

The Tree Commission Meeting for the City of New Castle took place on June 6, 2011 at 5:30 p.m. in the City of New Castle's Town Hall.

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

Members Absent:        Fran Peden  
                                  Toby Hagerott  
                                  Mark Miller

The meeting was called to order by Mr. Lloyd at 5:30 p.m. Roll call was taken. A quorum is present.

Approval of Minutes – A motion was made and seconded to approve the May minutes.

#### Chairman's Report

46 E. 3<sup>rd</sup> Street – Mrs. Jodlbauer requested to be able to address the maple tree growing in the front of her home near the door step. It is a hazard. The roots are lifting the bricks about 6 inches from her doorstep. She has obtained estimates for the work. There are two trees involved and the work would involve removing all the bricks that have lifted up to the step. The sidewalk would be blocked. The sidewalk can't be raised because it would cause drainage issues with her basement windows. She is also concerned the roots will penetrate and damage the foundation of the house. (*Discussion about the work she is requesting followed.*) Her insurance company has informed her she has a liability issue associated with the situation and action must be taken in 30 days. Russ Carlson will be requested to look at the situation and provide his opinion. Mr. Lloyd will provide written correspondence to Mrs. Jodlbauer for her insurance company indicating the Commission's certified arborist (Mr. Carlson) will be looking at the site.

100 Stuyvesant Drive (Van Dyke Village) – Mr. Ennio DiAlessandro appeared on behalf of his brother. He requested to top a Bradford pear tree to look the same as another Bradford pear tree on the property. His brother does not want the trees cut down. Ms. Keyser informed that "topping" is prohibited in the tree ordinance; it is a bad practice. Through a miscommunication Mr. Lloyd sent Tree, Inc. to remove both trees when Mr. DiAlessandro stopped the work. Mr. Lloyd said the trees have been cut before and suggested we drop crotch the tree that has not been cut to approximately 4-5 feet above where the old cuts were. The other tree needs some corrective pruning on the tree that has already been cut. Mr. Lloyd showed a photo of the trees to support his suggestion. It was decided to ask Bob Rizzardi to do this work. The work will be an investment. The price that Tree, Inc. gave to do work on both trees was \$250; price for removal is \$275. Mr. DiAlessandro said his brother is not in favor of planting new trees. (*More discussion.*)

**A motion was made by Mr. Truman to have Bob Rizzardi look at the trees, get a price, determine if he can do the work then make a decision at the next meeting. Mr. Patterson seconded the motion. The motion was approved.**

101 W. 3<sup>rd</sup> Street – Marini Proposal – Mr. Bayard Marin appeared on behalf of Kathleen Klyce and objected to this proposal being discussed. His objection centered on the height of the structure being

allegedly 9 inches too high. It is not in compliance with the Historic Area Commission's (HAC) ruling as to height. He said the engineering report was submitted to City Solicitor Dan Losco and Mrs. Marini's counsel, Mr. Tracey. Solicitor Losco gave the Marini's 30 days to respond and as of this time no response has been given. Mr. Marin believes no further proceedings should take place until they are made to be brought into compliance.

Mr. Lloyd read an email (sent 6/6/11) from Mr. Losco to Mr. Lloyd that gives the Tree Commission the approval to proceed with hearing this matter. He ruled there is no connection with the complaint about building height and the trees on the Marini property. He further ruled there is a possibility of a later decision by HAC to reduce the height of the building and the related onsite construction work that would result from that action might impact any newly planted trees. If this body approves the (Marini) tree plan, the Tree Commission should make it clear and on record that if the Marini's proceed with planting with the height issue still unresolved that they do so at their own risk. If tree plantings need to be relocated or redone it will be at the Marini's expense. *(Tree Commission members received the email that Mr. Marin sent to Mr. Lloyd objecting to this proposal being heard tonight.)*

Mr. Thatcher asked where the height for this house is being taken from. Mr. Marin said an average mean height from grade level is determined and the grade level prior to construction of the house. That grade level was used as a measuring point for the HAC decision and all measurements and drawings were from that level.

The tree planting proposal details the types of trees and locations because the pre-existing bank has not been restored. Mr. Lloyd does not anticipate any planting to take place until after construction. He reiterated the Marini's are absorbing the liability of plantings if they choose to go forward.

Mr. Lloyd said the Tree Commission intends to go forward with discussion about the types of trees and possible planting areas when and if they eventually occur. He added this body is not making a judgment on the concerns of Ms. Klyce or Mr. Marin.

The Commission reviewed the plan. Ms. Keyser likes the plan but wants in writing from the Marini's their commitment to restore the bank to the original grades and elevations. She would like clarification made about what is being proposed and where it is to be planted. Discussion followed about tree size. She prefers a medium size tree, 25-40 foot in eventual height with a spread of 20-30 feet. The trees on the plan will not fit that description. Discussion turned to the process involved with removal of the bank and if a determination has been made that the bank must be restored to its original configuration to the street. Mr. Patterson questioned whether the city will require a sidewalk in the area. Mr. Thatcher said there was a 3 foot sidewalk there that was filled over with dirt. *(Further discussion took place.)*

Mr. Marin said there was a motion made in a previous Tree Commission meeting to restore to grade level. All the measurements were taken from grade level to begin with and should return to grade level. In choosing the types of trees consideration needs to be taken with the height of the structure to help mask and blend in. Ms. Keyser said this body looks at the planting from a public right-of-way standpoint and not a landscape standpoint. *(Additional discussion.)*

Mr. Patterson believes it is important to learn what the City is going to require (sidewalks) in reestablishing the right-of-way. The Tree Commission would plant street trees along sidewalks. If the

City requires the embankment out to the curb then the decision is different. If no sidewalks are required there will be no issue. The group entered into a lengthy discussion about location of sidewalks to the curb and size of sidewalks.

