

Request for Proposals for Creation of a Tree Inventory & Community Forest Management Plan



Village of Ballston Spa
Clerk's Office c/o Trustee Liz Kormos
66 Front Street
Ballston Spa, NY 12020

trusteekormos@villageofballstonspa.org
Phone 518.309-3949

Proposals Due:
May 3rd 2021 4:00 pm

The Village of Ballston Spa, New York has been awarded funds from New York State Department of Environmental Conservation for the completion of a tree inventory survey and community forest management plan for the Village of Ballston Spa streets right-of-way, parks, and lands. The goal of the project is to create a tree inventory and community forest management plan that can serve as the foundation for increased community investment and the future care of the City's community forest.

Background:

The overall goal of the Village of Ballston Spa is to determine the types, quantities, locations, and health of its existing tree population and to develop a management plan to expanding the number of trees, addressing health issues and threats, and to engage community residents in protecting and enhancing the village's forest resources. The Village is proposing a village-wide tree inventory and subsequent Community Forest Management Plan to establish and maintain healthy trees for air and water quality benefits, energy savings, environmental health, improve quality of life, lower the community's carbon footprint, and prevent damage from invasive species or climatic events. The Village needs to inventory its trees to determine the status of existing trees including their effect on our sidewalks and develop a management plan to add trees; address diseased and dying trees; trees that are creating hazards and replace those trees with a variety of disease resistant trees.

The Village was incorporated as a village in 1807. It was once the premier spa destination with the largest hotel in the country, the San Souci. Ballston Spa retains most of its historic buildings. The village is in Saratoga County, has an area of 1.6 square miles and is within and bordered by the Towns of Milton and Ballston. The Village is about 1 mile wide and approximately 2 miles long. The Village is home to 5,469 residents, all of whom will be positively impacted by completion of a Tree Inventory and Community Forest Management Plan.

The tree inventory and management plan will map the next decade of maintenance and planting for the village. The inventory will report the tree species composition. The plan will determine which trees have an extreme risk of failure and need to be removed, which trees are in good condition but need maintenance such as thinning or pruning; and which are dead trees that are harmful or harmless. The plan will determine the number of trees that need to be planted each year to increase the urban forest or to replenish dead or dying trees. Sidewalks impacted by tree growth will be identified. The plan will identify and classify sidewalk infrastructure conditions relating to street tree disturbance and provide a plan to address those issues such as root trimming, sidewalk modification or tree removal. This project will provide long lasting benefits to the Village not only in environmental health, but also to reduce flooding, provide wildlife habitat, increase property values, provide shade for walkers and bicyclists of all ages, and improve the quality of life for all village residents, businesses, and visitors.

The Village passed an ordinance establishing a Park and Tree Board made up of representatives from the five partnering organizations applying for this grant with the Village (see attached letters). Those partners include Cornell Cooperative Extension of Saratoga County, the Ballston Spa House and Garden Club, the Ballston Spa Business and Professional Association, the Ballston Spa Lions Club and the Ballston Spa Rotary. Each of these organizations has a long history of working with the Village to beautify and maintaining village property with plants, shrubs and trees. Ballston Spa is the County seat and Cornell Cooperative Extension of Saratoga County is located within the Village. They have been very active in providing educational programs to the schools and many of our local community groups. The main contact person will be Liz Kormos, Village Trustee and Commissioner of Parks and Recreation, who has a master's degree in biology from Northeastern University. Other members include Stacy Simmons, a horticulturalist and Kristopher Williams from Cornell Cooperative Extension of Saratoga County and the Capital Region (PRISM) a partnership for regional invasive species management both who have

extensive knowledge of horticulture and trees. The Village became a Tree City USA in 2019, passed a new Tree ordinance and had a 2020 Arbor Day Village Proclamation. The Park and Tree Board will work directly with the certified arborist in developing a plan for future street and park trees throughout the Village.

REQUEST FOR PROPOSALS TO COMPLETE A TREE INVENTORY AND COMMUNITY FOREST MANAGEMENT PLAN FOR THE VILLAGE OF BALLSTON SPA, NEW YORK

SECTION 1. GENERAL INFORMATION

This document solicits Requests for Proposals (RFP) to complete a Tree Inventory & Community Forest Management Plan (CFMP) for The Village of Ballston Spa, New York. The certified arborist chosen for the project will be required to have an International Society of Arboriculture (ISA) professional certification.

