

The Regular Meeting of the Board of Trustees of the Village of Albion was held Wednesday, April 11, 2018 at 6:00 PM, at the Village Hall, 35 East Bank Street, Albion, New York.

Present were Mayor Eileen S Banker, Trustees Stanley Farone, Gary Katsanis, Mattea Navarra, Peter Sidari and Attorney John C Gavenda. Also present were Code Enforcement Officer Ron Vendetti. There were 11 residents present.

Mayor Banker opened the meeting with the pledge of allegiance at 6:00 PM.

APPROVED TREASURER REPORT

Moved by Trustee Farone and seconded by Trustee Katsanis approving the Treasurer's Report for the month of March 2018.

CARRIED
5 Ayes 0 Nays

APPROVED MINUTES

Moved by Trustee Navarra and seconded by Trustee Farone that in as much as each member received copies of the minutes of March 28, 2018 and there being no errors or omissions, minutes are hereby approved as written.

CARRIED
4 Ayes 0 Nays
Trustee Navarra
Trustee Farone
Trustee Sidari 1 Abstained
Mayor Banker Trustee Katsanis

APPROVED MINUTES

Moved by Trustee Katsanis and seconded by Trustee Farone that in as much as each member received copies of the minutes of April 2, 2018 and there being no errors or omissions, minutes are hereby approved as written.

CARRIED
5 Ayes 0 Nays

APPROVED MINUTES

Moved by Trustee Sidari and seconded by Trustee Katsanis that in as much as each member received copies of the minutes of April 3, 2018 and there being no errors or omissions, minutes are hereby approved as written.

CARRIED
4 Ayes 0 Nays
Trustee Sidari
Trustee Katsanis
Trustee Navarra 1 Abstained
Mayor Banker Trustee Farone

APPROVED MINUTES

Moved by Trustee Farone and seconded by Trustee Sidari that in as much as each member received copies of the minutes of April 6, 2018 and there being no errors or omissions, minutes are hereby approved as written.

CARRIED
5 Ayes 0 Nays

APPROVED MINUTES

Moved by Trustee Farone and seconded by Trustee Sidari that in as much as each member received copies of the minutes of April 7, 2018 and there being no errors or omissions, minutes are hereby approved as written.

CARRIED
4 Ayes 0 Nays
Trustee Farone
Trustee Sidari
Trustee Katsanis 1 Abstained
Mayor Banker Trustee Navarra

APPROVED PAYMENT OF VILLAGE BILLS

Moved by Trustee Farone and seconded by Trustee Navarra approving payment of the following Village bills:

General	Voucher #29174	\$55,688.78
Water	to #29378	\$23,006.17
Sewer		\$ 4,706.55

CARRIED

5 Ayes 0 Nays

APPROVED PAYMENT TO DEGNAN

Moved by Trustee Sidari and seconded by Trustee Navarra approving payment of \$1,080 to Brian Degnan for services rendered December 29, 2017 to February 16, 2018.

CARRIED

5 Ayes 0 Nays

APPROVED CEMETERY DEED

Moved by Trustee Katsanis and seconded by Trustee Farone approving Mayor Banker sign the following Cemetery Deed:

Judith M Prentice	S.G. 117A/B Veterans Companion
-------------------	--------------------------------

CARRIED

5 Ayes 0 Nays

ACCEPTED APPLICATION

The following application was accepted and will be placed on file for future reference:

Gerardo Solis	Any
---------------	-----

APPROVED AGREEMENT WITH ELBA

Moved by Trustee Sidari and seconded by Trustee Navarra approving Mayor Banker sign the "Agreement for the Extension of Full Service Contract" with the Village of Elba. The contract for the Village of Albion's Department of Public Works to repair/maintain Village of Elba's vehicles has been extended until February 28, 2020.

CARRIED

5 Ayes 0 Nays

APPROVED TO PAY TOWARDS AD

Moved by Trustee Sidari and seconded by Trustee Katsanis to pay up to \$50 towards the advertising of the Bonfire at Bullard to be held on May 5, 2018 from 6:00 PM to 8:30 PM.

CARRIED

5 Ayes 0 Nays

APPROVED TO INCREASE BUDGET LINES

Moved by Trustee Farone and seconded by Trustee Katsanis approving to increase A.6989.401 (Economic Development-Concerts) and A 2705 (Gifts and Donations) \$1,200 from Genesee Orleans Regional Arts Council to be used towards the Concerts this coming summer.