Mr. Lloyd will send a letter to Ms. Thomas asking if the bank is going to be restored to pre-construction or is the City going to require provisions for a sidewalk.

Ms. Keyser would like one tree to be medium size, such as a maple tree that is fast growing. She would like a planting decision by October.

230 E. 2<sup>nd</sup> Street – Tom Wilson appeared. He would like permission to remove suckers from the locust trees in the park. In the future he would like cleaner trees planted. The current trees leave heavy droppings yearly and add to tree allergies. They were not planted by the City. He wondered if the Tree Commission would consider replacing the entire tree line at Bull Hill.

Another issue he reported is a large branch of a sycamore tree that extends over his house that he is requesting be removed. Mr. Lloyd informed the tree has a disease that is not fatal but is an irritant to people who have to clean up after it. It was suggested that Mr. Carlson look at the tree branch.

Mr. Wilson would like Mr. Carlson to look at the tall trees and their location to the main sewer line that runs down 2<sup>nd</sup> Street two feet from the trees. Mr. Lloyd informed the arborist can't evaluate what he can't see and said New Castle County could possibly take a look at the line. Mr. Wilson questions how long the ground can support the trees.

Mr. Patterson suggested the branch over Mr. Wilson's home be removed and leave the rest of the tree. *(It was believed this would be Mr. Rizzardi's recommendation.)* Mr. Lloyd estimated removal of the limb would be approximately \$1,500. Ms. Keyser suggested the work should be done by a larger tree removal firm. *(Lengthy discussion followed about the removal and who should do the work.)*

Ms. Keyser is not in favor of removing the sucker growth from the locust trees more than one-half inch. Mr. Lloyd thinks pruning can extend to above the phone wires without touching any major limbs. Ms. Keyser disagreed. The tree line at Bull Hill was discussed; no action taken.

No decision on removal will be made until it is known what our budget will be. The pruning decision is tabled.

**Ms. Keyser made a motion not to remove the locust trees on Bull Hill Park. Mr. Truman seconded the motion. The motion was approved.**

157 Casimir Drive – Two Bradford pears are very low over the sidewalk and one is low over the street. Mr. Lloyd recommends that two major limbs and a few smaller limbs over the sidewalk be removed and some pruning done on the tree over the street to avoid limbs breaking when trucks come into contact with it.

**Mr. Patterson made a motion to trim the trees to relieve the height limitation over the sidewalk and do some corrective pruning over the street to prevent breakage of limbs by vehicles. Ms. Keyser seconded the motion. The motion passed.**

9 The Strand – Cherry tree in front of the house with one root, the remaining roots are girdled off. It is loose and has very little growth. The homeowner would like another tree planted in its place.

**A motion was made by Mr. Thatcher to remove the cherry tree and replace with a tree of their choice in the future. Mr. Truman seconded the motion. The motion passed.**

Penn Valley Park – There are 4-5 dead cherry trees close to the children's activity area. The City does not feel they have the capability to remove the trees and has asked the Tree Commission to remove them.

**Ms. Keyser made a motion to remove the 4-5 dead cherry trees. Mr. Truman seconded the motion. The motion was approved.**

Alexander Alley – Residents would like the branch level raised on a black locust tree. Discussion resulted in the decision to wait until the winter to address and after budget hearings.

**Mr. Patterson made a motion to prune the small sucker growth out of this tree at the proper time. Mr. Truman seconded the motion. The motion passed 5 in favor and 1 against (Keyser-citing a lack of information).**

#### Members' Reports

Mr. Thatcher – Mr. Rizzardi trimmed low branches on 15 trees in Battery Park. The Trustees will pay for this. There is a Bradford pear on the walkway that has a split in the crotch and may need to be removed.

Mr. Patterson – Attended a City Council meeting to discuss this body's budget. There was no commitment at that time.

Ms. Keyser – Inquired about the status of the elm injection. She was informed there is a discrepancy with the amount of monies in our budget. The window for treatment is late summer/early fall. She wants to verify the list of elm trees she has versus the contractor. There is a sycamore tree behind her house on Trustees' property that we should look at and clean up; something is wrong with one of the branches.

Mr. Truman – Nothing to report.

Ms. Coning – The bottom branch of a tree on the side of her house was damaged and left hanging. They have removed the branch.

#### Adjournment

A motion was made and seconded to adjourn the meeting. The motion was approved and the meeting adjourned at 7:20 p.m.

Respectfully submitted,

**Debbie**

Debbie Turner  
Stenographer