

Town of Odessa

NOTICE & AGENDA

TREE COMMISSION MEETING

Tuesday June 13, 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 7:03 p.m.

Roll Call

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

Consideration of Minutes from the May 9, 2023 Meeting

Chairwoman Melaine Minear inquired if there were any additions or corrections to the Minutes of May 9, 2023. Chairwoman Minear entertained a motion to approve these Minutes of the May 9, 2023 Odessa Tree Commission. Commissioner Jeff Pyle moved to approve the Minutes of the May 9, 2023 meeting as corrected. Secretary Schlieder seconded the motion which was adopted unanimously by voice vote.

Recognition of Visitors

No visitors were present at the meeting.

Old Business

Status of Tree Commission Vacancies

Chairwoman Melaine Minear reported that the Town is still seeking candidates to fill the unexpired terms of Neeka Grove, Quentin Schlieder, Michael Callaghan and herself. Unless new candidates are recruited, the Tree Commission will not be able to establish a quorum to conduct business after August 8, 2023, since only one member, Jeff Pyle, will be serving on the Commission.

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

Secretary Schlieder reported that the pruning workshop on Tuesday, June 6, 2023 was fully subscribed with ten registrants participating. Secretary Schlieder presented Commissioner Jeff Pyle with a copy of the workshop packet which included a summary of the content of the event. The evaluation forms indicated that the workshop was well received and participants indicated an interest in future events with subjects like native trees, a tour featuring trees growing in Odessa, care of street trees including watering and fertilizing, and diseases and pests and how to manage them. Most registrants thought the weekday evening schedule was convenient.

Facebook Page – Odessa Delaware Tree Log

Secretary Schlieder noted that updates to the tree log included recent tree plantings and an article from the *News Journal* on research at the University of Delaware on the possible control of Spotted Lanternfly using two species of parasitic wasps. Secretary Schlieder, again asked that

members of the Commission encourage friends and other residents to “like” and “follow” the Odessa Delaware Tree Log Facebook group page.

Inventory and Mapping

Secretary Schlieder noted that Chairwoman Minear had two copies of the 2012 Odessa Tree inventory maps prepared by the Delaware Forest Service printed in large copy format at the UPS Store. He has noted the loss of the White Ash and Norway Maple trees that have been removed and are no longer growing at the locations noted on the maps. Now that the Pruning Workshop is over, he plans to devote about two to four hours a week on inventorying the trees which still are growing along East Main Street from the Appoquinnimink River East to Route 13 North, using the inventory cards previously approved by the Commission. Once the cards are completed, he will forward a set to former Commissioner Michael Callaghan, who indicated that he was still willing to plot them using the Google Earth platform he had recommended.

Amendment of Ordinance Nos. 2002-1/2005-3 – Status Report

Secretary Schlieder distributed copies of an email for Town Secretary Amy Marie Ottinger to Chairwoman Melaine Minear dated May 30, 2023 which included comments and questions from Town Solicitor Barrett Edwards about the proposed amendments to Ordinance Nos. 2002-2 and 2005-3.

The Commission discussed the following points raised by Solicitor Edwards (**his comments are in bold typeface**):

In Section 6.3, what is the “Tree Care Industry?” Is this something we can define?

This language was literally “lifted” from the New Castle County Unified Development Code to be consistent with their standards.

It also references the title of the “*Tree Care Industry Association ANSI A300-2011 Standards*,” which is the title of the Standard.

Are the replacement quantities in 6.3 reasonable? I (Solicitor Edwards) honestly don’t know if they are completely reasonable or completely unreasonable or somewhere in the middle. We just don’t want to adopt standards that we later find out are very difficult to comply with, thus forcing people to regularly ask for waivers or regularly pay the fee in lieu of.

It was noted that during the meeting on April 6, 2023 with Mayor Smith and Town Secretary Amy Marie Ottinger and Chairwoman Minear, Secretary Schlieder provided a printed sheet with specifications from the Arbor Day Foundation, which coincidentally operated the Tree City USA certification for which the Town of Odessa was recently certified, which indicated the mature sizes of Small, Medium and Large trees illustrating the distances between these trees specified in the ordinance are appropriate. It was noted that the original ordinance, Ordinance No 2002-1 included the nomenclature designations of Small, Medium and Large. Additionally, the printed sheet also included a study from “How Many Trees Are Enough? Tree Death And The Urban Canopy” by Lara A. Roman which published *in SCENARIO 04: Building The Urban Forest Spring 2014*, concluding that the average life of a street tree is 19 to 28 years, so most of the trees will never reach full maturity and size. Due to the significant decline and loss of street trees due to old age, Emerald Ash borer, Dogwood decline, etc. the Town of Odessa should take an aggressive approach

to re-establish the Urban Forest Canopy approved by the Odessa Mayor and Council in Resolution 2012-1.

