

The Tree Commission Meeting for the City of New Castle took place on December 6, 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
Tom Truman
Toby Hagerott
Nancy Coning*

Member Absent: Fran Peden

*Ms. Coning arrived at 6:40 p.m.

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

Approval of Minutes – A motion was made and seconded to approve the minutes of the October and November meetings. The motion was approved and the minutes were adopted.

Members Report

Erv Thatcher – Reported on the trimming of a tree on 6th Street. It is Mr. Truman's opinion this tree was cut too close. There are several other trees cut the same way in the City. Mr. Lloyd suggested the Tree Commission speak with the contractor about our concerns. At the direction of the Commissioners, Mr. Patterson will invite Mr. Samluk (Tree, Inc.) to the January meeting.

Susan Keyser – Trees for the tree planting have been tagged and the purchase will be made.

Toby Hagerott – Nothing to report.

Tom Truman – Inquired about pruning work in front of Mrs. MacEwen's home. Ms. Keyser informed that she has not been contacted about any work to be done. Mr. Truman added the homeowner is concerned about getting the work done properly.

John Lloyd – Reported a cherry tree at 138 East 3rd Street that is not growing. It was planted the same time as a neighboring tree. It has a root problem and the stem goes directly into the ground. It was suggested we watch the tree for blooming in the Spring before taking any action. He also suggested doing remedial pruning throughout the City. A number of low-hanging limbs are a hazard to vehicles and pedestrian traffic on sidewalks. He offered East and West 3rd and 4th Streets as a starting point for this pruning. All Commissioners agreed. Lastly, there is a maple tree at 34 W. 4th Street that has dead wood hanging and falling from it that needs attention.

Mark Miller – There is a large tree in the park on the left at the mile and 1/8th marker that has a limb stuck in it that should be removed. He also looked at a neighbor's Zelkova tree that is raising the bricks in the sidewalk. He thinks the tree needs to be trimmed away from the house.

Ratchford and Beale, Willow Oaks – At the November meeting Mr. Patterson asked Mr. Carlson if he could prepare a report showing costs involved with remediating the problem versus the loss of the tree and at what point does it become unreasonable to ask a homeowner to expend their resources to preserve the tree. No report had been submitted as of tonight's meeting. It was the consensus of the Commissioners to address the two (2) willow oaks at 24 and 26 The Strand together rather than separately.

Mr. Thatcher made a motion to remove the trees. He does not like removing trees but under the circumstances those foundations and the closeness to the homes being as old as they are, the damage these particular trees could cause years down the road, for the sake of the City and the property owners, these trees should be removed. Mr. Hagerott seconded the motion.

Mr. Miller inquired about financial responsibility for removal of the trees and was informed the City and the Tree Commission share responsibility. Sidewalk issues are the responsibility of the homeowner. (*Discussion followed.*)

Ms. Keyser noted the homeowners were requested to provide information that damage is being incurred to this body. Nothing has been brought forward to date.

Mr. Miller asked for a cost estimate and whether the Tree Commission has enough monies in its budget. Mr. Patterson responded that even if the Commission votes in favor of removal, that removal would be dependent on funding. If we do not have enough monies to address this issue then we would approach City Council with what this body has acted on and look to them for necessary funding.

A roll call vote was taken.

Mr. Thatcher – voted in favor of the motion to remove the trees.

Ms. Keyser – voted against the motion.

Mr. Hagerott – voted in favor of the motion.

Mr. Truman – voted in favor of the motion.

Mr. Lloyd – voted in favor of the motion.

Mr. Miller – voted against the motion.

Mr. Patterson – voted against the motion.

The motion to remove both trees was passed by a vote of 4 in favor and 3 against.

Ms. Ratchford was appreciative for the time and consideration the Tree Commission spent on this matter. She will file with HAC regarding brick work and coordinate with the City to correct drainage issues and related issues. Mr. Patterson informed the

applicant that the Tree Commission does not have planting standards adopted to date, but there has been a suggestion on how to replace bricks. It deals with creating an impermeable surface under the bricks that would not allow future trees to grow and thrive. The Tree Commission has the intention to pass rules and regulations to not allow homeowners to create impermeable sub-surfaces and asked that they not pursue this. *(Discussion about materials followed.)*

Chairman's Report

Mr. Patterson sent out three (3) separate emails concerning requests for tree removal. There is a Bradford pear tree at 36 West 7th Street that the homeowner would like to have removed because it is messy. The consensus of the Commission is that the tree is healthy and will not be removed unless it fails.

