

A Local Law Providing for a Tree Advisory Council

**BE IT NOW ENACTED** by the Town Board of the Town of Ulysses, in the County of Tompkins and State of New York, as follows:

**Section 1. Legislative Intent**

The Town Board recognizes the role that trees play in the town ecosystem and that they contribute to the quality of air, reduce noise and visual pollution, help to moderate climatic extremes, and conserve energy. The Town Board further recognizes the role trees play in enhancing property values and the general quality of life in the Town. In order to foster responsible planting, maintenance, or removal of trees or shrubs in the Town of Ulysses so as to promote and protect the welfare of citizens of the Town, the Town Board finds it useful and appropriate to establish a Tree Advisory Council to assist and advise the Town Board, the Superintendent of Highways, and other agencies of the Town government.

**Section 2. Creation and Establishment**

1. There is hereby created and established a Town of Ulysses Tree Advisory Council.
2. The Advisory Council shall consist of not fewer than five nor more than seven members, a majority of whom are citizens and residents of the Town of Ulysses, to be appointed by the Town Board.
3. Members of the Advisory Council shall serve terms of three years, except that the terms of the initial members of the Advisory Council shall be for one, two, or three years so as to stagger the periods of their service.
4. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed by the Town Board for the unexpired portion of the term.
5. Members of the Advisory Council shall serve without compensation.
6. Members of the Advisory Council may be removed by majority vote of the Town Board for cause, including failure to attend to the affairs of the Council.
7. The Town Board shall appoint the chair of the Advisory Council.

**Section 3. Rules and Procedures**

1. The Council shall meet not less than twice in a calendar year, upon call of the chair.
2. Three members of a five person council or five members of a seven person Council shall constitute a quorum.
3. The Council shall keep a journal of its proceedings, which journal shall be filed with the Town Clerk among the official records of the Town.
4. Meetings of the Council shall be open to the public, and shall be conducted in person except to the extent permitted by state law by reason of a declared emergency. The

Council may provide for the attendance and participation of members of the public by any appropriate means including electronic.

#### **Section 4. Duties**

1. The Advisory Council may, within the limits of resources that may be made available to it, conduct an inventory of trees located upon any lands owned or controlled by the Town ("Public Trees"), including but not limited to those located upon or within the limits of the public right-of-way of Town highways.
2. The Advisory Council may study the condition of Public Trees and formulate recommendations for the improvement of the stock of Public Trees, including good arboricultural practices, and the establishment of appropriate diversity in species and age classes in order to provide a stable and sustainable community forest.
3. The Advisory Council may, upon its own motion, from time-to-time prepare and furnish to the Town Board a report of its observations of the state of Public Trees.
4. The Advisory Council, upon request of the Town Board or Highway Superintendent, report, advise and recommend as to Public Trees in any particular location, or generally.
5. The Advisory Council shall upon request of the Town Board coordinate an annual Arbor Day observance, the Town having declared the last Friday in April as Arbor Day, and shall support and assist the Town Board in the application for and obtaining of any grants or other resources that may be available to the Town from public or private funds to further the Town's interest in promoting the community forest.
6. The Advisory Council shall not do or undertake any act in derogation of the responsibilities of the Highway Superintendent pursuant to Highway Law Section 153 or other general state law.

#### **Section 5. Definitions**

1. Public Trees - Any trees, shrubs, bushes, and all woody vegetation on land lying within a public road, Town property, or right-of-way within the Town. Public Trees include all park trees, all road trees, and all other trees owned by the Town, located upon Town-owned property, or within the public trust of the Town.

**Section 6. Interpretation.** This local law, and no clause hereof, creates any theory or claim of liability where none exists at law or in equity, and nothing herein alters any notices of claims as may be required by law.

**Section 7. Severability.** Should any section or provisions of this local law be declared by any court of competent jurisdiction to be unconstitutional or invalid, such declaration shall not affect the validity of this local law as a whole, or any part thereof, other than the part so-declared to be unconstitutional or invalid.

**Section 8. Effective Date.** This local law shall take effect immediately upon its filing with the Secretary of State.

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