MCA; Marc Hansen, MCA.



At the November 30 meeting, the MAA's prestigious VISTA award was presented to Jim Abusamra, MCA of Hartney Greymont, Inc. in Needham, MA. The award was presented by Jim's friend and colleague, Will Maley, MCA of Cedar Lawn Tree Service in Ashland, MA (pictured l-r: Will Maley, MCA ; Jim Abusamra, MCA).

### PRESIDENT'S MESSAGE



**T**he Massachusetts Arborists Association is one terrific organization because arborists are great people. Our board of directors, committees and staff have been very active keeping our education, services, and programs moving forward. We have always

been about learning, growing, collaborating, camaraderie and friendships formed that last a lifetime.

Looking at all the members who came to our last dinner meeting I noticed at least five past presidents. Most organizations would be thrilled to see one or two so this in itself is a testament to all that is good about our special club of arborists we call MAA.

The last year or two has seen positive growth and enthusiasm in participation at all levels from dinner meetings to *Safety Saves*, New England Grows, and special seminars. Our member renewal level is higher than any other organization I have heard of. With the first year of our new approach to Arbor Day of Service we found a way to impact so many more communities and people. As we discovered, we also received more recognition, publicity and goodwill for arboriculture and our member companies than I remember from any one event. I'm already looking forward to doing it again this April and I know you are too!

To complete our association's mission we are fortunate to be able to rely on a dedicated group of volunteers for board and committee positions. I think if you asked them they would each tell you that as a result of the time donated they receive a

*continued on page 2*

*The Massachusetts Arborists Association is a professional trade organization that serves the commercial arboriculture industry. The MAA advances the goals of its members through education, certification, networking, advocacy, research support and promotion of the value of arboriculture to the public.*

**President**

Mike Lueders, MCA, MCLP  
Lueders Tree & Landscape Co., Inc.  
Medfield, MA  
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**Vice President**

Dick Stoner, MCA  
Stoner Trees & Shrubs  
Sherborn, MA  
stonertrees@verizon.net

**Secretary/Treasurer**

Mike Maley, MCA  
Cedar Lawn Tree Service  
Ashland, MA  
mike@cedarlawn.com

**Past President**

Chris McGinty, MCA  
Town of Framingham  
Framingham, MA  
Chris.McGinty@framinghamma.org

**MCA Representative**

Dennis Panu, MCA  
Dennis Panu, Arborist  
Thompson, CT  
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**Directors**

John Terault, Jr., MCA  
Asplundh Tree Expert Co., Inc.  
Shutesbury, MA  
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Greg Mosman, MCA  
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www.MassArbor.org


## President's Message

*continued from page 1*

great deal of satisfaction, friendship and knowledge that has furthered their career and life. To help us accomplish all of the ideas we have, we are privileged to have the very competent, caring and committed staff at M.V. Wood Company in our corner every day. Their day-to-day focus keeps our programs rolling and finances in order so that the MAA thrives. With their presence, Dick Stoner as incoming President, our great volunteers, and members, we are well positioned for the year ahead.

The economy shows signs of turning but in the meantime here is some great advice passed to me during the 1990 recession by an arborist with far more experience than I had: "Arborists are survivors; we adapt ourselves to do what it takes no matter what the situation unlike any other profession I have seen." Sounds a little bit like what it takes to climb a tree!

Thanks for the chance to be involved. See you at the next event.



Michael E. Lueders, MCA, MCLP  
MAA President

## In Memoriam



### Edward F. "Red" Maley

1927-2010

**Edward F. "Red" Maley** — a longtime MAA member, Past MAA President, and Co-Founder of Cedar Lawn Tree Service in Ashland, MA — passed away on October 21, 2010 with his devoted family at his side following a period of declining health.

Red is survived by his beloved wife of 52 years, Marie (Weeks) Maley of Holliston, as well as seven children (including MAA members Mike and Will Maley of Cedar Lawn Tree Service) and 12 grandchildren.

He served his country proudly during World War II with the United States Navy. For many years, he was associated with Taylor and Cox Tree Service of Cochituate as an Arborist. In 1953, he co-founded Cedar Lawn Tree Service of Ashland.

Red will be remembered as an honest and hardworking man who was an expert in the care and knowledge of trees, and for his devotion to his family.

