

Town of Odessa

NOTICE & AGENDA

TREE COMMISSION MEETING

Tuesday April 11, 2023

7:00 p.m.

Old Academy Building

315 Main Street

Odessa, DE 19730

In Person

Call to Order

Chairwoman Melaine Minear called the meeting to order at 7:00 p.m.

Roll Call

Commission members Michael Callahan, Melaine Minear, Jeff Pyle and Quentin Schlieder were present. A quorum was present.

Consideration of Minutes from the March 14, 2023 Meeting

Chairwoman Melaine Minear inquired if there were any additions or corrections to the Minutes of March 14, 2023. Chairwoman Minear entertained a motion to approve these Minutes as corrected.

Commissioner Jeff Pyle moved to approve the Minutes of the March 14, 2023 meeting as corrected.

Commissioner Michael Callahan seconded the motion which was adopted unanimously by voice vote.

Recognition of Visitors

No visitors attended the meeting.

Old Business

Arbor Day Celebration – Sunday, April 30, 2023 at 3:00 p.m.

Secretary Schlieder apprised the Commission that arrangements for the Arbor Day Celebration are well under way. Invitations were mailed to local elected and appointed officials on Saturday, April 8, 2023.

The Commission reviewed the poster for the event which will be provided to Town Secretary Amy Marie Ottinger for posting and to be posted on the website. Mayor Smith signed the certificate recognizing John Goodier for his exemplary stewardship of the significant heritage Tulip Tree on his High Street property.

Mayor Smith advised that Senator Hansen and Representative Hensley are arranging for resolutions commemorating Odessa's 150th Anniversary of receiving its Town Charter for the State of Delaware.

Chairman Minear has contacted Miss Utility to clear the location for the planting in front of the State Police Barracks on East Main Street. Secretary Schlieder has had the commiserative plaque circulated at the last meeting. Commissioner Jeff Pyle reported that he sent an invitation to Pastor Ray.

Secretary Schlieder will deliver the White Oak Tree to Chairman Minear's home a week prior to the planting and will arrange to dig the hole for the planting to assure there are no unsuspected underground complications. The hole will then be backfilled with amended planting soil. The hole will be re-excavated and the tree, shovels, mulch and plaque will be delivered to the site about an hour and a half prior to the event. He will also deliver the *Magnolia virginiana* seedlings for distribution.

Secretary Schlieder is printing copies of the brochures and the 2022 Odessa Tree Commission Annual Report which will be available. He also prepared a press release for the *Middletown Transcript* and a poster which will be forwarded to Town Secretary Amy Marie Ottinger for posting.

Commissioner Jeff Pyle has agreed to provide and deliver a six-foot table and weather permitting, a popup tent. Secretary Schlieder will deliver light refreshments, and provide the table covering, plates, napkins and cups, however, someone needs to bring ice. Commissioner Michael Callahan agreed to provide the ice. It is uncertain how many people will participate, but arrangements are for an anticipated attendance of around 50 people. Commissioner Jeff Pyle offered to bring six chairs in addition to the six foot long table and popup tent.

Secretary Schlieder noted that it is important to have photographs of the event for publicity both this year and for future promotional purposes. Commissioner Michael Callahan offered to assist with photographing the event.

It was suggested that Commissioner Pyle reconfirm the event with Pastor Ray and Chairman Minear reconfirm the event with Mayor Smith a few days prior to the event.

Bids for the Safety Pruning at Municipal Park - Consideration of Bids at Council's April 10, 2023 Meeting

Chairwoman Melaine Minear reported that the Odessa Council awarded the bid for the removal of the three trees at Odessa Memorial Park to Tree, Inc. at a total cost of \$1,900.00 at last evening's Council meeting. It was noted that Town Secretary Amy Marie Ottinger has sent an email to Steven Samluk, Jr. Owner of Tree, Inc. LLC advising that the Odessa Town Council had awarded the contract to them for the removal of the three trees at Odessa Memorial Park. She also advised him that in the months of April and May, there is a small children's soccer group that utilizes the park on Saturday mornings and Monday evenings. She requested that work not be scheduled on those days as parking can be a challenge and the Town wants to limit liability. She also noted that they use the area close to where the trees are being removed.

Secretary Schlieder reported that he had discussed coordination of the contract between the Town and the Tree Commission with Town Secretary Amy Marie Ottinger. She will advise the successful bidder will and will advise Secretary Schlieder when the work is being done so that he can inspect it to assure that the work is done in accordance with the requirements of the proposal before payment is made. Secretary Schlieder will send letters to the other two bidders thanking them for submitting their proposal.

Facebook Page – Odessa Delaware Tree Log

Secretary Schlieder advised that the Odessa Tree Log Facebook page is now up and available for viewing. It includes an announcement about the Arbor Day event on April 30, 2023 as well as some relevant photographs, articles and videos. He encouraged members of the Commission to visit and follow the site. He would welcome any feedback to improve the page.

