

The Tree Commission Meeting for the City of New Castle took place on January 4, 2010 at 5:30 p.m. in the City of New Castle's Town Hall.

Members Present: Chip Patterson, Chairperson
Susan Keyser, Co-Chairperson
Erv Thatcher
John Lloyd
Nancy Coning
Tom Truman
Fran Peden
Mark Miller

The meeting was called to order by Mr. Patterson at 5:35 p.m. Roll call was taken.

Approval of Minutes – Ms. Keyser made a motion to adopt the meeting minutes for 11/2/09 as amended and 12/7/09. Ms. Coning seconded the motion which was approved by unanimous vote.

OLD BUSINESS

Frank DiSabatino, 10 Baldt Avenue – This topic was on the 12/7/09 agenda. Members requested additional information and justification for removal of the swamp maple at the corner of the property near his driveway that is adjacent to a paper street. Members also wanted to know why he requested a Zelkova as the replacement for the swamp maple. Mr. DiSabatino informed that he has planted about 20 trees on the street. The swamp maple harbors box elder bugs and he has had it trimmed twice. The tree is old but is not dying. He would like to replace it with a Zelkova or a pin oak to remain consistent with what has already been planted on the street.

Ms. Keyser questioned if the Tree Commission plants trees on paper streets. Mr. Patterson said it is a City lot and it depends on where the replacement tree is planted. Mr. DiSabatino said the trees he has already planted are 6' back from the curb and the replacement tree would be consistent. Specifically he would like to have the new tree planted very near to where the swamp maple is now located. It would be 6' back and on City property. Mr. DiSabatino will pay to have the swamp maple removed but would ask the Tree Commission to pay for the replacement tree. *(Discussion about the City right-of-way followed.)* Mr. Thatcher added that there are no development interests for the paper street; the lot backs up to other houses in Van Dyke Village and a railroad track. As for asking the City to vacate the street, Mr. DiSabatino said he had considered this but after speaking with the City Inspector it was learned that all neighbors would have an opportunity to bid on the lot and he would like to see the lot remain open space. *(Ms. Keyser reiterated her concerns with planting a tree on a paper street. Additional discussion on this topic took place.)*

Mr. Miller noted that repetition of form creates beauty. Mr. Truman asked how close the driveway is to the paper street and Mr. DiSabatino said the edge of the driveway is near the line. There is not enough room to plant between the driveway and the

paper street. Mr. Patterson said that 6' off the curb tends to be the right-of-way for Baldt Avenue. The paper street is approximately 50' wide and there are no sidewalks in front of the houses.

Discussion turned to the type of tree to be planted. Zelkova trees have been found to cause problems and are not a desired replacement tree. The pin oak tree is more desirable. Mr. DiSabatino will be happy to have a pin oak planted or whatever this body decides upon. The Tree Ordinance requires that any planting or tree work needs to be done by the Tree Commission and not citizens. Donations to the Tree Commission towards the work are welcome. Mr. DiSabatino confirmed that he would maintain the replacement tree.

Mr. Thatcher made a motion to remove the swamp maple and plant another tree in its place. Ms. Keyser seconded the motion. The motion was adopted by unanimous vote.

Mr. Patterson recused himself as Chairperson and turned the meeting over to Ms. Keyser to address the next matter on the agenda.

Remediation Plan for 3rd and South Street Property – Commission members reviewed the remediation plan presented to them this evening. Ms. Regina Marini offered that she wants to work with the Tree Commission. The information that was provided last month was prepared and submitted after speaking with the City Inspector. She is aware of the guidelines the Tree Commission set forth for the plan and is working on determining the type of trees to plant, placement and so on. Ms. Keyser asked if is her intent to return to the original grades and elevations and Ms. Marini confirmed that that is her intent. Concerning the timeline, Ms. Keyser asked when the trees will be planted. Ms. Marini said planting would occur likely in the fall as landscaping is done. She was unsure of the type of topsoil to be used but will work with the Tree Commission to ensure a good quality is used. She has employed the services of a tree expert. Mr. Patterson informed that Ms. Marini has received a copy of the tree planting guidelines that Russ Carlson developed. Care and maintenance are important to establish the trees and Ms. Marini agreed. Her construction company will handle the final grading and the Tree Commission wants to be kept in the loop to ensure what is being done is accurate and meets guidelines. Mr. Patterson suggested that the tree expert Ms. Marini has hired should come before this body to ensure he understands the guidelines and/or provide a little more detail to the plan submitted tonight. Locations for the trees can be selected in conjunction with the Tree Commission. She received a copy of the list of recommended tree species and favors pink dogwood trees. *(Discussion about whether replacement trees would be the same species that were removed or different trees.)* It was agreed that three (3) trees, species to be determined, will be planted. Ms. Keyser indicated that research shows planting smaller trees is more beneficial and survival rates are better. Ms. Keyser suggested having Ms. Marini's landscaper

speak with the Tree Commission by the July 2010 Tree Commission meeting concerning location and species so this information can be provided to the neighbors for their review. This would afford time to finalize location/species. *(Ms. Marini will have her tree expert assemble a plan to be submitted to this body along with her tree preferences for review.)*