Contract Administration

Address all correspondence to the contract administrator regarding this RFP to:

Village of Ballston Spa
Clerk's Office c/o Trustee Liz Kormos
66 Front Street
Ballston Spa, NY 12020

All firms/consultants who receive or download this RFP are requested to register their name and email address by sending an email to Trustee Liz Kormos trusteekormos@villageofballstonspa.org by **April 23, 2021**. Any revisions or corrections to this RFP after posting will be communicated to those registered. Failure to register your contact information may result in nonparticipation of the RFP process. A proposal will not be considered if it fails to include all requested information as detailed in this original RFP and any subsequent modifications.

Any requests for additional information that may be needed for the preparation of the proposal should be directed to Trustee Liz Kormos trusteekormos@villageofballstonspa.org. **All questions must be received by email before 1:00 pm, April 27, 2021**. Questions received after that time will not be addressed. Answers to questions will be distributed to all registered firms.

Submittal of Proposal

Please provide three (3) paper copies and one (1) electronic pdf copy (at discretion of the municipality) of the Proposal for the evaluation process to:

Village of Ballston Spa
Clerk's Office c/o Trustee Liz Kormos
66 Front Street
Ballston Spa, NY 12020

Contact: trusteekormos@villageofballstonspa.org

Submittals will be accepted until May 3th 2021 4:00 pm

Acceptance of Proposal Contents

The contents of this RFP will be included as part of the contractual obligations if a contract ensues.

SECTION 2: OVERALL SCOPE OF SERVICES

Task 1: Hold a kick-off meeting with the Park and Tree Board (1) and Complete a Tree Inventory for the Village of Ballston Spa New York 12020.

The Village Trustees and Tree Board will work with the consultant to determine inventory safety and communication procedures and confirm project expectations and milestones so data collection may

begin.

A GIS-based tree inventory will be performed to collect tree data and various site attributes. It is recommended use of a combination of Geographic Information System (GIS) and Global Positioning System (GPS) equipment. The most efficient and accurate method for mapping tree locations involves a three-tier system:

- GPS technology
- GIS and map data on a handheld computer
- Arborist's field judgment

Certified arborist will compile tree inventory that will include all trees on public property or the described portion of public trees – i.e. all streets trees and trees in public parks. Below are estimates for the Village's land demographics:

- Land area 1.6 sq. miles
- Total street miles: 20 street miles and park trees (excluding forested areas)
- Total parkland: 13.8 acres (see below)
- Municipal buildings: Village Office - 66 Front St; Village Police Station and Court House - 30 Bath St; Eagle Matt Lee Fire Station – 35 Washington St; Union Firehouse – 319 Milton Ave; Ballston Spa Library, 21 Milton Ave; Department of Public Works - Charlton Road; Village Pool - 29 Ralph St.

Public Parks to consider include:

- Kelly Park 5.8 acres Ralph Street Ballston Spa (not including forested 7.3 acres)
- Ballston Spa Village Pool 2.4 acres Ralph Street Ballston Spa (not including 3.3 forested acres)
- Old Iron Springs 0.9 acres Front Street Ballston Spa plus head of Tedesco Trail
- Wiswall Park .23 acres Front and Low Street Ballston Spa
- Victory Circle Park 4.5 acres

Possible Planting Sites:

- Up to 25% of the total inventory – list as large, medium, small

The tree inventory will include:

- Descriptors of collected data (i.e., column headings, column content, code explanation)
- Street address location and GPS coordinates for location of each tree and empty and/or potential tree planting sites
- Tree species – genus/species and common names
- Measurement of tree DBH (diameter at breast height) in inches, location and size of empty and/or potential tree planting sites/stumps appropriate to applicant's current planting and removal patterns
- Crown condition and/or percentage of crown dieback (excellent to dead rating)
- Maintenance recommendation (prune, train, remove, etc.)
- I-Tree ECO Summary report of environmental benefits