CARRIED

5 Ayes 0 Nays

EMPLOYEE CORRESPONDENCE

The Board of Trustees received a correspondence from employee Dale Snyder stating that he is eligible to retire in the next fiscal year.

APPROVED ENGINEERING FOR THE DISINFECTION SYSTEM

Moved by Trustee Navarra and seconded by Trustee Katsanis accepting the low engineering bid from Wendell for the Pollution Control Plant Disinfection System at a cost of \$29,750. The other sealed bids received were:

Chatfield Engineers	\$32,070
LaBella Associates	\$35,000
Environmental Design & Research (EDR)	\$58,370
Hunt Engineers	\$60,334

CARRIED

5 Ayes 0 Nays

SEASONAL EMPLOYEES

Moved by Trustee Katsanis and seconded by Trustee Sidari approved part-time/seasonal employees to work 130 hours one month out of four to help with personnel costs.

CARRIED
5 Ayes 0 Nays

CORE HOURS

The Board of Trustees tabled adopting “core hours” until the April 25, 2018 Workshop Meeting. The Board member will write their ideas down and send them to Mayor Banker.

RESIDENT REQUEST

The Clerk-Treasurer will contact the resident interested in purchasing 125 Liberty Street and inform them that the Village doesn’t own that property.

APPROVED EMPLOYEES ROLL OVER/SELL BACK

Moved by Trustee Farone and seconded by Trustee Navarra approving the request from the following employees to sell back/roll over unused vacation days for the fiscal year June 1, 2017 to May 31, 2018 as per contracts:

EMPLOYEE	HRS SELL BACK	HRS ROLL OVER	PL TO SICK
Albright, Aric	80	80	16
Annable, William		24	
Ashbery, Jeffrey		28	
Basse, Daniel	36	48	
Babcock, Linda	80	30.5	
Banker, Timothy	80		
Francis, William		48	
Hughes, Karol	66	48	
Miller, Kevin	80	80	
Mogle, David		40	40
Nenni III, Roland	80	80	40
O’Sullivan, Mary	64		
Pahura, James	80		
Robb, Daryl	72	3	
Sargent, Todd	80	40	
Snyder, Dale	80	52	
Staines, Nathaniel	24	48	
Vendetti, Ronald	80	80	40
Wagner IV, Robert	36	12	
Zicari, Jason	80	80	40
Zwifka, Martin	40		

CARRIED
5 Ayes 0 Nays

APPROVED EMPLOYEES TO OPT OUT OF MEDICAL

Moved by Trustee Farone and seconded by Trustee Navarra approving the wishes of the following employees to opt out of medical coverage for the fiscal year June 1, 2018 to May 31, 2019 per contracts:

Alison Boring, Charles Ricci and Dale Snyder

CARRIED
5 Ayes 0 Nays

PUBLIC HEARING FOR TENTATIVE BUDGET

Mayor Banker opened the Public Hearing at 7:01 to hear comments relating to the tentative budget as proposed by the Board of Trustees for the fiscal year beginning June 1, 2018:

Appropriations	Estimated Revenues	Fund Balance	Tax Levy
\$3,769,604.47	\$1,081,675.17	\$0.00	\$2,687,929.30

WATER FUND

Appropriations	Estimated Revenues	Fund Balance
\$1,633,344.31	\$1,620,232.40	\$ 13,111.91

SEWER FUND

Appropriations	Estimated Revenues	Fund Balance
\$1,277,023.20	\$1,197,631.95	\$79,391.25

Assessed valuation for this year is 148,481,092 which is an increase from last year. Mayor Banker stated the Board still has some work to do and will be adopting the budget at a Special Meeting to be held April 30, 2018 at 6:00 PM.

There were no residents present who wished to speak.

CLOSED PUBLIC HEARING

Moved by Trustee Farone and seconded by Trustee Sidari that in as much as there was no one present who wished to speak relating to the tentative budget as proposed by the Board of Trustees for the fiscal year beginning June 1, 2018, the Public Hearing closed at 7:07 PM.

CARRIED
5 Ayes 0 Nays

EXECUTIVE SESSION

Moved by Trustee Katsanis and seconded by Trustee Navarra to adjourn to executive session to discuss contracts matters with Attorney Gavenda at 7:09 PM.