*Memorial donations may be made to the Learning Center for the Deaf, 848 Central Street, Framingham, MA 01701.*



### Kenneth E. Tripp

1919 - 2010

**Kenneth E. Tripp, MCA Retired**, died on July 5, 2010 in the Franklin Skilled Nursing Center in Franklin, MA.

For 31 years, Ken served as Tree Warden for the Town of Norfolk. He was also the owner of Ken Tripp Tree and Landscape, Inc. in Norfolk, which he founded in 1956.

Ken was a World War II United States Army Veteran, where he served as a Medic in the European Theatre.

He and his wife of 64 years, Anne T. (Butterfield) Tripp, were avid travelers. They had traveled to every state in the Union and to Japan, China, New Zealand, Iceland, Spain, Italy, and Austria.

He is survived by three of his children, and was the devoted grandfather of six grandchildren and two great-grandchildren.

## Welcome New MCAs

*Congratulations to the following individuals who successfully completed the October 7, 2010 Massachusetts Certified Arborist exam:*

Zachary Bolles, MCA Hartney Greymont, Inc. Needham, MA	Nathan Harlow, MCA Harrison & Associates, Inc. Norfolk, MA
Michael D. Cohen, MCA Hartney Greymont, Inc. Needham, MA	Herbert Landmann, MCA The Davey Tree Expert Co. Sterling, MA
Jesse Dennett, MCA The Davey Tree Expert Co. Glendale, RI	Doak Marasco, MCA The Davey Tree Expert Co. Altoona, PA
Michael Dineen, MCA Landscape America, Inc. Wrentham, MA	Damien McClory, MCA Hartney Greymont, Inc. Needham, MA
James Flynn, MCA Hartney Greymont, Inc. Needham, MA	Rawson Randlett, MCA White Horse Lawn and Tree Plymouth, MA
Nicholas Giorgio, MCA Hartney Greymont, Inc. Needham, MA	Paul Riley Smith, MCA The Davey Tree Expert Co. Sharon, MA
David Golon, MCA Wonderland Tree Care Oyster Bay, NY	Lawrence Sortwell, MCA Mayer Tree Service, Inc. Essex, MA
Elizabeth Hammond, MCA The Davey Tree Expert Co. Princeton, MA	Jason Weksner, MCA Hartney Greymont, Inc. Needham, MA

## Important MCA Information

- **MCA Prep Course** — North Shore Community College in Danvers is offering a class in Urban Tree Care taught by Professor James Liacos. The course is designed to help prepare individuals who are planning to take the Massachusetts Certified Arborist exam. The course offers an overview of modern arboriculture and follows the MCA CD *Study Guide*. It will be held on Fridays from 11:30 AM to 2:00 PM beginning on January 28, 2011. You can register online at [www.northshore.edu](http://www.northshore.edu). The course is listed as Urban Tree Care 2 (HRT 202 sec. R1) and the CRN number is 15832. For further information please contact Prof. James Liacos at 978-762-4000 x1535 or at [jliacos@northshore.edu](mailto:jliacos@northshore.edu).
- 2010 recertification tally sheets (RTS) are due no later than February 15, 2011. If you need an RTS form you can download one from the MAA website, [www.MassArbor.org](http://www.MassArbor.org).
- If you are a dues-paying member of the MAA, the fee to recertify is included in your annual dues. If you are not a member, you must remit the \$50 administrative fee with your tally sheet.
- **Late Fee** — a \$25 administration fee will be assessed for RTS forms received after March 30.
- Incomplete tally sheets will be returned to the sender. Please make sure you have covered all minimum requirements (e.g. safety, education, etc.).
- Two New England Grows conference sessions are approved for 2011 MCA safety credits. Both are offered on Friday, February 4, 2011. They are: "Harnessing the Power of Cranes for Large Tree Removal," with Todd Kramer of Kramer Tree Specialists in West Chicago, IL, and "Advanced Climbing & Rigging Techniques," with Mark Chisholm of Aspen Tree Expert Co. in Jackson, NJ.

## Arborists Join Gordon King for a Day of Friendship and Work

On October 30, 2010, former students, friends and colleagues gathered together in Leverett to help a friend: UMass Professor Emeritus Gordon S. King. Gordon, age 93, had asked for some help with selectively thinning his infamous Christmas tree and blueberry farm. Many donated their time and equipment to help Professor King work on the 35-acre parcel of land that he has donated to the Town of Leverett. Gordon made the request, and it was relayed to other alumni in the "Doc King fan club" by Richard Herfurth, Bob Maltby, and Dennis Ryan. It was an enjoyable day for all!

