

**The Tree Commission Meeting for the City of New Castle took place on October 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  
Mark Miller  
Nancy Coning  
Toby Hagerott  
Tom Truman

Member Absent: Fran Peden

The meeting was called to order by Mr. Patterson at 5:40 p.m. Roll call was taken.

Approval of Minutes – Minor corrections were noted. **Mr. Miller made a motion to approve the 9/13/10 minutes as amended. Mr. Lloyd seconded the motion. The minutes were adopted.**

MEMBER REPORTS

Erv Thatcher – A cherry tree at 109 E. Third Street has a branch hanging over the street that should be limbed up.

Susan Keyser – Nothing to report.

Nancy Coning – There is a tree on the side of her home (on the Harmony Street side) that is growing into the wires (phone and cable) overhead and affects service to her home and her neighbors. One large branch is dead. Mr. Patterson will have his department look at the tree since Verizon and Comcast do not trim trees. Following up on the Dillon tree at 18 W. Fourth Street (July 2010), former Tree Commission member Lillian Shue informed her that the tree in question was diseased and was on top of the sewer pipe and was removed to gain access. Mr. Miller also spoke to Ms. Shue who said the subject tree had a seasonal disease typical of ash trees but was not terminal. It is her (Ms. Shue) belief that Ms. Dillon acted rationally and likely was not aware of the consequences. When Mr. Patterson asked if the homeowner had ever conveyed to Ms. Shue that this body was going to remove the tree, Mr. Miller said Ms. Shue's response was 'no'. Mr. Patterson suggested Ms. Dillon be invited to a Tree Commission meeting to explain her actions or we enact the tree ordinance. (*Discussion followed.*) The tree was requested by the homeowner, paid for and planted by the Tree Commission, and there was an agreement with the homeowner to maintain and establish the tree. He acknowledged a seasonal ash disease that affected other ash trees but was not fatal. If the homeowner's complaint was that the tree was interfering with the sewer, this is an old issue. It is not the tree but the sewer that is the problem. Absent information about the circumstances surrounding the removal of this tree, the tree ordinance should be enforced. Mr. Patterson will draft a letter for review by fellow Commission members before sending to the homeowner.

Tom Truman – 53 Second Street – Tree branches are growing into the house. Tree, Inc. is aware of the situation and is to trim the tree away from the house.

47 Second Street – Tree branches are over top the home. Ms. Keyser informed the homeowner does not want any pruning of the tree in question. Mr. Truman will speak with the homeowner and inform Mr. Patterson.

John Lloyd – 148 Casimir, VanDyke Village – The homeowner trimmed two (2) street trees (maple and pear). *(Photos were shown to Commission members.)* He suggested residents be educated on what they can and cannot do with street trees. There are several trees trimmed by homeowners in the city. The homeowner was present and apologized saying he did not know the tree was a City tree. The tree was damaging his sidewalk and low-hanging limbs were causing safety concerns. He said he has seen neighbors cutting trees. The homeowner stated he would have reported the tree to the City but was unaware it was owned by them. He added that the sidewalk is his responsibility and assumed the tree was as well. Mr. Lloyd recommended the removal of remaining trees on this property. *(Brief discussion followed about the types of trees planted in the area and planting of new trees, budget permitting.)* The homeowner was unclear after reading City literature that his community is included in the tree ordinance. Mr. Patterson noted the tree was a healthy tree with low-lying branches but due to the damage inflicted on the tree it will need to be removed. He suggested there are a number of trees (Bradford pear) in this area that should be looked at and trimmed up to the homeowner and/or City's satisfaction. There are many with bad crotches, several are lifting sidewalks and some are leaning over the street. He does not believe the City should pay for the entire loss to remove the tree, grind the stump and replant another tree. The homeowner should reimburse the City for at least the removal of the tree. *(Additional discussion.)* Both of the trees in front of this home should be removed. Estimated cost would be between \$500-\$800 per tree to remove and quotes will be obtained from Tree, Inc.

**Mr. Miller made a motion to compromise with the homeowner to pay half of the cost for removal of the tree in question. He recognized the homeowner's remorse over damaging City property as his rationale. Ms. Keyser seconded the motion. The motion was adopted.**

The homeowner was advised he can obtain quotes for the work and compare with the City's quote. He will also provide labor to keep costs down. He inquired if damage to his sidewalk would be repaired and was informed that sidewalks are the responsibility of the homeowner. Hearing this the homeowner elects not to have another tree planted. *(Discussion followed about the process to remove the tree.)*

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Mark Miller – Nothing to report.

Toby Hagerott – In front of Jessup's Tavern one of their signs has been attached to a tree. He disagrees with this practice.

Ratchford and Beale, Willow Oaks – Russ Carlson was expected to be at tonight's meeting to address concerns of the Tree Commission. Ms. Ratchford sent out an email to Commission members late today. Copies were distributed to members and Mr. Patterson provided a synopsis of its contents. In the absence of Mr. Carlson the Commission would prefer to defer until next month.

**Mr. Miller made a motion to defer action on this matter until the November meeting. Ms. Keyser seconded the motion. The motion was adopted.**

Ms. Coning asked if Mr. Carlson's attendance can be confirmed prior to the November meeting and that action on this matter will be taken at that meeting if he is unable to attend. Mr. Patterson agreed.

Adjournment

**A motion was made and seconded to adjourn the meeting. The motion was approved and the meeting was adjourned at 6:40 p.m.**

Respectfully submitted,

**Debbie**

Debbie Turner  
Stenographer