

The Tree Commission Meeting for the City of New Castle took place on May 7, 2012 at 5:30 p.m. in the City of New Castle's Town Hall.

Members Present:       Chip Patterson, Acting Chairperson  
                              Erv Thatcher  
                              Tom Truman  
                              Nancy Coning  
                              Susan Keyser

Members Absent:       John Lloyd, Chairperson  
                              Fran Peden  
                              Mark Miller

Mr. Patterson convened the meeting at 5:35 p.m. Roll call was taken.

Approval of Minutes – Under *Old Business* the type of tree at Fort Casimir Park was amended to read “crab apple.” A motion was made and seconded to approve the minutes of the April meeting as amended. The motion was approved.

#### Old Business

300 Harmony Street – The homeowner appeared before the Commission to request removal of a large silver maple tree that has grown into the sewer system and basement. The sidewalk is buckling causing problems with gutters and damming water against the exterior basement door. He requested removal of the tree. Mr. Thatcher verified the problem. The homeowner has removed the bricks on the buckled sidewalk and the roots are damaging the street curb. Ms. Keyser is not in favor of removal if there is an alternate solution.

Mr. Thatcher moved to remove the silver maple tree at 300 Harmony Street. Ms. Coning seconded the motion. The motion was approved by a vote of four in favor and one voting against the motion (Keyser-citing the lack of documentation showing any damage being done by the subject tree).

#### Chairman's Report

Mr. Patterson reported on trees/shrubs between the utility poles that are obstructing driver visibility at 11<sup>th</sup> and Washington Streets in Washington Park. The homeowner will be notified prior to removal. A motion was made by Ms. Keyser to remove the two (2) obstructions on the south side of Washington Street. Ms. Coning second the motion. The motion carried.

A homeowner on 6<sup>th</sup> Street was doing work on her sidewalk and her contractor was disturbing roots on a tree. She contacted Mr. Patterson to remove the trees. She was instructed to put her request in writing. Mr. Lloyd has received correspondence from her that will be addressed next month.

#### Member Reports

Mr. Thatcher -- The homeowner of 100 West 3<sup>rd</sup> Street appeared at a recent meeting requesting the Tree Commission remove two (2) trees. The hemlock is nasty looking and is not a good street tree. The chestnut tree is close to the house and did not have any growth on it. The roots of the tree closest to the house have likely been compromised by the foundation of the house, though this has not been confirmed. A survey showed where the property lines were but this body was not contacted prior to the start of construction.

Mr. Thatcher made a motion to remove both trees at 100 West 3<sup>rd</sup> Street. Mr. Truman seconded the motion. The motion was approved by a vote of four (4) in favor and one (1) against (Keyser).

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Ms. Keyser suggested the homeowner should pay for removal because of his disregard of the tree ordinance resulting in this situation. She noted the trees were in the public right of way. Subsequent discussion included any responsibility the City Building Department should bear, a similar matter with a neighboring property, the homeowner's lack of knowledge of the ordinance, and the health of the trees. *(Lengthy discussion followed about the trees' health leading up to the removal request.)* Ms. Keyser stated that if the homeowner can prove that he specifically requested and was denied information about the trees he should let this body know.

Ms. Keyser made a motion to request the homeowner pay for removal of the trees because he did not follow the tree ordinance and knew the trees were outside his property line by way of survey and were public trees. Mr. Truman seconded the motion. The motion passed by a vote of three (3) in favor and two (2) (Thatcher, Coning) voting against the motion. Mr. Patterson agrees that before construction started the homeowner should have known and abided by the ordinance. Homeowners have an obligation to know the law.

There are three (3) to four (4) trees on Battery Park that may need to be removed. He will speak with the Trustees about removal. Commission members were instructed to look at the trees and discuss at the next meeting.

Mr. Thatcher reported the Trustees plan on planting 10-12 bald cypress trees in the lot behind the Wilson and Coates homes. It is a wetland-filled area and a minimal mowing area. The purpose is to lessen the moisture in the area and keep it from returning to wetlands.

There is a Norway maple tree at 139 East 3<sup>rd</sup> Street that is not coming out. Ms. Keyser suggested putting the tree on the pruning list.

Ms. Coning – There is a tree with low-hanging limbs in the rear of the Cooch residence on 4<sup>th</sup> Street that needs to be trimmed.

Mr. Truman – There is a small cherry tree on 6<sup>th</sup> Street that is now starting to leaf out, but is behind other trees on the street. The hornbeam tree at 9 The Strand is now budding out. The homeowner is concerned with the tree growing is the overhead wires. The same homeowner inquired about removing ivy growing around trees and if it impacts them in any way. Any effect to trees is a matter of opinion. There is no problem removing the ivy, just who would do the work (City or Tree, Inc.). The consensus was to remove the ivy if the cost is minimal.

Ms. Keyser – She has been contacted by Delaware Center for Horticulture inquiring about how the bare roots are doing. The trees are now starting to respond; all but two have leafed out. A homeowner has a tree in front of her house that is not thriving and has indicated she is willing to contribute towards a replacement tree. Ms. Keyser suggested planting a red bud tree. Additional trees were requested from the Center, but they did not receive a grant. Mr. Patterson reported that three homeowners (Hamen, Jarvis, Deemer) have requested trees. He wants to send letters to these residents telling them planting funds are tight and if they want to contribute towards the trees, then the Tree Commission can plant them. Trees are purchased wholesale at a cost of approximately \$300 depending on species, which includes delivery, planting, staking and mulching.

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Adjournment

There being no more business to address, the meeting was adjourned at 6:25 p.m.

Respectfully submitted,

***Debbie***

Debbie Turner  
Stenographer