In Section 6.3, it could be difficult to enforce the tree replacement requirement. As long as the trees are being planted on private property, we could include language such as the following, “Failure to replace a tree that has died within one year of being planted shall be a violation of this ordinance. If the Town incurs costs to replace the tree due to the non-compliance of the property owner, the remediation costs shall be added to the property tax bill pursuant to 25 Del. C. Sec. 2901(a)(k) and collected in the same manner as unpaid taxes.” Just recognize that if the tree that dies was planted in the right-of-way, this won’t work very well because it isn’t on private property so we can’t add fees to the tax bill.

These points seem well considered and logical and the Tree Commission defers to Solicitor Edwards’ recommendations on how best to collect outstanding fees.

I (Solicitor Edwards) think Section 6.4 has a good idea about paying a fee in lieu of planting trees. I just have a concern about the language. The cost of the replacement tree is too ambiguous. Different species certainly cost different prices. What is the 1-year maintenance cost? What’s the planting cost? Who determines what this cost is supposed to be? In order to bring clarity to this point, we could do a few things. (1) Just include a flat fee, say \$75, which increases annually based on inflation. This is very clear and would be my preference. (2) Alternatively, we could reference the market rate for a specific tree species, i.e. red oak, plus 20% to cover planting and maintenance. Just some ideas to consider.

Of course, costs vary not only from species to species, and how the plant is purchased (i.e. bare root, B&B or container grown) as well as seasonal and market price fluctuations. The replacement should be of like type, size and condition of the original tree as well as the current market cost to replant the tree. The proposed \$75.00 fee is unrealistically low, if this option is selected. The estimated cost of a tree of the size required under the ordinance would be \$250.00-\$300.00 and are consistent with the current Legacy Tree Program.

In Section 6.4, if we are collecting money for trees, I agree that it needs to be earmarked for trees and not used for something else. I’m thinking we should just clarify that the Town Council is still responsible for these expenditures.

Mayor Smith indicated during the meeting on May 6, 2023 that the Town already has in place a process to segregate such funds, and uses this approach with funds collected for the Halloween event at Odessa Memorial Park. The Commission feels this is an acceptable approach.

In Section 6.5, it would be good to clarify what constitute large growing trees, medium growing trees, and small growing trees. Perhaps definitions of each indicating the height at maturity. It’s also a little ambiguous regarding why a tree cannot be accommodated. It would be good to include a few standards such as, “If a tree cannot be accommodated due to the existence of utilities (overhead or buried), the configuration of the right-of-way, the existence of fixtures within the right-of-way, or the likelihood of the tree not surviving to maturity in a particular location, the property owner may submit a request to the Tree Commission to pay a fee in lieu of planting the required number of trees.”

The designations of Large, Medium and Small Tree are in the Original Ordinance No. 2002-1 and were not changed. These are universally used terms in the Horticultural profession. One rather comprehensive listing can be found in Donald Wyman's **Trees for American Gardens** which was written by the Horticulturalist for the Arnold Arboretum of Harvard University, America's most prestigious authority on trees. The list appears on pages 58-63 of the books 1968 edition. Alternatively, the definition of Small, Medium and Large trees could be qualified to state "as defined by the Arbor Day Foundation." The qualifications for why a tree cannot be accommodated suggested by Solicitor Edwards are a great idea and the Commission recommends that they be added to Section 6.5.

Commissioner Pyle moved to authorize Secretary Schlieder to forward the Commission's responses to Solicitor Edwards comments and questions to Mayor Smith and Town Secretary Amy Marie Ottinger at his earliest convenience. Secretary Schlieder seconded the motion which subsequently was adopted unanimously by voice vote.

Recruitment of Volunteers/Scout and Odessa High School Outreach

Chairwoman Minear stated that since there has been a significant number of retirements and resignations from the Tree Commission, and it is unlikely that there will be a functioning Tree Commission after the August 8, 2023 meeting, the recruitment of volunteers is being deferred for the foreseeable future.

2024 Delaware Urban Forestry Grant Application - East Main Street Proposal

Secretary Schlieder distributed a copy of a draft letter to East Main Street property owners to assess interest in pursuing a Delaware Urban and Community Forestry Service grant to fill in the gaps along East Main Street. The Commission concurred that it was a good letter and approach, but since the Tree Commission may not be meeting after August 8, 2023, the letter should be added to the file for future reference, discussion and consideration.

Dogwoods on Main Street Near Post Office

Secretary Schlieder advised that he will contact Margaret Derrickson in the near future to discuss the pruning and maintenance of her flowering dogwood trees near the Post Office. If she concurs with his recommendations, he will prune these trees prior to the August 8, 2023 Tree Commission meeting.

Chairwoman Minear suggested that the Commission should write a letter apologizing to Ms. Derricksen for discussing this matter without consultation with her. Secretary Schlieder noted that the matter was brought to the Commission's attention and The Commission did nothing other than discuss the complaint, and that in his opinion this would be an unwise precedent and he could not vote in favor of the suggestion. He also noted that the Commission has offered to work with the property owner to address the issue and to improve the health of the trees. He concurred with Chairwoman Minear, however, that in the future, any future complaints should be discussed with the property owner as soon as possible before the Commission formally discusses it.