CARRIED
5 Ayes 0 Nays

EXECUTIVE SESSION CLOSED

Moved by Trustee Sidari and seconded by Trustee Katsanis to come out of executive session at 7:21 PM.

CARRIED
5 Ayes 0 Nays

APPROVED TO USE FUND BALANCE TO PURCHASE LAND

Moved by Trustee Navarra and seconded by Trustee Sidari approving to pay \$37,500 for the East State Street property from the general fund account. The Board also agreed to pay \$910 for the abstract and deed stamps.

CARRIED
5 Ayes 0 Nays

FUNDS WITHHELD FROM ORLEANS COUNTY

Attorney Gavenda and Code Enforcement Officer Ron Vendetti will meet to discuss the payment from Orleans County for the unpaid June 2017 taxes that were relieved. The payment was short \$19,162.71 because of the following:

Charles H Hunt	Mowing	2010-2013	\$ 3,351.75
Eva & Arthur Hildreth	Mowing	2013	\$ 81.75
Jack Shaw	Mowing	2011, 2013-2015	\$ 3,050.00
James McCarthy	Mowing	2015	\$ 150.00
Virginia Mosher/Bruce Ribble	Taxes	2003, 0004, 2008-2015	\$12,529.21

PUBLIC HEARING FOR TREE GUIDELINES

Deputy Mayor Banker opened the Public Hearing to hear comments relating to establishing a Local Law to create a Tree Ordinance.

The following were discussed: Are the trees in the right-of-way now grandfathered in; who's responsible for the trees in the right-of-way; the Village is responsible for the trees in the right-of-way

CLOSED PUBLIC HEARING

Moved by Trustee Sidari and seconded by Trustee Navarra that in as much as everyone who wished to speak relating to the Local Law 2018-1 regarding Tree Ordinances were heard, the Public Hearing closed at 7:036 PM.

CARRIED
5 Ayes 0 Nays

ADOPTED LOCAL LAW 2018-1 TREE ORDINANCES

The following resolution 2018-14, Local Law #1, 2018 was proposed by Trustee Farone who moved its adoption and seconded by Trustee Navarra approving the Tree Ordinances:

WHEREAS, a proposed Local Law #1 of the year 2018 for the purpose of adding a Tree Ordinance to the Village Codes was presented to the Village of Albion Board of Trustees, and

WHEREAS, the Board of Trustees at a Regular Board Meeting of said Board held on

Wednesday, March 28, 2018 did adopt a motion that a Public Hearing be held on the aforesaid proposed Local Law at 7:30 PM on April 11, 2018, at 35-37 East Bank Street, Albion New York and that said notice thereof be published in the Batavia Daily Newspaper, the official newspaper of the Village of Albion at least seven days before April 11, 2018, and

WHEREAS, a notice of such Public Hearing on said proposed Local Law was duly published in the Batavia Daily Newspaper on April 4, 2018, and

WHEREAS, a Public Hearing on said proposed Local law was held by the Board of Trustees, at 35-37 East Bank Street, Albion, New York at 7:30 PM on April 11, 2018, at which time all were heard who wished to speak regarding said Local Law,

NOW THEREFORE BE IT RESOLVED, that the following Local Law #1, 2018 be hereby made part of the code of the Village of Albion, New York:

LOCAL LAW #1, 2018
ADDING SECTION 200

GENERAL REFERENCES

§ 200-1 Purpose.

A. The purpose of this chapter is to protect the health, safety and welfare of both the public citizenry and the trees in the Village of Albion by establishing standards and regulations to control planting, planning, removal, maintenance, protection of the trees and shrubs within the public rights-of-way and public land areas from undesirable and unsafe planting, removal, maintenance and protection practices and by eliminating and guarding against dangerous conditions which may result in injury to persons using the public areas of the Village, and by promoting the enhancement and natural beauty of the Village, as well as to prevent damage to any public sewer or water main, street, sidewalk or other public property, and to guard all trees and shrubs within the Village against the spread of disease or pests.

