

## Whither Parks?

Should not the City spend more time, energy and money on dangerous conditions in the Parks before building concrete bike lanes, plazas and pushing the Congestion Tax?



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### Crews ignore 'dangerous' trees in Central Park

By KATHIANNE BONIELLO

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Trees labeled by the Central Park Conservancy as dangerous often go untended for months, sometimes with deadly results, records obtained by The Post show.

In one case, a pest-infected tree on the verge of dropping heavy branches onto a pedestrian walkway was slated for removal -- twice -- but nothing was done. In February, seven months after the initial warnings, a limb from the tree struck and killed an Albanian immigrant, Elmaz Qyra.

The unheeded warnings are documented in a voluminous database -- provided only grudgingly after weeks of questioning by The Post -- of 13,867 Central Park trees. The conservancy, a private organization tasked by the city with maintaining Central Park, "didn't even have to give you this report," a Parks Department spokeswoman said. Yet taxpayers will shoulder the cost of the multimillion-dollar lawsuits filed in the two deaths and two serious injuries that have occurred in the park because of falling tree limbs in the past 13 months.

The first major incident happened in July 2009, when Google engineer Sasha Blair-Goldensohn was hit by a 100-pound oak limb, suffering brain and spinal-cord damage. Conservancy records show that tree had been inventoried in December 2007, but no inspections or work on the tree were recorded until after he was injured.

The accident reversed what had been a trend of the conservancy spending less and less on tree maintenance. Funding for care had dropped to \$282,450 in the fiscal year ending June 2009, from \$472,352 two years before. It jumped back up to \$386,698 in the fiscal year ending in June. From July 2008 to June 2009, meanwhile, the conservancy performed 3,941 maintenance tasks on its trees, records show. In the year after Blair-Goldensohn's injury, the number of maintenance tasks soared to 14,245.

But the efforts didn't prevent a limb from falling near the Central Park Zoo in June and killing 6-month-old Gianna Ricciutti and severely injuring her 33-year-old mom, Karla del Gallo.

The conservancy says that particular tree isn't its responsibility -- even though it catalogs dozens of trees in the same area. A conservancy spokesman says it falls under the auspices of the Wildlife Conservation Society, the zoo's operator. The society, also a private entity, didn't respond to requests for comment.

Alan Shapey, the lawyer representing Qyra's family in a wrongful-death suit, says the conservancy doesn't do enough to ensure the public's safety.

"The CPC does not assess the structural integrity of trees and branches overhanging paved pedestrian pathways to determine if they pose a hazard to pedestrians," he said.

"Caring for trees is one thing. Evaluating them to determine if they pose a hazard to pedestrians is something else entirely and requires a risk assessment by a trained arborist."

Conservancy officials and park managers have been quick to label the deaths and serious accidents as "acts of nature" -- but have been slow to give details on tree maintenance.

The conservancy's records, for instance, say the American elm that killed Qyra was a "Priority 1" problem. Other trees are tagged as needing "immediate action" or "attention required."

Parks Department officials and the conservancy say the designations are meaningless.

The conservancy has used a computer tracking program called TreeWorks for three years but is still in the process of "implementing it," spokesman Scott Johnson said.

"It's a factory preset -- we don't use 'Priority 1' or 'immediate attention,' " he said.

The terms "are simply defaults in the software on a field that is not filled out" by the conservancy, said Parks spokeswoman Vickie Karp. "It's misleading that those fields are there at all."

That's small comfort to the Qyra family, Shapey said. "We'll see if a jury understands the meaning of 'Priority 1' and 'immediate attention,' " he said.

Even when the conservancy tends to a troubled tree once, it doesn't revisit the problem for months.

On May 31, Queens resident Roberta Colores-Martinez's skull was crushed by a falling limb near the Central Park Boathouse.

The conservancy had pruned the oak in September 2009 and declared it a Priority 1 but didn't record any further work on it until nine months later, after the 52-year-old woman suffered serious brain injuries.

"Their failure to timely inspect and maintain the tree . . . directly resulted in severe injuries to our clients," lawyer Andrew Smiley said.

Karp insisted the park's trees are well maintained.

"Every tree is inspected on a four-year cycle," she said. "Their standards and upkeep are exceptionally high. Unfortunately, nature is unpredictable, and limbs can fall even from healthy and well-pruned trees."

The Central Park Conservancy, whose role as park manager was made official in 1998, employs 80 percent of the maintenance staff and provides the majority of the \$25 million annual budget through fund raising. While the city provides some direct funding for Central Park's capital projects, it also pays the conservancy \$4 million to \$6 million in management fees annually.

Geoffrey Croft of the watchdog group NYC Park Advocates noted that Central Park receives more care than any other green space in the city -- but that might not be enough.

"Clearly, we cannot have people getting hurt. There has to be much greater accountability," he said.

**Records provided by the Central Park Conservancy on 13,867 trees show it often takes months for the group to prune or remove trees that its own inspectors have labeled "Priority 1." The Conservancy says the designation is "meaningless."**

\* Metropolitan Museum

More than a dozen trees listed Priority 1 in October 2009, but no inspections recorded since

\* Strawberry Fields

Twenty months between recorded inspections or work on at least seven trees

\* Tavern on the Green

Two years or more between inspections for 20 trees

\* Literary Walk

Eleven trees designated Priority 1, but no recorded prunings for a year

\* Alice in Wonderland

One tree's first recorded inspection results in Priority 1 designation two years after inventory; two other trees' first recorded inspections come 10 months after inventory and result in Priority 1 designations

- Central Park Zoo

Work recorded on one tree 17 months after Priority 1 designation; other trees have no inspections recorded in last 15 months

### **Elmaz Qyra, 46**

The Brooklyn man was walking home from work on Feb. 25 when a snow-laden tree limb fell, killing him.

Tree: Signs of limb failure noted in August 2009; slated for removal in December 2009; removal ordered Jan. 13 but not carried out

### **Roberta Colores-Martinez, 52; Carmen Cardoso**

Picnicking on May 31 under an oak near the Central Park Boathouse. Colores-Martinez and relatives were posing for a photo when a limb snapped, crushing her skull and injuring Cardoso,

her adult daughter. Colores-Martinez had to have a metal plate inserted into her head.  
Tree: Pruned in September 2009, but not returned to after the winter

**Karla del Gallo, 33; Gianna Ricciutti, 6 months**

Mother and baby were posing for a picture under a tree near the entrance to the Central Park Zoo on June 26 when a limb broke, killing the infant and leaving del Gallo in a medically induced coma for weeks.

Tree: The Central Park Conservancy says the Wildlife Conservation Society is responsible for the tree. The society would not return calls, but conservancy records for trees nearby show several were left uninspected for nearly seven months before the tragedy.

**Sasha Blair-Goldensohn, 33**

The Google engineer was heading to work on July 29, 2009, when a 100-pound oak-tree limb fell and hit his head, leaving him with brain and spinal-cord damage.

Tree: Inventoried in December 2007; no record of pruning or action until Aug. 3, 2009

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