Pictured at right are some who gathered for an after-lunch photo (left to right): Robert H. Davis, '54; Carl A. Cathcart, '59; Robinson Whitaker, '73; Prof. Gordon S. King; Charles L. Allaire, '75; James E. Mulcahy, '60; George S. Markarian, '74; Charles E. Reneau, '70; Richard A. Herfurth, '82; Matthew R. Foti, '76; Prof. Brian Kane; Robert S. Maltby, '74; Warren L. Spinner, '76; Alan W. Snow, '90.



Also participating but not in this photo were: Laura Baldracchi, '75; John Cauley; Karen Doherty, ISA NEC; Andrew W. Felix, '83; David C. Hawkins, '80; Thomas F. Houson, '67; John R. Kelly, '82; Brian Maltby, '07; H. Dennis P. Ryan, '68; Steven W. Spencer, '75.

### **Mark Garvin named President of TCIA**

Mark Garvin, has been named the new President of the Tree Care Industry Association. The decision follows an extensive executive search. Garvin had worked as interim president for the association prior to the announcement. He has been in the industry and the association for many years, and has demonstrated his ability to execute strategic initiatives and to strengthen the industry's voice politically. Congratulations.

### **Tree Tech Opens Satellite Office in Marshfield**

After 24 years of successful operation out of Foxboro, Massachusetts, Tree Tech Inc. recently announced the opening of a satellite office in Marshfield. Located in the heart of Boston's South Shore, this new location will allow the company to improve efficiencies and better serve its expanding customer base. Tree Tech's corporate headquarters will remain in Foxboro. The company currently employs 75 people.

### **U.S. small business loans jump**

A surge in borrowing by small businesses can be an indication for the broader economy, because small firms account for as much as 80 percent of new U.S. hiring. According to data released by PayNet, small U.S. businesses stepped up borrowing in September suggesting the recovery is gaining steam even before the Federal Reserve Bank embarks on an expected new round of monetary stimulus. The Thomson Reuters/PayNet Small Business Lending Index, which measures the overall volume of financing to U.S. small businesses, rose 16 percent in September from a year earlier, PayNet said. The index rose 15 percent in August, and is now at the highest level in almost two years. Small businesses typically use the loans PayNet tracks to buy new equipment, and eventually they will need to hire people to operate it, said William Phelan, PayNet's president and founder.

### **Recall**

Anchor Bridge Ropeworks, Inc. is calling for the immediate cessation of use of the Anchor Bridge Replacement Rope Bridge (part# ABR 7110). This product has been included on Weaver Cougar Harnesses, model numbers 08-01075 (with leg loops) and 08-01076 (with batten seat), since January of 2010 or may have been purchased as a separate unit from local arborist supply shops. The unit has a red core and a solid black sheath covering the core, with white whipping at the throat of the eye splices. The company became aware of a single product failure that occurred within normal use of the product. While it did not result in injury to the climber, the isolated incident suggests a problem with the long-term structural integrity of this product that has the potential to result in injury if the rope bridge is not immediately pulled from service. Please contact Rich Hattier at (216) 276-1581 if you have questions, or contact the arborist supply store where the harness was purchased.

### **SavATree Acquires DeerTech**

SavATree, a provider of tree, shrub and lawn care services, has announced the acquisition of DeerTech, a deer deterrent solutions company that serves residential and commercial customers throughout New York, New Jersey, Connecticut, Pennsylvania and Delaware.

### **Emerald Ash Borer found at the Morton Arboretum in Lisle, IL**

EAB was found in four trap trees at the Morton Arboretum in November. The trees were at three arboretum locations, all in non-public areas. The Arboretum was not surprised, as EAB had earlier been found in several communities surrounding the Lisle tree museum. The infested trees were removed, and staff will continue to monitor for any additional signs of the insect.

### **Stockbridge School of Agriculture to host Career Fair**

The school's 14th annual Career Fair will be held on Tuesday, February 8, 2011 from 9:30 a.m. – 1:00 p.m. in the Campus Center Auditorium on the UMass Amherst campus. For more information call (413) 545-3305.



MASSACHUSETTS ARBORISTS ASSOCIATION  
**ARBOR DAY of SERVICE**

**A**rbor Day of Service in 2010 was a huge success with more than 40 communities being served by MAA member volunteers. We expect nothing less for 2011. While the date seems far off — April 29, 2011 — we all know that time flies! Please visit MAA's website, [www.MassArbor.org](http://www.MassArbor.org), and click on "Arbor Day," then click "Learn More." Use this link to check out the many worthwhile projects that are currently listed, post your own project idea, or update a project from the previous year. Start thinking about your Arbor Day of Service plans now. The MAA members who participated last spring all agreed it was a great experience.