Mr. Bayard Marin, counsel for John Wheeler and Katherine Klyce, feels the plan and way this body is proceeding is correct. Screening the property is important. He asked if the applicant would be willing to provide more trees than the three (3) that have been agreed to. More trees would satisfy the neighbors even more. Commission members responded that if this body decides to plant more trees on the public right-of-way they would approach the owner of the property to get their input. However, the original agreement is for three (3) trees.

Ms. Keyser made a motion that the Tree Commission will accept the plan submitted tonight based on the fact the trees will be planted in Fall 2010 (end of construction), the banks will return to the original elevation, grades will remain the same at the driveway (Third Street side), the Tree Commission will be contacted by the Marini landscaper concerning species of trees, location of trees and soil necessary for those trees. Mr. Miller seconded the motion. The motion was approved with seven (7) members in favor with one (1) abstention (Patterson).

(Mr. Marin expressed concerned with being notified when items relative to this matter are scheduled on the agenda. Discussion followed. Mr. Patterson will email subject agendas to Mr. Marin.)

NEW BUSINESS

Ennio DiAlessandro, 38 West 7th Street & Tremont – Mr. Patterson requested Commission members to look at the raised sidewalk and a leaning tree at this location. He distributed photographs of the area to members for their viewing. Several members did visit the site. There is a dead tree at this location on the Tremont side that is the City's responsibility and should be removed, but Mr. DiAlessandro also wants the Tree Commission to remove the tree that is raising the sidewalk. *(Discussion about the after effects of cutting the tree's roots and destabilization of the tree followed.)* The sidewalk is the homeowner's responsibility.

Mr. Miller made a motion to remove the dead tree at this location. Ms. Keyser seconded the motion which was passed by unanimous vote.

The Commission would like information specific to what Mr. DiAlessandro is requesting from the Tree Commission for the tree on 7th Street that is affecting his sidewalk. This information can come in the form of a letter. Mr. Thatcher said the tree in question has only been in this location 4-5 years and he believes it is a pin

oak. *(Additional discussion about remedies, including cutting of roots, followed.)*
Mr. Patterson will speak to Mr. Rizzardi about remedies to limit damage to the tree.

Tree, Inc. – A copy of the invoice for the work that we previously asked this firm to do was provided to all members. All work has been completed satisfactorily. The delay in getting the work completed was due to the City requiring bonding of tree workers.

MEMBERS REPORT

Erv Thatcher – Trees planted on Third Street look good.

Fran Peden – Nothing to report.

Susan Keyser – She currently has seven (7) trees on the planting list that she will give to Bob Rizzardi this week to begin the rolling planting that has been previously discussed. *(She provided locations for these trees.)*

Tom Truman – Four (4) small trees have been vandalized in Dewey Park (three at the Episcopal Church and one at The Arsenal) sometime in December. No major damage was noted. A partial leader was broken off one and another had a number of branches broken off. Pruning is in order. He noted two (2) other trees with broken branches from a vehicle and stub cuts to the tree (520 Harmony Street) and another tree with a broken branch from a vehicle (102 Delaware Street).

Mark Miller – Four (4) large trees that the Tree Commission planted at the library are gone because of construction at the library. He asked if trees would be replanted; they add to the street scape. As noted in our last meeting, Mr. Patterson said the library had been in contact with him to inform that no new trees would be planted because the library wants to maximize their parking area and the small space between the curbs is too small for trees. The trees removed were located on private property. *(Discussion followed.)* Mr. Thatcher said the installation of the geo-thermal heating system in the parking area involves crush and run material.

Nancy Coning – Nothing to report.

John Lloyd – Nothing to report.

CHAIRMAN'S REPORT

Mr. Toby Hagerott was introduced to Commission members as a potential member. His resume has been provided to members. Mr. Patterson provided Mr. Hagerott a copy of the Tree Ordinance that states if the Trustees do not make an appointment, which has not been done, the Tree Commission can approach City Council with his name as an additional appointment. Mr. Hagerott provided a brief description of his qualifications. Commission members were receptive to Mr. Hagerott joining the Tree Commission. Mr. Patterson will present Mr. Hagerott's name to City Council for consideration of appointment.

Lastly, Mr. Patterson noted that we are going to begin working on the rules and regulations of the Tree Commission as well as develop a forestry manual, per the Tree Ordinance.

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Adjournment

A motion was made and seconded to adjourn the meeting. The motion was approved and the meeting was adjourned at 6:55 p.m.

Respectfully submitted,

Debbie Turner
Stenographer