B. The Village Board of Trustees determines these tree standards and regulations are reasonably necessary and desirable for the following reasons:

1. Trees are proven producers of oxygen, a necessary element for the survival of mankind;
2. Trees appreciably reduce the ever-increasing and environmentally dangerous carbon dioxide content of the air and play a vital role in purifying the air;
3. Trees play an integral role in neutralizing wastewater which passes from the surface to lower groundwater aquifers;
4. Trees through their root systems stabilize the soil and play an important and effective part in Village-wide soil conservation, erosion control and flood control;
5. Trees are essential and an invaluable physical and psychological addition to the Village, making life more comfortable by providing shade and cooling both air and land, reducing noise levels and glare, and breaking the visual monotony of development of land;
6. Trees provide wildlife habitat and play other important ecological roles;
7. The protection of trees within the Village of Albion is not only desirable, but essential to the present and future health, safety, and general welfare of all the citizens of Village of Albion;
8. Some tree species are more beneficial than others as necessary contributors to the Village's environment and it is not necessary to protect each and every tree in order to attain the public benefit of a tree protection and replacement ordinance.

C. The provisions of this chapter shall apply to all trees and shrubs presently or hereafter planted in or upon any public area which shall endanger the life, health or safety of persons or property.

§ 200-2 Applicability; enforcement.

A. The terms and provisions of this chapter shall apply to all trees, plants, and shrubs located on public property, including Village-owned rights-of-way, parks, or other public lands within the Village, and also to any development or circumstance which has the potential to adversely impact public trees.

B. It shall be the duty of the Village Code Enforcement Officer, in consultation with the Superintendent of Public Works, to enforce the provisions of this chapter.

§ 200-3 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ABUTTER

One whose property touches or adjoins along a border, or with a projecting part, the property of another.

CODE ENFORCEMENT OFFICE

The designated agency of the Village of Albion under whose jurisdiction the trees, shrubs, bushes and all other woody plants fall.

DRIPLINE

The area directly below the canopy of the tree out from the trunk to the greatest extent of the branches.

LARGE TREES

Those species which habitually or at maturity attain a height of 45 feet or more.

MEDIUM TREES

Those species which habitually or at maturity attain a height of 30 to 45 feet.

NOTICE

A written or verbal announcement as given by authority of the Village.

PERSON

Any individual, firm, partnership, association, corporation, company, organization, or entity of any kind.

PROPERTY OWNER

The person owning such property as shown by the Tax Assessor's records, Village of Albion, unless proof to the contrary is available.

PUBLIC HAZARD

A condition of any tree, shrub, bush or other woody plant, or any substantial portion of a tree, shrub, bush or woody plant, which constitutes a hazard to life and property or harbors insects or disease which constitutes a potential threat to other trees, shrubs, bushes or woody plants within the Village.

PUBLIC PROPERTY

All property owned, leased, or occupied by the Village of Albion or any of its administrative agencies or departments.

PUBLIC RIGHT-OF-WAY

The entire width between the dedicated boundaries of all public streets, roads, boulevards, alleys, and includes all sidewalks and public parking strips located within any such boundaries.

PUBLIC TREES

All trees, shrubs, bushes, and woody vegetation on public property, including Village parks and rights-of-way.

SMALL TREES

Those species which habitually or at maturity attain a height of 30 feet or less. Such trees shall be planted where three-phase and single-phase electrical wires exist.

STREET or HIGHWAY

The entire width of every public way or right-of-way when part thereof is open to the use of the public, as a matter of right, for the purposes of vehicular or pedestrian traffic.

STREET TREES

Trees, shrubs, bushes, and all other woody vegetation on land lying within public right-of-way of all streets, avenues, or ways or public property within the Village.

TOPPING

The severe cutting back of limbs to stubs larger than three inches in diameter within a tree's crown to such a degree as to remove the normal canopy and disfigure the tree.

WOODY VEGETATION

Trees, shrubs, plants and any other vegetation with a woody stem.

§ 200-4 Creation and establishment of Village Community Forest Advisory Board.

There is hereby created and established a Village Community Forest Advisory Board for the Village of Albion, which shall consist of five members, citizens and residents of Orleans County and the greater Albion area; with the Code Enforcement Officer and the Superintendent of Public Works serving as ex officio members.

§ 200-5 Term of office.

The term of the five persons to be appointed by the Mayor shall be five years, except that the term of the members appointed to the first Board shall be for only one through five years for each member. In the event that a vacancy shall occur during the term of any member, his/her successor shall be appointed for the unexpired portion of the term.

§ 200-6 Compensation.