Here's a sampling of project ideas you'll find when you visit the MAA *Arbor Day of Service* web page:

Camp Norse Kingston, MA	Forbes Street Community Garden Jamaica Plain, MA
Dell Park Cemetery Natick, MA	Woodhaven Senior Housing Sherborn, MA



# New England Grows 2011

*Find Great Deals, Business Solutions & Education at New England Grows*

On Wednesday, February 2 – Friday, February 4, 2011, New England Grows is coming to Boston with great deals, business building ideas and innovative horticultural solutions. The three-day event will be held at the Boston Convention & Exhibition Center. MAA members are encouraged to register at [www.NewEnglandGrows.org](http://www.NewEnglandGrows.org) before January 15, 2011 to save 30% on admission. There is also a group discount offered before January 15, whereby if you sign up four or more people from the same company (at the same time) you will be charged just \$30 per person.

These registration discounts are just the beginning of the cost-savings and great deals available at New England Grows. The world-class exposition will feature a wide range of the latest products, resources and solutions for every green industry segment, including show specials found only at Grows.

“With more than 600 exhibiting companies, New England Grows is the perfect place to connect with suppliers, capitalize on great deals, and take advantage of a shortened buying cycle to move your business ahead,” said New England Grows president, Jim Abusamra, MCA of Hartney Greymont in Needham, MA.

More than 30 educational seminars will be offered and many provide valuable continuing education credit from the Massachusetts pesticide bureau, as well as MCA, MCLP, APLD, LA CES, NOFA, ISA and CTSP. Here is a sampling of educational seminars that are sure to be of interest to MAA members:

- IPM & EAB: The Straight Scoop, *Michael J. Raupp, Ph.D., University of Maryland, College Park, MD*
- Harnessing the Power of Cranes for Large Tree Removal, *Todd Kramer, Kramer Tree Specialists, West Chicago, IL*
- Suburban Force: What Really Brought Americans to the Suburbs & Why it Matters Now More than Ever, *John Stilgoe, Harvard University, Cambridge, Massachusetts*
- New Pests, New Strategies: Invasive Insect Species in the Northeast, *Robert D. Childs, UMass, Amherst, MA*
- Advanced Climbing & Rigging Techniques, *Mark Chisholm, Aspen Tree Expert Co., Jackson, NJ*

## *New this year!*

The MAA will have an educational kiosk at the new Welcome Center and Garden Café located between the escalators on the tradeshow floor (where the bookstore was located last year). This is a great spot to take a break and check in with other MAA members. Check out the volunteer registration form to find out how you can help spread the word about working with MCAs and the many benefits of MAA membership. You can also earn MCA credit.

Everything there is to know about New England Grows can be found at [www.NewEnglandGrows.org](http://www.NewEnglandGrows.org), or by calling (508) 653-3009.

*The MAA is a proud partner of New England Grows. Educational grants from New England Grows help support the MAA's consumer outreach and industry education activities.*

### **Expo & Seminar Hours**

#### **Wednesday, February 2**

Seminars: 9:00 a.m. – 3:30 p.m.  
Exposition: 10:00 a.m. – 5:00 p.m.

#### **Thursday, February 3**


Seminars: 9:00 a.m. – 3:30 p.m.  
Exposition: 8:00 a.m. – 5:00 p.m.

#### **Friday, February 4**

Seminars: 9:00 a.m. – 3:30 p.m.  
Exposition: 8:00 a.m. – 3:00 p.m.

### **Join New England Grows on Facebook & Twitter!**

 Become a fan of New England Grows. Follow us and connect with our growing community of green industry colleagues, gurus, innovators, and thought leaders on industry news, issues and trends.

 Follow New England Grows on Twitter for real time alerts, useful reminders, and quick tips to help you get the most out of your New England Grows experience. Hashtag #Grows2011.

## Volunteer at New England Grows

As always, MAA will have a presence on the trade show floor. This year, our educational kiosk will be located at the new Welcome Center and Garden Café at the front of the tradeshow between the two escalators. All four founding partner organizations (MAA, MLP, MNLA and NENA) will be stationed here and it will be a great spot for members to meet up and network. It's also a great place for green industry professionals to ask questions about our association. For this, we need your help. We're looking for MAA member volunteers to staff the new educational kiosk. In addition to greeting people who stop by to learn about MAA, we'd also like volunteers to educate other green industry professionals about the benefits of working with Massachusetts Certified Arborists; to attract potential employees to our industry; and to highlight the benefits of MAA involvement.