- Defects – Indicate the presence of structural defects and record the most significant condition.
- Risk Assessment and Rating– A risk rating will be assigned using an assessment protocol based on the USDA Forest Service Community Tree Risk rating System.
- Observations – General observations warranting recognition will be recorded.
- Residual Risk – Recommend maintenance and categorize as none, low, moderate or extreme based on professional judgement.
- Further Inspection – Clearance requirements: pruning necessary to meet clearance standards over streets and sidewalk; branches interfering with the movement of vehicles or pedestrians or where they are obstructing signs, streets or traffic lights; where trees are present, damage to curbs and cracking or lifting of sidewalk pavement one inch or more.
- Aboveground Utilities – Inventory will indicate the presence of overhead utilities at the tree site as well as current conflicts.
- In addition, where a tree is adjacent to a sidewalk, the impact of the tree on the condition of the sidewalk will be rated and the recommended treatment noted. Note that the Village is undertaking a separate sidewalk assessment this spring as part of a Pedestrian and Bicycle Master Plan sponsored by CDTC. Tree impacts will be noted and shared with the selected consultant.

This data will be collected in a computerized software program that will allow for further updates as trees are added, removed, or receive maintenance work.

- Please provide quotes for tree inventory software.
- Certified arborist will be required to submit a digital copy of the final tree inventory in a format compatible with Microsoft Office Excel and Shapefile. Inventory will be required to be inspected and approved by a local DEC forester before final payment and before proceeding with CFMP.

Task 2: Hold a work in progress meeting 2 and create and complete a Community Forest Management Plan (CFMP) for The Village of Ballston Spa NY 12020 approval and adoption.

- At the work in progress meeting 2 the consultant will review the project progress summary and provide a presentation to those in attendance which highlights inventory findings such as number/types of sites collected, species diversity, condition rating, diameter size class distribution, maintenance needs, etc. The presentation will be placed on the village's website for those that are unable to attend the session. The consultant will explain next steps regarding the creation of an Urban Forest Management Plan.
- Certified arborist will work in partnership with the Village of Ballston Spa to collect, analyze and use data to adopt a completed CFMP after fully understanding the findings of the tree inventory.
- Certified arborist will attend meeting. Village of Ballston Spa partners to organize at least one (1) community or the Village of Ballston Spa meeting, share a draft or final version of the CFMP, generally with Power Point and to answer questions.
- Submit CFMP – Submit draft version of CFMP to the Village of Ballston Spa and be prepared to include Village's submissions including photos, mission statement etc. Submit final version of CFMP to the Village of Ballston Spa in pdf and local DEC forester will inspect prior to final payment.

The CFMP will include:

- A vision for the long-term community forest and a strategy for how to care for the community trees.
- The use of the tree inventory which identifies management needs i.e. pruning rotations, removal implementation, and prioritization of workload.
- The development of budgets and work plans, including timelines and tasks, to meet that vision.
- i-Tree Eco benefit analysis of environmental issues such as: water quality, air quality, reduce urban heat island effect, energy efficiencies, storm water management, and health.
- Storm preparedness and response planning. (if needed)
- Planting plan to address the unique characteristics of the project location, including species diversity, erosion control, sidewalk heaving and other areas that could be impacted with planting.
- Prioritize inventory planting plan to limit planting sites to approximately 20% of total sites. The planting plan will advise where the tree canopy should be expanded to small, medium and large trees to ensure the forest is diverse, vigorous and properly stocked.
- Basic in-house training/meeting of responsible staff by the contracted consultant that will provide guidance to all those involved with ongoing maintenance of the Tree Inventory, and implementation of the CFMP.

Task 3: Final public presentation meeting (3) including PowerPoint presentation, findings, and final plan.

The Village of Ballston Spa's goal for this project is to create a tree inventory and community forest management plan that can serve as the foundation for increased community investment in and the future care of the Village of Ballston Spa's community urban forest.

The Village of Ballston Spa will engage the public and media by inviting them to the public meeting to share the results of the inventory and management plan. Notification and details about the public session will be emailed and advertised on the Village website and social media accounts.

Desired outcomes for the project include:

- The creation of better information database on the location and condition of trees in our community to make more informed decisions about tree planting and tree maintenance for the City and interested residents.
- Increased community care for and investment in our community forest.
- Increased collaboration between the Village of Ballston Spa and partnering organization for this and future projects.
- The creation of a community forest management plan that outlines a risk assessment of our trees and an implementable strategy for the sustainability of our community forest.