Halfway to Arbor Day Garden Party Fundraiser – Report on Meeting with Carla Pyle

Chairwoman Minear reported that Secretary Schlieder and she met with Carla Pyle during a luncheon at Cantwell's Tavern on Thursday April 5, 2023 from 11:30 a.m. to 1:00 p.m. to seek her guidance on planning for the proposed Autumn Garden Party fundraiser to raise funds for the Tree Commission.

Ms. Pyle noted that Todd Nelson, who serves on the Historic Commission, had expressed interest in replacing Neeka Grove as the Historic Commission's representee on the Tree Commission. She also noted that he has a lovely home and garden which could accommodate fifty people, the target number for the first event, which is tentatively scheduled for Sunday, October 7, 2023 from 3 p.m.- 5 p.m. She agreed that a winetasting with hors d'oeuvres would be appropriate. In discussing pricing, it was agreed that the cost should not exceed \$50.00 per person, and that a discount for Town residents and couples would work well. She noted that there are other venues in Town which also would be fine. Ms. Pyle will

give some thought about a prospective Chairperson and Committee members. She also agreed to discuss the proposal with Mr. Nelson.

Ms. Pyle provided a list of prospective invitees in the historic district, and it was suggested that perhaps Commissioner Callahan could offer some suggestion from his neighborhood on the west Side of DuPont Highway.

It was noted that it is unlikely that “Save the Date” Cards could be mailed before early summer, and that invitations would not be mailed until mid-September, or approximately three weeks prior to the event.

Chairwoman Minear encouraged her to give the matter some thought, and that they would discuss the event again after she had some time to think about it. Chairwoman Minear also apprised the Commission that she has had conversations with two other residents about their gardens being the site of the event in case Mr. Nelson declines.

Inventory and Mapping – Michael Callahan

Commissioner Michael Callahan reported that following additional investigation of the possible platforms for the inventory mapping, he still leans toward utilizing Google Earth. He has been experimenting with this application.

Secretary Schlieder advised that he plans to begin fieldwork along East Main Street in May after Arbor Day. It was the consensus that the most effective approach would be for Secretary Schlieder to prepare the inventory cards previously approved by the Commission and then forward them to Commissioner Callahan for the coordinates and map.

Amendment of Ordinance Nos. 2002-1/2005-3

– Report on meeting with Mayor Smith on April 6, 2023

Chairwoman Minear reported that Secretary Schlieder and she met with Mayor Smith at the Academy (Town Hall) from 10:00 a.m. to 11:00 a.m. on Thursday, April 6, 2023. Town Secretary Amy Marie Ottinger also attended the meeting. The proposed amendments to Ordinance Nos. 2002-1 and 2005-3 were discussed and reviewed in detail. Secretary Schlieder stated that the amendments are a hybrid of original materials, the New Castle County Unified Development Code, the Soil Conservation District and standards in the industry such as ANSI, the International Society of Arboriculture and the Arbor Day Foundation and their Tree City USA program. A few minor changes were discussed, including the reference to the 2011 revision to the ANSI A300 standard in Section 6.3 referenced in the New Castle County Code, so that the ordinance would be more durable and would not require changes if the standards were subsequently revised. Mayor Smith agreed in concept with the changes proposed, subject to review and comment by Town Solicitor Barrett Edwards.

The issue of establishing a “Tree Bank” also was discussed. Mayor Smith advised that he thought funds to the “Tree Bank” could be managed in a fashion similar to that of the Halloween event at Memorial Park, where there is a line in the budget and any balance rolls over to the next fiscal year. Secretary Schlieder advised that the Tree Commission needs to be informed of any donations so that they can be properly acknowledged.

Town Secretary Ottinger noted that it is likely that due to the required legal review, the first reading of the amended ordinance would not be scheduled until the Council’s June 2, 2023 meeting. The second reading will be scheduled in July. She noted that Town Solicitor Edwards would likely review the proposed amendments to the ordinance with the developers of the Osbourne Street tract and Odessa Commons. Secretary Schlieder stated that he thought that it is highly inappropriate to give two arbitrary developers the opportunity to comment before the public hearings and publication of the amended

ordinance in the official newspaper, and might open the Town up to litigation from other interested parties who were not afforded the courtesy of advanced opportunity to comment. He also noted that Town Solicitor Edwards represents a virtual constellation of municipalities in Delaware, including Smyrna which have Tree Commissions or Committees, so that he certainly should be aware of similar ordinances.