Care of Spring 2023 Tree Plantings

Chairwoman Minear reported that she has been watering the trees planted this spring several times each week. The trees appear to be in good health, and the cool weather has been helpful. As warmer weather during the summer approaches, the watering will be adjusted to accommodate the

requirements of these plants. The Arbor Day White Oak is of special concern due to a hard pan which may affect the depth of the roots.

Responsibility for the Maintenance of Street Trees and Sidewalks

In a response to a question raised by Commissioner Pyle at the Tree Commission's May 9, 2023 meeting, Secretary Schlieder reported that in reading the Ordinance No. 2002-1, it is quite clear in several sections that the Town and by extension the Tree Commission is responsible for the care of trees on Town owned property and "on land lying between the curb and the edge of any street, lane or alley...and if there is no sidewalk, the land lying between the curb or the edge of any street, lane or alley and a line one foot behind the line of utility poles along the street lane or alley." This does not preclude a property owner from maintaining a street tree provided they receive written permission from the Tree Commission. Past practice has also indicated that the Town has removed several declining and/or storm damaged street trees at its expense. Further, property owners who perform unauthorized work on a street tree as specified in the ordinance can be held liable for any corrective actions that may be required.

As for the responsibility for maintaining sidewalks, this issue should be addressed with the Town Council since the enabling Ordinances for the Tree Commission does not assign such oversight to the Tree Commission.

New Business

Planting of White Oak

Secretary Schlieder advised that he had a six-foot White Oak which he will donate and plant. He suggested that the tree be planted to fill a gap on High Street where it won't conflict with overhead utilities. He suggested this location since it is in the vicinity of other recent plantings which will make it easier to monitor and maintain. Additionally, he noted that since Main Street is the proposed beneficiary of the Delaware Urban and Community Forest grant, he thought it was best to have the grant fund future Main Street plantings. The Commission concurred and on the motion of Commissioner Jeff Pyle which was seconded by Secretary Quentin Schlieder and approved by voice vote with Chairwoman Minear abstaining, he was authorized to proceed.

Tree In Memory of Dr. Charles Dunham

Secretary Schlieder noted that Dr. Charles Dunham was an early advocate for the Tree Commission and was instrumental in its formation. He was a professor of Ornamental Horticulture at University of Delaware and a resident on High Street. Secretary Schlieder noted that Dr. Dunham was his professor for the Longwood Gardens Summer Plant Material Laboratory during the summer of 1968. Secretary Schlieder distributed copies of Dr. Dunham's obituary as well as information on the Franklin Tree, which he thought would be an appropriate plant to commemorate his life and contributions to the Town of Odessa.

Secretary Schlieder advised that he was able to procure a small specimen of the Franklin Tree, *Franklinia altamaha*, named by noted colonial botanist John Bartram for Benjamin Franklin. This tree, a member of the Tea Family, has a fascinating history, becoming extinct in the wild in 1803. It has spectacular single white flowers in late summer through autumn and gorgeous burgundy leaves in the autumn. It is quite rare, but relates well to the Town of Odessa's Colonial past.

Secretary Schlieder advised that he will donate the tree and a plaque and recommended that it be planted on the south east corner of the Academy property, since the existing dogwoods are declining and need to be replaced in the not-too-distant future.

Commissioner Jeff Pyle moved to proceed with the planting of the Franklin Tree in memory of Dr. Charles W. Dunham near the southeast corner of the Academy property. Secretary Schlieder seconded the motion which was adopted unanimously by voice vote.

Proposed Meeting with Taryn Davidson of the Delaware Forest Service to inform her of pending changes regarding the Odessa Tree Commission.

Chairwoman Minear, noting the significant pending changes to the Odessa Tree Commission suggested that Secretary Schlieder and she meet with Taryn Davidson of the Delaware Forest Service to advise her of these changes and to encourage her support for the successors to the current Commission. Commissioner Jeff Pyle offered a motion to authorize Chairwoman Minear and Secretary Schlieder to meet with Ms. Davidson to discuss these changes and to encourage ongoing support for the Commission. Secretary Schlieder seconded the motion which was adopted unanimously by voice vote.

Other Business

Chairwoman Minear noted that Odessa has been designated a Tree City USA community and she is expecting a packet of materials from the Arbor Day Foundation in the mail.

Chairwoman Minear read a gracious note from Mayor Smith thanking the Commission for presenting the Pruning Workshop.

Next Meeting Date and Time

Chairwoman Minear reminded the Commission that the next meeting of the Odessa Tree Commission will be held on Tuesday, July 11, 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 7:46 p.m. on the motion of Commissioner Pyle which was duly seconded by Secretary Schlieder and adopted unanimously by voice vote.

Respectfully submitted,

Quentin C. Schlieder, Jr.
Secretary