Members of the Board shall serve without compensation.

§ 200-7 Duties and responsibilities.

A. It shall be the responsibility of the Board to study, investigate, counsel, develop and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets, and in other public areas. Such plan will be presented annually to the Village Planning Board and Village Board of Trustees and, upon their acceptance and approval, shall constitute the official comprehensive Village tree plan.

B. The Board shall provide advice and counsel the Albion Village Planning Board with regard to any site plan and/or site plan review of which tree plantings are a part, including but not limited to the review of proposed tree plantings and landscaping, and recommendations for appropriate tree size, placement, and species in accordance with all applicable sections of this chapter.

C. The Board shall promote and supervise the establishment of a tree inventory for street and park trees. The inventory shall be updated in conjunction with the Department of Public Works, with the results of ground inspections every three years.

D. The Board, when requested by the Board of Trustees, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.

§ 200-8 Operation.

A. The Village Community Forest Advisory Board shall hold regularly scheduled meetings every other month for the purpose of conducting business as set forth in this section. Should the business of carrying out the duties and responsibilities of this section require additional meetings, the Village Community Forest Advisory Board may hold special meetings as needed at the call of the Chairperson or at the request of three or more members.

B. The Board shall choose its own officers, i.e., Chairperson, Vice Chairperson and Secretary; make its own rules and regulations annually at a reorganization meeting; and shall keep minutes of its proceedings. A majority of the appointed members shall constitute a quorum for the transaction of any business as set forth in this section.

C. In accordance with § 74.2 of Article 4 of the Public Officers Law, a member of the Village Community Forest Advisory Board having a conflict of interest shall abstain from any discussion or voting on that matter.

D. The Village Community Forest Advisory Board may request and obtain any advice or opinions on the law relating to any matter before the Board from the Village Attorney, and require the Village Attorney to attend its meetings.

E. The Village Community Forest Advisory Board may require the Village Code Enforcement Officer and/or the Superintendent of Public Works to attend its meetings and present any facts relating to any matter before the Board.

F. All meetings of the Village Community Forest Advisory Board shall be open to the public. The duly elected Secretary of the Village Community Forest Advisory Board shall keep written minutes of the proceedings of the Board at all meetings.

§ 200-9 Authority to plant or remove trees on public lands.

A. Trees planted on public property by adjacent property owners or others shall be selected and located in accordance with §§ 200-9 through 200-14 of this chapter. Application shall be made to the Village Community Forest Advisory Board and approval given prior to any planting. No person shall plant any street tree except according to policies, regulations and criteria established pursuant to this chapter. In addition, the Department of Public Works and any other applicable utilities shall be consulted by the property owner before any planting.

B. All trees planted on public lands as specified by this section shall be located and planted with the approval of the Village Community Forest Advisory Board, and under the supervision of the Superintendent of Public Works. In the performance of such work, consideration shall be given to the following factors. These factors are determined to be of primary importance in maintaining the Village forest.

1. Trees that must be removed shall be replaced by new planting, where feasible.

2. Wherever feasible, trees shall be planted near old and dying ones in anticipation of their removal.
3. Unnatural regularity of spacing and arrangement shall be avoided.
4. Species selected may vary, depending on mitigating factors of the site as provided for in §200-10.

C. Whenever any tree is planted or set out in conflict with the provisions of this section, it shall be lawful for the Superintendent of Public works to remove or cause removal of the same. The cost of removal of said tree shall constitute a lien and charge upon the real property of the owner responsible for such planting until paid or otherwise satisfied or discharged and shall be collected by the Village Treasurer in the manner provided by law for collection of taxes.

D. Notice of a determination to remove or cause removal of a tree planted or set out in violation of this section shall be made by the Code Enforcement Officer to the responsible property owner by mail to the last known address as shown on the Village tax rolls. Such notice shall be made 10 days prior to any removal.

E. Appeal of a decision to remove a tree planted or set out in violation of this section may be made by a property owner to the Village of Albion Board of Trustees. Appeals shall be made in writing and submitted to the Village Clerk prior to the scheduled removal date. The Village Board of Trustees shall use the criteria and regulations contained in §§ 200-10 through 200-14 of this chapter to reach a decision in any appeal. A decision of any appeal shall be made within 60 days of receipt by the Village Clerk.

§ 200-10 Tree species to be planted and planting requirements.