If you can spare a couple of hours at New England Grows, we could really use your help. Please complete the Volunteer Form and fax it to the MAA office at (508) 653-4112 no later than December 29, 2010. You may also e-mail your preferred time slots to [info@MassArbor.org](mailto:info@MassArbor.org). Booth volunteers will receive 1 MCA recertification credit to add to their 2011 RTS.



## NEW ENGLAND GROWS

Wednesday, February 2 – Friday, February 4, 2011

Boston Convention & Exhibition Center – Boston, MA

The following time slots are available for MAA booth staffing. Please indicate your top three choices below. We will send confirmation of your assignment prior to the event.

### Wednesday, February 2, 2011

- 10:00 AM – 12:00 PM
- 12:00 PM – 2:00 PM
- 2:00 PM – 4:00 PM
- 3:00 PM – 5:00 PM

### Thursday, February 3, 2011

- 8:00 AM – 10:00 AM
- 10:00 AM – 12:00 PM
- 12:00 PM – 2:00 PM
- 2:00 PM – 4:00 PM
- 3:00 PM – 5:00 PM

### Friday, February 4, 2011

- 8:00 AM – 10:00 AM
- 10:00 AM – 12:00 PM
- 12:00 PM – 2:00 PM

NAME		
COMPANY		
ADDRESS		
CITY	STATE	ZIP
PHONE	FAX	E-MAIL

My top three choices for staffing the MAA Booth at New England Grows are:

#1. Date: \_\_\_\_\_ Time: \_\_\_\_\_

#2. Date: \_\_\_\_\_ Time: \_\_\_\_\_

#3. Date: \_\_\_\_\_ Time: \_\_\_\_\_

*New England Grows booth volunteers receive 1 MCA re-certification credit for 2011.*

***Thank you for your support!***

MAA  
 8-D Pleasant Street South • Natick, MA 01760  
 (508) 653-3320 • FAX (508) 653-4112  
[info@MassArbor.org](mailto:info@MassArbor.org)



the ultimate green industry experience

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January 15  
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**Wednesday  
February 2**  
10:00 a.m. – 5:00 p.m.

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February 3**  
8:00 a.m. – 5:00 p.m.

**Friday  
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8:00 a.m. – 3:00 p.m.

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New England Grows is produced by the industry, for the industry.

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Massachusetts Association of Landscape Professionals  
Massachusetts Nursery & Landscape Association ... and a network of more than 30 allied green industry organizations.



# The Beacon Hill Report

By Stephen A. Boksanski  
MAA's Legislative Agent



## Legislative Environment

Beacon Hill continues to chug along but only non-controversial matters that require unanimous consent to move forward such as congratulatory resolutions, local (home rule) petitions are moving.

During these informal sessions, which are held twice each week, any individual member has the ability to shut the proceedings down by doubting the presence of a quorum or they can halt the progress of a piece of legislation by objecting. Since all matters need to be approved unanimously, the individual legislator possesses unusual power at this time. Republican members of the House and Senate have used these times to their advantage and have scuttled efforts to pass legislation relative to the siting of land-based wind energy projects and changes to the welfare fraud laws. These bills have been languishing for varied periods of time and it doesn't appear that they will be moving anytime soon. Informal sessions will continue throughout the calendar year.

## Legislative Calendar

All duly elected members of the House and Senate will be sworn-in on the first Wednesday in January and their first order of business is to elect a leader for each branch. After this, freshmen members will be provided with temporary office space until the returning incumbents have had their office and staff requests filled. Then, the newest members will have to fight for what is left over which generally isn't very much.

The bill-filing deadline for the new session is the third Friday in January 2011. This date was changed two years ago to accommodate incoming members and give them an opportunity to file legislation that would be processed with the initial round of petitions. Legislators can file bills at any time during the session but anything filed after the 21st of January will be considered a late file. Late file bills have to take an extra step before being sent to committee for a public hearing and the longer it takes to get filed, the tougher the challenge to catch up in the process. This challenge becomes more and more difficult as it gets later and later into the two-year term.

Committee and leadership assignments are usually announced in mid-February and public hearings begin in late March or early April. The Governor is required to file his budget by the end of January and the House generally finishes its budget deliberations before the end of April. The Senate goes through the same process during the month of May. The state's fiscal year begins July 1st so every effort is made to send the Governor a compromise budget before that date.