The second issue is a Zelkova tree at 26 West 4th Street. The homeowner complains of sewer gas, falling limbs, wire and sidewalk issues. He requested a different tree be planted. Mr. Patterson has provided the homeowner with information from NCC concerning sewer matters. This is a healthy tree. The Tree Commission does not want to remove the tree unless it fails. Mr. Miller will speak with the homeowner.

The final tree is at 106 East 2nd Street. It sheds small berries, stains the steps and vehicles and the homeowner would like a different tree be planted. It is thought that this tree is a Hawthorne and appears to be healthy. Commissioners were requested to look at the tree and be prepared to address in January.

Commissioners reported on the buckeye chestnut tree on The Strand and Harmony Street raised at the last meeting. There are small animals living in it and it does look dangerous. **Mr. Miller made a motion to ask Russ Carlson to look at this tree. The motion was seconded by Mr. Hagerott and carried by unanimous vote.**

On the subject of pruning, Mr. Patterson informed that Mr. Samluk has provided a quote of \$150 to address tree issues for Van Dyke Village. Trees in this area are mostly Bradford pear trees.

No response has been received regarding the request for the homeowner at West 4th Street (October 2010) concerning reimbursement for the expense of an ash tree that was removed. Mr. Miller will speak with the homeowner.

The homeowner in Van Dyke Village who agreed to share the cost with the Tree Commission of having a tree removed that he pruned has not followed through to date. Mr. Lloyd will talk to the homeowner. It may be necessary to enforce the tree ordinance for this case and the West 4th Street issue.

Old Business

Mr. and Mrs. David Ross appeared to offer their comments on trimming work done to a pin oak tree in front of their home. Mrs. Ross distributed photos of the tree in

question. She spoke to Mr. Samluk about their unhappiness with his work on this tree and believes he should be held accountable for same. She also believes the Tree Commission should give homeowners notification prior to work being done on any trees on their property. She described the work that was done at her home as well as a neighbor's tree. Both trees were identified as street trees making them the responsibility of the Tree Commission.

Mrs. Ross wanted to be on record that during a phone call she had with Mr. Patterson he stated that 'perhaps the next time the Tree Commission requests a City Forester from the Trustees maybe they'll look at that a little differently.' Mr. Patterson disputed her quote and corrected it to say 'maybe you would be an advocate for the Tree Commission; that the Tree Commission had put in to the Trustees for a forester and, had the forester been funded, then the items you are complaining about which were that there wasn't proper supervision over the people there, the forester would go out with them.' You had asked who from the Tree Commission accompanies the contractor when they do out to trim the trees. *(There was a brief discussion about accompanying the contractor.)*

Commissioners agreed that the work performed was not the quality they expect and they intend to speak with the contractor about his work practices. It has also been reiterated to Mr. Samluk that he take direction from the Tree Commission only. Ms. Keyser said the tree will recover with time and its appearance will improve in the Spring and thereafter. Mrs. Ross is not willing to wait until the Spring and wants to have something to fill in on both sides of the existing tree while leaving that tree in place. Space available on either side of the existing tree is questionable. It is the desire of the Ross' to return the street to the way it looked before the trimming was performed. Mrs. Ross inquired if she had any repercussions with the contractor and was informed the City is a party to the contract. Commissioners have looked at the tree in question and discussed the work performed. They will look at space around the tree to determine if there is room for additional plantings.

Mrs. Ross is appreciative for any consideration given to help offset what has been done. She also stressed including in the Tree Ordinance that homeowners be notified when any work is going to take place on trees on their property. They were also unaware that homeowners are not permitted to trim street trees and suggested homeowners be better informed. Mr. Patterson noted a number of notices have been published in the Town Crier, newspaper articles, meeting minutes, at public hearings with City Council and committee meetings with the Planning Commission.

Budget – The City starts budget hearings in April/May 2011. At this point we have been instructed to bring any funding needs for the Tree Commission forward. Mr. Patterson did not submit to the Trustees because it was the decision of this body the City should make the application on our behalf. At last month's Council meeting

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Ms. Thomas informed him that it was Council President Barthel's wish that the City was not going to ask for individual things from the Trustees. They felt the need of the City was for drainage projects and are looking for the Trustees to help fund those types of projects. Mr. Patterson reminded Ms. Thomas it is the City's function to fund the Tree Commission. If they decide they do not want to approach the Trustees for funding of this body, then that is a decision of City Council. We need funding to carry out our work. *(Discussion followed.)* Mr. Patterson will speak with Ms. Thomas about committing to a specific amount of money for the Tree Commission. *(Lengthy discussion followed about funding.)*

Adjournment

A motion was made and seconded to adjourn the meeting. The motion was approved and the meeting adjourned at 7:05 p.m.

Respectfully submitted,

Debbie

Debbie Turner
Stenographer