A. Before planting, all street trees must be inspected and approved by the Superintendent of Public Works, the Village Code Enforcement Officer, and/or their official designee.

B. So the Village Community Forest Advisory Board can determine the tree requirements for the proposed site, any person wishing to plant a tree under the provisions of this chapter shall submit to the Village a brief site plan of the proposed planting which shall:

1. Provide a photograph of the proposed site on which the planting will occur;
2. Show clearly all existing trees in that immediate vicinity, noting location, species, diameter and condition;
3. Note whether existing trees will be retained, removed or relocated;
4. Show location of utilities, driveways, street tree locations, and the size and species of proposed street trees (see tree specifications).

C. The applicant shall further refer to the site assessment criteria and include as much information based on these criteria as is possible when making an application in order to expedite the site plan review process.

D. The Village Community Forest Advisory Board develops and maintains a list of appropriate and desirable trees for planting along streets in three size classes based on habitual growth and/or mature height: small (under 30 feet), medium (30 to 45 feet) and large (over 45 feet). Efforts shall be made to ensure a sufficient diversity of tree species. Lists of trees not suitable for planting will also be created by the Village Community Forest Advisory Board. (See designated list enumerating both appropriate and inappropriate trees, and Recommended Urban Trees: Site Assessment and Tree Selection for Stress Tolerance, Urban Horticulture Institute Department of Horticulture, Cornell University, Ithaca, NY, 2003.)

E. The selection of tree species shall be based on a site assessment. Over planting of one tree species can result in insect infestations and diseases leading to the destruction of a large number of trees in one area or even through the entire Village. The Village Community Forest Advisory Board shall endeavor to limit any one species of tree to between 5% and 10% of a total number of trees planted within the Village when reviewing a site plan. As a result, the Village's tree population will be protected from widespread destruction due to insects and disease, ensuring a long-lived and healthy urban forest.

F. A site assessment shall also consider tree requirements such as:

1. Hardiness zone.
2. Light conditions.
3. Heat.
4. Wind.

5. Soil pH.
6. Soil texture/type.
7. Soil compaction levels.
8. Soil drainage characteristics.
9. Salt levels from winter road spray.
10. Utility wires/poles.
11. Proximity to buildings, structures.
12. Rooting space.
13. Underground utilities.

§ 200-11 Spacing.

The spacing of street trees will be in accordance with the three species size classes listed in § 200-10 of this chapter, and no trees may be planted closer together than the following: small trees, 15 feet; medium trees, 25 feet; and large trees, 35 feet; except in special plantings approved by the Community Forest Advisory Board and/or designed or approved by a landscape architect or arborist.

§ 200-12 Distance from curb and sidewalk.

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in § 200-10 of this chapter, and no trees may be planted closer to any curb or sidewalk than two feet for small trees, three feet for medium or large trees.

§ 200-13 Distance from street corners and fire hydrants.

No street tree shall be planted so as to obstruct the sight lines of vehicular traffic at any intersection or corner. No street tree shall be planted within 10 feet of any fireplug.

§ 200-14 Utilities.

No street trees other than those species accepted as small trees by the Village Community Forest Advisory Board may be planted under or within 10 feet of any overhead three-phase or single-phase electric utility wire.

§ 200-15 Public tree care.

A. The Village shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

B. The Village Community Forest Advisory Board may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition, or which by reason of its nature is injurious to sewers, electric power lines, gaslines, waterlines, or other public improvement, or is affected with an injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners, providing that the selection and location of said trees is in accordance with §§ 200-9 through 200-14 of this chapter.

C. It shall be the duty and responsibility of all property owners to maintain the grounds of public rights-of-way abutting the owner's property, regardless of whether such property is developed. This maintenance shall include watering as needed and keeping such areas free from weeds or any obstructions contrary to public safety.

D. Property owners are encouraged to water Village street trees, whether newly planted or mature, whenever said trees are deprived of their normal source of moisture. Such watering should be continued during dry weather until the street tree becomes acclimated to the new environment.

§ 200-16 Pruning standards.

All tree pruning on public property shall conform to the ANSI A300 standards for tree care operations and be done by Village Department of Public Works or contractors authorized by the Village Department of Public Works and approved by the Village Board.

§ 200-17 Tree topping.