Committee activity generally picks up in May and June, slows a bit in July but then ramps up again in September for a stretch leading up to the end of the first year in late November.

Given the number of new members in the House and Senate, along with a substantial budget gap, we expect the focus to center of revenues and spending. Gambling legislation is also likely to be front and center as it holds the promise of jobs and revenues, although these benefits will not be realized immediately. These issues will delay virtually all others and committee activity is likely to be slow until these issues are resolved.

## A Call to Action

As the legislative process begins anew in January, it creates an opportunity to become engaged in the process and for members to step up and be heard. Each and every member can help to educate and inform their legislators about what is important to them as business people and as constituents. This can be accomplished in a variety of ways such as attending office hours, attending a local fund raising event, participating in Massachusetts Agriculture day or the Green Industry Alliance lobby day. The key is to develop a network of legislators who know and appreciate members of the MAA, and what is important to them from a state government perspective. Legislators listen to their constituents but they can only do that if the constituents are talking to them. So, make a stand for your business and industry and make a point to introduce yourself to your state representative and senator. You just might be surprised with the response.

# Surviving Hard Times: *Learning from the Great Recession*

By John Hushagen

*This article originally appeared in the November 2010 issue of Tree Care Industry Magazine. It is reprinted with the permission of TCIA and the author, John Hushagen.*

As with a lot of you reading this article, I started my tree care company in 1987 with little or nothing except a desire to work for myself and to take care of trees. Despite the normal ups and downs, my company grew steadily, adding employees and equipment as needed until by the early 2000s we were one of the largest tree care companies in the greater Seattle, Washington area.

In 2004, I bought out another tree service and fulfilled a long-term goal of creating a satellite office so we could more efficiently serve our spread-out clients. Also like many of you, we cashed in and grew as American homeowners pulled more than \$2 trillion dollars out of their increasing home values between 2002 and 2007 and spent some of it in our direction.

Then came the big crash of 2008. But it wasn't until spring of 2009 that I realized how badly business revenue was falling and how badly we were bleeding. One day I pulled all my employees together and leveled with them about how bad things were. I told them that sales were way off as folks were holding back on their normal discretionary spending on tree work and that we would need to cut operating costs, or we would not survive. I told them that my first act was to cut my pay by 30 percent, and added that at that time I would be keeping their wages stable, but I would be requiring them to cost share in health insurance premiums and workers' compensation payments. I worked with my accountant to figure out how far we were from breaking even each month, and I pleaded with the banks for a temporary suspension of monthly equipment payments.

Now, nearly 18 months later, we are still standing and I am thankful every day for the business we have. A year and a half ago, as with millions of other Americans, I had denial about how bad the economy was or would become. Now I know the reality. From the unsustainable high-water mark of 2007, our gross revenue is off 57 percent. This year we are on pace to reach the same level of income as we had in 2003 — with substantially higher fixed- and break-even costs than seven years ago.

## What have I learned from this?

1. Take care of your employees, as they are your greatest asset. We can have all the shiny new trucks and equipment that money can buy, but if we don't have loyal, competent and trustworthy employees who leave the shop, do a day's work and come home safely — day in and day out — then we might as well park everything or sell it to the highest bidder. At my company, this economic collapse has generated even more of a sense that we are all in this together.
2. Take care of your long-time clients. When the phone stopped ringing, we started tracking every call to see where the lead came from. Consistently, as much as 80–85% of all the calls for estimates are coming from past clients.

Work on providing even better customer service. Try to have a live person answer the phone so that a request for a proposal appointment can be made with one phone call. Return that phone call or e-mail within a few hours, if possible, and push for a face-to-face appointment rather than a drive-by visit. With prices dropping to sometimes late-'80s levels, we need to do everything we can to separate ourselves from the lowball operators.

3. Write and send a periodic newsletter, and target certain zip codes if you can't afford a larger mailing. Write about pertinent tree care topics (I've even written about earth-worms and mulching, and growing extra food for the food banks) and let them know that you are still out there taking care of trees. In uncertain times, people are more likely to stick with a known entity rather than shop for a cheaper price in the increasingly useless yellow pages world.
4. Be fiscally conservative with spending. When we were having big year after big year, I did buy some new trucks, but I bought a whole lot more *used* trucks and chippers. Had my equipment debt load been twice what it was when the bottom fell out, I doubt I would have survived.
5. Finally, if you are a spiritual person, take time now to give thanks to whatever "higher power" you acknowledge for your health, your family's health, your employees' well-being, and for the opportunity to operate a business that makes the urban environment a better place to live and work. My Norwegian, Lutheran mother, who survived the REAL Great Depression taught me that "you reap what you sow." Her words were never more spot on.

