

The Tree Commission Meeting for the City of New Castle took place on March 7, 2011 at 5:30 p.m. in the City of New Castle's Town Hall.

Members Present: Chip Patterson, Chairperson
 Susan Keyser, Co-Chairperson
 John Lloyd
 Toby Hagerott
 Tom Truman
 Erv Thatcher

Members Absent: Fran Peden
 Nancy Coning
 Mark Miller

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

Approval of Minutes – Several minor corrections were noted. The amended February minutes will be presented at the March meeting for approval.

Members Report

Erv Thatcher – The apple tree on Dalby Alley is on the ground and not posing any problems. The ground is too soft to remove it at this time.

Susan Keyser – Nothing to report.

Toby Hagerott – Nothing to report.

Tom Truman – Asked what the laws are regarding trees growing in one person's yard and encroaching into a neighbor's yard, both from a root standpoint and limb standpoint. Mr. Patterson said you have to know if there is a hazard present which would require an expert opinion declaring the tree is a hazard. The homeowner can be put on notice that they have a hazardous situation and common law states you are absolutely responsible for remediating a hazard. If no action takes place after being given notice and something happens, the homeowner could suffer not only legal damages but may suffer punitive damages for their negligence in not remediating the hazard. (*Discussion followed.*) Mr. Patterson further said that common law is not permanent law. It is what the latest judge sitting on the bench says the rules are. Concerning pruning, you can prune a tree hanging on your property, but if the tree dies you may be liable if it is determined it died as a result of your pruning. Rulings are subject to jurisdiction. Mr. Truman stated that safety should be the primary factor.

The Beale's want to plant a tree in front of their home. Mr. Patterson sent a copy of the tree list to Mr. Beale. Mr. Patterson received a complimentary report on the job that Mr. Samluk did with the removal of the trees in question. The Beale's can make a selection from the tree list but they cannot plant it. The Tree Commission plants the tree and the homeowner can make a donation towards the cost of that tree. It is believed they would like a dogwood tree planted, but they are not a good street tree. Suggestions of a taller, flowering tree or a sycamore were made.

John Lloyd – He would like to have the two (2) trees in Van Dyke Village (Casimir Drive) be removed in the near future. The homeowner stated he has submitted his payment to the City. That payment has not been established to date.

Chairman's Report

The City is currently working on Comprehensive Plan Proposed Zoning Amendments that includes provisions about planting trees in two (2) different zoning areas. Zoning areas include the 7th Street

Tree Commission Meeting
March 7, 2011
Page 2

Chairman's Report (Contd.)

area and Ferry Cut-Off. The City Planner wrote the ordinance (species, how planting will be done, etc.) without consulting with the Tree Commission. Mr. Patterson sent the Planning Commission a note informing the Tree Commission should be involved but got no response.

Mr. Thatcher is currently serving on the City's Dike Advisory Board regarding dike restoration in and around the city. Trees at the dikes need to be removed. Plans call for the dikes to be made taller and wider. Federal funding is available for this work. At Army Creek three (3) feet of dirt has been lost under the walkway resulting in undermining of the blacktop. Mr. Thatcher will provide updates from the advisory board to the Tree Commission. (*Lengthy discussion about what is being planned for dike restoration followed.*)

A motion was made by Mr. Patterson to elect John Lloyd as Chair of the Tree Commission. Mr. Thatcher seconded the motion which was approved unanimously by those in attendance. Mr. Lloyd will assume his duties as Chair at the March meeting.

Mr. Patterson received a call from Mrs. Marini telling him that progress is slower than she thought. She will submit a plan in time for the next meeting. Mr. Patterson provided her with a copy of the most recent minutes to aid her with what is expected. (*Discussion followed.*) This body can publish her plan and make it open to the public for review before allowing her to take any action.

Old Business

Mr. Patterson reported he has talked to Russ Carlson and is now waiting for his written responses about the following issues:

- ❖ House on 6th Street with raised sidewalks;
- ❖ The area of the Methodist Church and how to deal with trees there. Look at the quality of trees and problems and sidewalk issues;
- ❖ There is a dogwood on 4th Street (near Mrs. Viola's house) near the cemetery that is partially dead.

Adjournment

A motion was made and seconded to adjourn the meeting. The motion was approved and the meeting adjourned at 6:30 p.m.

Respectfully submitted,

Debbie

Debbie Turner
Stenographer