It shall be unlawful as a normal practice for any person, firm or Village department to top any street tree, park tree or other tree on public property. "Topping" is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Crown reduction by a qualified arborist may be substituted, where appropriate. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this chapter at the determination of the Village Community Forest Advisory Board and/or Superintendent of Public Works.

§ 200-18 Pruning and corner clearance.

Every owner of any tree overhanging any street or right-of-way within the Village shall prune the branches so that such branches shall not severely obstruct the light from any street lamp or obstruct the view/sight lines of any street intersection and so that there shall be a clear space of thirteen (13 feet) above the street surface or eight (8) feet above the sidewalk surface. Such owners shall remove all dead, diseased or dangerous trees or broken or decayed limbs which constitute a menace to the safety of the public. The Village shall have the right to prune or remove any tree or shrub on private property or when it interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic control device or sign or sight triangle at intersections.

B. Tree limbs that grow near high voltage electrical conductors shall be maintained clear of such conductors by the electric utility company in compliance with any applicable franchise agreements. A utility tree-trimming policy shall be reviewed by the utility company and the Village Community Forest Advisory Board prior to any trimming by the utility company, to ensure proper trimming and pruning will be done without excessive and undue loss to the crown of the tree.

§ 200-19 Dead or diseased tree removal on private property.

A. The Superintendent of Public Works shall have the right to cause the removal of any dead or diseased trees on private property within the Village of Albion when such trees constitute a hazard to life and property or harbor insects or disease which constitute a potential threat to other trees within the Village. The Code Enforcement Officer will notify, in writing, the owners of such trees by mail to the last known address as shown on the Village tax rolls. Removal shall be done by said owners at their own expense within 60 days of such notice.

B. In the event of failure of owners to comply with such provisions, the Village shall have the authority to remove such trees. The Code Enforcement Officer will notify, in writing, the owner of such trees by mail to the last known address as shown on the Village tax rolls. Such notification shall be made 10 days prior to any removal. The cost of removing such trees shall constitute a lien and charge upon the real property involved until paid or otherwise satisfied or discharged and shall be collected by the Village Treasurer in the manner provided by law for the collection of taxes.

C. Appeals of an order or decision to remove a tree under the provisions of this section may be made by a property owner to the Village of Albion Board of Trustees. Appeals shall be made in writing and submitted to the Village Clerk prior to the scheduled removal date. The Village Board of Trustees shall use the definitions, regulations and requirements contained in this chapter to reach a decision. A decision of any appeal shall be made within sixty (60) days of receipt by the Village Clerk.

§ 200-20 Removal of stumps.

All stumps of street and park trees shall be removed a minimum of four inches below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

§ 200-21 Protection of trees.

A. In order to maintain the overall forest, reasonable efforts shall be made to replace trees that are removed and to protect quality trees that are endangered. Trees removed by decision of the Village Community Forest Advisory Board or by natural causes shall be replaced somewhere in the forest on a one-for-one basis within one year, depending on the availability of sufficient funds. The location and species of any replacement tree shall be determined by the Village Community Forest Advisory Board.

B. Trees of desirable species and good health shall be protected from damage during construction, sidewalk repair, utilities work above and below ground, and other similar activities. No person shall without first obtaining a written permit from the Village Code Enforcement Officer.

1. Undertake any construction or development activity (including but not limited to the excavation of any ditches, tunnels, or trenches, or the laying of pavement) within the dripline or radius of 10 feet, whichever is greater, of any Village tree or shrub.

2. Move or park vehicles associated with any construction or development activity which may damage or affect any tree or shrub on Village property.

C. The zone of protection shall include the ground beneath the canopy of the tree and shall be enclosed with a substantial fence, frame, or box centered around the tree, not less than four feet high. Unless the Superintendent of Public Works and the Village Community Forest Advisory Board, for good cause, determine otherwise, all trees or shrubs on any public street or any other Village-owned property directly impinging on any excavation or construction of any building, structure or street work shall be guarded as follows:

1. For trees or shrubs with a crown spread of eight feet or less, a substantial fence, frame, or box not less than four feet high and eight feet square shall surround the tree or shrub;
2. For trees or shrubs with a crown spread of over eight feet, a fence not less than four feet high shall be placed at least at the tree or shrub's dripline or at a radius of a distance in feet from the tree equal to the diameter of the trunk in inches DBH (diameter breast height: four feet), whichever is greater. All building material, dirt, or other debris shall be kept outside this barrier.