For those wandering around talking about how everything will be better when the economy "comes back," here is some breaking news: IT'S NOT COMING BACK! How things were going in 2002-2007 was driven by greed and gambling and was totally unsustainable. We benefitted and bought a lot of stuff, but the "bubble" that drove the engine was bound to burst. The sooner we accept that, and make peace with that, the sooner we can adjust to this new reality. The "great re-set," as some have called it, was coming for a long time, and despite the pain many are dealing with, there will be positives on the other end.

For the tree care industry, the new model will have less land clearing and more tree planting, fewer removals for house additions and more pruning for solar power access. We will see good times again, but it will take awhile to get there. Keep doing the right things that got you to this point and be ready, open, and flexible for what comes next.

*John Hushagen is owner/president of Seattle Tree Preservation, Inc., and has been an arborist since 1980. He is a past PNW ISA president and ISA International Board Member. He currently represents ISA on TCIA's Z-133 Accredited Standards Committee.*

# Massachusetts Significantly Amends Criminal Background Check Law: Implications For All Employers

By William E. Hannum II of Schwartz Hannum PC, Andover, MA

Massachusetts Governor Deval Patrick recently signed a law that significantly changes many employers' obligations with respect to criminal background information obtained from applicants for employment, current employees and volunteers. One of the stated goals of the law is to make it easier for job applicants with criminal convictions to get a "foot in the door." However, the law also preserves an employer's right to make decisions based on an applicant's criminal record. While the law will not take effect primarily until 2012, one important change became effective on November 4, 2010.

## Many Employers Will Need to Revise Job Applications

Effective November 4, 2010, many employers will no longer be permitted to inquire about *any criminal history information* on initial job applications. Previously, employers were generally permitted to inquire into convictions for felonies and certain misdemeanors through job applications. The new law amends Chapter 151B of the Mass. General Laws (Massachusetts' anti-discrimination statute) to prohibit such inquiries.

The law does not prevent any employer from *making decisions* based on an applicant's criminal history; however, many employers will now be required to obtain the information from a source other than the initial job application. Thus, employers may continue to obtain criminal background checks regarding applicants who have received conditional offers of employment; but the method for obtaining such information must change.

There are a few exceptions to this blanket prohibition. For instance, employers that are subject to a state or federal law restricting the employment of individuals who have been convicted of certain crimes may continue to inquire about criminal histories on initial employment applications. Thus, employers such as schools, long-term care facilities, and day-care providers that work with vulnerable communities will likely fall under this exception and may continue to use the job application to obtain criminal history information. These employers must continue, however, to limit the job application inquiry to convictions for felonies and certain misdemeanors, and may not inquire into arrests that have not resulted in a conviction. **In addition, employers with fewer than 6 employees are not subject to Chapter 151B.**

## Changes to the CORI System

Massachusetts will continue to provide a state-run information system allowing access to criminal offender records information ("CORI"). However, the law imposes several changes to the CORI system, which will be effective in 2012.

The law creates a new state agency called the Department of Criminal Justice Information Systems (the "Department"). The Department will be responsible for maintaining a CORI database and providing access to employers to the CORI database. The Department will replace the Criminal History Systems Board, which currently has responsibility for the CORI system. The Department will be responsible for creating online access to the CORI database, which should allow faster access to CORI reports.

*continued on page 11*

## CALENDAR OF EVENTS

### February 2-4, 2011

New England Grows!  
Boston Convention & Exhibition Center  
Boston, MA  
[www.NewEnglandGrows.org](http://www.NewEnglandGrows.org)

### February 8, 2011

Stockbridge School of Agriculture Career Fair  
9:30 AM – 1:00 PM  
Amherst, MA  
(413) 545-3305

### March 29, 2011

MAA Safety Saves Seminar  
1:00 PM – 4:00 PM  
Climbing Safe: The Latest Tools & Techniques  
MHS Elm Bank  
Wellesley, MA  
[www.MassArbor.org](http://www.MassArbor.org)

### March 29, 2011

MAA Dinner Meeting  
5:00 PM  
ALB: The Latest from Worcester & Boston  
With Clint McFarland, USDA ALB Eradication  
Director  
Ken's Steak House  
Framingham, MA  
[www.MassArbor.org](http://www.MassArbor.org)