Secretary Schlieder reported that the Tree Commission is hoping to have an autumn garden party benefit to raise funds for the Commission. He noted that the ordinance requires that all donations and other funds for the Tree Commission must be made payable to the Town of Odessa. He noted that the party may feature a wine tasting, and he inquired if the Town would have a problem with alcoholic beverages being served. He noted if this would be a concern, an alternative would be to partner with a nonprofit like the Woman's Club to sponsor the event with the funds raised being turned over to the Town. Mayor Smith inquired if donations to the Town are tax deductible, and Secretary Schlieder advised that under the current Internal Revenue Code a gift to a local government entity is tax deductible, if it is solely for "public purposes." The IRS Code, at 26 U.S.C. §170(c)(1), defines "charitable contribution" (which is tax deductible) to include "a contribution or gift to or for the use of". He noted that after this meeting, Chairwoman Minear and he are meeting with Carla Pyle to discuss the fundraiser.

Chairwoman Minear and Secretary Schlieder also reviewed the proposed locations for a *Nyssa sylvatica* 'Green Gable' in the strip between the sidewalk and 4th Street on The Academy property and a *Ginkgo biloba* 'Autumn Gold.' in the strip between the sidewalk and 403 High Street. Secretary Schlieder inquired if the routing of utilities for the proposed Osbourne Street Development would impact these locations, as in new overhead utilities, water or sewer lines. Mayor Smith responded that he thought the services to the site would not impact the proposed tree plantings, however final plans have not been submitted. Upon inquiry, Mayor Smith thought there was sufficient capacity in the existing sewer and water lines to service the site. He noted that most of the impacts would be High Street from Route 13 northeast to 3rd Street. Secretary Schlieder emphasized that the selection of a tree would be adversely impacted if a large tree were to be planted and then overhead utilities were subsequently routed over the crown of the tree. Given the sparse resources available to the Tree Commission, he noted that coordination of proposed Osbourne Street project impacting the trees under the Commission's jurisdiction is of vital importance. He emphasized that it is in the Town's interest to carefully assess and mitigate off site impacts from the development and to hold the developer accountable for any damages.

Mayor Smith added that the placement of trees is the Tree Commission's concern, adding that the only trees he wishes the Commission would address are the flowering dogwoods near the Post Office.

Secretary Schlieder briefly described the proposed Delaware Forestry Grant proposal to fill in gaps along East Main Street. He advised that the Commission is considering a public meeting with adjacent property owners in September in order to determine selections and locations for the trees. Since the maximum grant is \$5,000.00 with a match, hopefully provided by volunteer hours accrued after October 1, 2023 per the requirements of the program, he doubts if the entire project is feasible. Therefore, he hopes the Commission would give priority consideration to those residents who desire a tree, since the trees are likely to receive better care. Secretary Schlieder advised that he hopes a final proposal could be submitted to the Council by its December meeting, since the Council does not meet in January, and if there are any issues that must be addressed, they could be included on the Council's February Agenda. The deadline for submission of the application was March 3rd in 2023. Mayor Smith was agreeable to the Commission proceeding with the grant.

Recruitment of Volunteers/Scout and Odessa High School Outreach

Chairwoman Minear advised that once Arbor Day is past and before school concludes in June, she will contact the scout groups and Odessa High School about volunteer opportunities including the English Ivy Control project at Odessa Memorial Park.

Neeka Grove contacted Chairwoman Minear looking for opportunities for her children to volunteer. Her son is 16 and daughter is 12. She inquired if there is something they can do to help for Arbor Day or any other upcoming pruning needs.

If possible, these projects will be scheduled after October 1, 2023, so that the Commission gains credits for a match for the Delaware Forestry Grant. Secretary Schlieder will discuss this proposal with her.

Pruning Workshop - Tuesday, June 6, 2023 at 7:00 p.m.

Secretary Quentin Schlieder circulated a folder with educational materials which will be used to conduct the Pruning Master Class on Tuesday, June 6, 2023 at 7:00 p.m. He recommended that the session be limited to 10-12 participants and that it be conducted at the Old Academy (Town Hall) property, since there are plants in close proximity on which to demonstrate proper pruning techniques. He will prepare a press release for publication in the *Middletown Transcript* and a poster for the Town website and billboards. Chairwoman Minear will make arrangements to have the Council Chamber available for part of the class, and in the event of inclement weather.

2024 Delaware Urban Forestry Grant Application - East Main Street Proposal

As noted previously in the meeting, the Mayor Smith is agreeable to the Commission's proceeding with this grant proposal. Secretary Schlieder hopes to have a better concept of where trees could be accommodated after he concludes the East Main Street inventory in May and June. Hopefully a plan will be available for presentation at the Commission's July or August meeting.

New Business

No New Business was presented.

Next Meeting Date and Time

Chairwoman Minear reminded the Commission that the next meeting of the Odessa Tree Commission will be held on Tuesday, May 9, 2023 at 7:00 p.m. in the Council Chambers at Town Hall.

Adjournment

There being no further business, Chairwoman Melaine Minear adjourned the meeting at 7:40 p.m. on the motion of Commissioner Michael Callahan which was duly seconded by Commissioner Jeff Pyle and adopted unanimously by voice vote.

Respectfully submitted

Quentin C. Schlieder Jr.
Secretary