§ 200-22 Placing materials on public property

No person shall deposit, place, store, or maintain upon any public place of the municipality any stone, brick, sand, wood, steel, concrete, asphalt products or other materials which may impede the free passage of water, air or fertilizer to the roots of any tree growing therein, except by written permit of the Code Enforcement Officer.

§ 200-23 Abuse or mutilation of trees on public lands.

Under no circumstance shall any person cut, carve, transplant, top, or remove any public tree; attach any rope, wire, nails, advertising posters, or other contrivance to any such tree; allow any gaseous, liquid or solid substance which is harmful to trees to come in contact with them; or to set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree.

§ 200-24 Interference with Village Community Forest Advisory Board.

It shall be unlawful for any person to prevent, delay or interfere with the Village Community Forest Advisory Board or any of its agents while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds as authorized in this chapter.

§ 200-25 Arborist's license and bond.

A. It shall be unlawful for any person or firm to engage in planting or transplanting of a tree or trees on public lands as defined in this section without first obtaining a written permit as a result of an approval of a tree site plan review by the Village Community Forest Advisory Board.

B. It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street, park, or public trees, bushes, shrubs, or woody vegetation on public property without obtaining a written permit from the Village, the application of which being subject to review by the Village Community Forest Advisory Board. Each applicant shall possess and show proof of a current New York State Arborist License, be a certified nurseryman, or submit written evidence of proficiency in the care of trees.

C. The permit fee shall be established from time to time by the Board of Trustees.

Editor's Note: The current Fee Schedule is on file in the office of the Village Clerk Said fees will be placed in a dedicated fund for the purpose of reforestation efforts within the Village. No written permit shall be required of any public service company, including electric utilities and their agents and contractors, or Village employee doing such work in the pursuit of their public service endeavors. Further, pruning, planting, removing or any other tree work done on public trees by volunteers or Village employees under the supervision and operation of the Superintendent of Public Works or Village Code Officer shall not require a permit under this section. Each permit shall run for a period of no longer than one year from the date of issue.

D. Before any permit shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$1,000,000 for bodily injury or death, and \$100,000 property damage, indemnifying the Village or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

§ 200-26 Appeals.

Any person aggrieved by a decision of the Village Community Forest Advisory Board, Code Enforcement Officer, or Superintendent of Public Works may, within 15 days of filing of the decision in the Village Clerk's office, file a written appeal with the Village Board of Trustees for review of the decision. Reviews shall be conducted based on the same record that was before the Village Community Forest Advisory Board and use the same criteria. After review, the Village Board of Trustees may reverse or affirm, or modify, or modify and affirm the action of the Village Community Forest Advisory Board.

§ 200-27 Penalties for offenses.

A. Any person who violates any provision of this chapter shall be subject to a fine payable to the Village of Albion of not less than \$125 and not more than \$250 each day of the violation. No penalty shall be assessed for failure to act during any notice period.

B. In addition, if, as a result of the violation of any provision of this chapter, the injury, mutilation, or death of a tree, shrub, or other plant is caused, the cost of repair or replacement of such tree, shrub, or other plant shall be borne by the person in violation. The replacement value of trees and shrubs shall be determined in accordance with the current edition of Valuation of Landscape Trees, Shrubs, and Other Plants, as published by the International Society of Arboriculture, and/or current market value.

CARRIED

4 Ayes	1 Nay
Trustee Farone	Trustee Katsanis
Trustee Navarra	
Trustee Sidari	
Mayor Banker	

EXECUTIVE SESSION

Moved by Trustee Sidari and seconded by Trustee Katsanis to adjourn to executive session to discuss personnel matters at 7:38 PM.

CARRIED

5 Ayes	0 Nays
--------	--------

EXECUTIVE SESSION CLOSED

Moved by Trustee Navarra and seconded by Trustee Sidari to come out of executive session at 8:19 PM.

CARRIED

5 Ayes	0 Nays
--------	--------

MEETING ADJOURNED

Moved by Trustee Farone and second by Trustee Sidari that there being no further business, meeting is hereby adjourned at 8:20 PM.

CARRIED

5 Ayes	0 Nays
--------	--------

Respectfully submitted,

Linda K Babcock
Clerk-Treasurer