### April 26, 2011

MAA Dinner Meeting  
5:00 PM  
Ken's Steak House  
Framingham, MA  
[www.MassArbor.org](http://www.MassArbor.org)

*All MAA educational events are approved for MCA recertification credit, and online registration is available a few weeks prior to the event.*

## Welcome New Members

*The MAA would like to welcome the following new members:*

Eric Coelho Atlantic Tree Care Plympton, MA	Quentin Nowland Lynch Landscape and Tree Service, Inc. Wayland, MA
Andrew DeSantis City of Chelsea Department of Public Works Chelsea, MA	Richard Weden Corcoran & Havlin Insurance Group Wellesley, MA
John Field John W. Field Tree Service Inc. Southfield, MA	Christopher Weger, MCA Twin Landscaping, Inc. North Andover, MA
Michael J. Hickey M. J. Hickey, Inc. Wellesley, MA	

### **Changes Affecting Employers That Are Not Currently Required To Use The CORI System**

Beginning in 2012, all private employers will have access to CORI records through an online database. The online database will be accessible for a fee. Thus, many employers that are currently ineligible to access the CORI database will have the option of using the CORI system.

The law will limit the information that most employers may obtain through the CORI system to: (i) felony records for 10 years following the disposition of the felony, (ii) misdemeanor records for 5 years following the disposition of the misdemeanor, and (iii) pending criminal charges. Convictions for murder, voluntary manslaughter, involuntary manslaughter, and certain sex offenses will be available in the CORI database permanently. Significantly, the law will not affect the scope of the information available to employers that are required by law to run CORI searches on job applicants.

Notably, under the new law, employers remain able to make adverse employment decisions based on criminal history.

### **Additional Obligations Imposed On ALL Employers Relying on Criminal History Records**

Beginning in 2012, the law will impose new obligations on all employers that rely on criminal history records to make employment decisions. Presently, the applicability of these changes is somewhat unclear. Further guidance is expected soon by way of state-issued guidelines and regulations.

- Most employers will need to provide an applicant with a copy of the applicant's criminal record before questioning the applicant about the record.
- Most employers will need to provide an applicant with a copy of the applicant's criminal record before making an adverse decision based on the record (unless the employer has already provided a copy of the record to the applicant).
- Most employers will be required to maintain a written CORI policy stating the employer's procedure for use of criminal records.
- Most employers will be prohibited from retaining CORI records for more than seven (7) years after an employee's last date of employment, and from retaining an unsuccessful applicant's CORI record for more than seven (7) years from the date of the decision not to hire the candidate.
- Most employers will be required to limit and monitor the dissemination of CORI records, which may only be shared with employees who "need to know" the information, and to maintain a "secondary dissemination log" that details when and to whom the CORI information was given.

- Most employers will be protected from failure-to-hire claims based on erroneous information on a candidate's CORI record, and from negligent hiring claims if the employer relies on CORI records.

### **Next Steps for Employers**

We recommend the following next steps for compliance with the recent amendment:

- Each Massachusetts employer ought to determine whether it can lawfully inquire about criminal history information on the job application. This analysis can be complex. If the employer can lawfully inquire, then the language must be in perfect compliance with the law. If the employer cannot lawfully inquire, then the language must be omitted by November 4, 2010. Regardless, this is an ideal opportunity for each employer to update the job application form for both legal revisions and best practices developments.
- As the law requires a CORI policy for employers that will annually conduct 5 or more criminal background investigations, Massachusetts employers that currently do not have such a policy may want to begin development and implementation of such a policy.
- Employers in other states and multi-state employers may want to use the new Massachusetts law as a reminder to update their employment applications for recent federal and state law changes as well as best practices developments.
- The Firm recommends that non-profit employers consider how this law may affect their volunteer policies and practices — with respect to screening of criminal records and related issues with volunteers.
- Finally, the Firm recommends and provides a complete compliance package that includes policies for requesting authorization from applicants, volunteers and employees to obtain criminal background information, the disclosure and authorization forms required by law, and guidelines for relying on criminal background information. The Firm provides compliance packages for employers that currently use the Massachusetts CORI system, as well as for employers that currently use private consumer reporting agencies.

*Please contact Will Hannum directly if you have any questions regarding revising your job application, or any other questions about the new law. He can be reached at (978) 623-0900 or at [whannum@shpclaw.com](mailto:whannum@shpclaw.com).*

*The information contained in this article is general in nature and is not offered, and should not be construed, as legal advice with respect to any specific matter.*



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**DECEMBER 2010**