The tree inventory and community forest management plan will apply to the entire Village of Ballston Spa and will be intended to benefit all approximately 5,469 residents. We recognize that there are some residents that experience adverse environmental impacts to a greater degree than other residents. Part of our focus in creating our public engagement strategy and our CFMP will be to ensure that the needs of these underserved residents are heard and addressed to the greatest extent possible.

The tree inventory will be conducted by an ISA Certified Arborist hired specifically for this project and will include all trees on public property – i.e. all street trees and trees in public parks with the exception of heavily forested areas in Kelley Park and along the Tedesco Trail. The CFMP will be written by our hired certified arborist with strong input from the Village of Ballston Spa officials, the Ballston Spa Park and Tree Board and the community as a whole.

Village of Ballston Spa Trustee Liz Kormos and/or Kristopher Williams will:

- Act as the primary point of contact with certified arborist.
- Convene project advisory meetings and final presentation with hired arborist, DEC and project partners.
- Provide feedback on the tree inventory and CFMP.

Partnerships – The Village of Ballston Spa’s Park and Tree Board role in this project will involve community engagement, volunteer support, and providing local knowledge where appropriate. The organization will:

- Advise hired arborist on local conditions.
- Help publicize the project by organizing press events and releases.
- During the tree inventory, be responsible for working with arborist to take high resolution photos for CFMP – good and poor specimens, utility conflict trees and historic trees; write introduction, mission statement or other lead in for CFMP.
- Village to organize at least one (1) community meeting, to share a draft or final version of the CFMP.
- Provide feedback on the CFMP (in concert with the Village of Ballston Spa staff)

PROJECT TIMELINE:

Our project timeline will run from approximately June 2021 to December 30th 2021.

An arborist will be selected by **May 25th 2021**. On completion of the tree inventory and an analysis provided, final plans will be discussed for the CFMP. This may require an amendment to the contract in order to confirm the contractor price and scope of work.

A draft version of our CFMP will be available for DEC and public review by **November 20th**, and a final draft of our CFMP will be complete before **December 20th 2021** for adoption by our Village Board.

SECTION 3: PROPOSAL

The proposal submitted shall contain only the information requested below.

Proposal Format

The submittal should follow the Table of Contents below:

1. General Information- Provide information about the company/consultant along with a brief history (not more than 1 page). For the betterment of the New York State economy, points will be given for being a New York resident contractor, hiring New York State crews and buying supplies and products within New York State as a top priority. Where this is not possible, please explain for partial credit.
2. Project Understanding- Include a summary of the company's/consultant's understanding of what is required (not more than 1 page).
3. Project Approach- Provide, in detail, specific methods that will be used to complete each of the requested tasks or obtain the information specified in Section 2 of this document.
4. Proposed Project Team and Experience- Identify person(s) involved in this project and what their specific roles will be. Describe three (3) similar projects completed in the last five (5) years. Please provide individuals specific roles in these projects as well as references and contact information for each. Include A one-page resume for any individuals to be supervising this project.
5. Schedule- Provide a schedule from start to completion including a list of tasks and milestones along with approximate dates and deliverables of each.
6. Additional Information- Any other relevant information that may be useful for this project
7. Cost- Please provide a breakdown of costs for each specific task and a total cost for the project, not to exceed cost of the project.

Please provide a bid estimate on a per unit, actual number of tree/sites and expected reimbursement based on actual number of trees/sites inventoried. Since the number of trees in the village are yet to be determined, the table below may be used to help determine a per unit rate for the project.

Item for Bid	Cost per Unit (Rate)	# of Units	Total Bid (Rate X # of Units)
Tree Inventory Startup (enter lump sum price for inventory of up to 1,000 trees and stumps)		1,000	
i-Tree Eco Inventory Report (to be delivered with tree inventory)		1	
Additional Expected Trees (enter price per tree for inventory of 1,001 to 2,500 trees)		1,001-2,500	
Additional Expected Trees (enter price per tree for inventory of 2,501 to 4,000 trees)		2,501-4,000	
Vacant Planting Spaces, (not to exceed 25% of total tree inventory and based on planting goals)		TBA (indicate if no charge)	
Community Forest Management Plan (Basic)		1	
Community Forest Management Plan (e.g. Planting Plan)		1	
Community Forest Management Plan (Storm Preparedness and Response).		1	
Community Forest Management Plan (Sidewalk infrastructure condition assessment and plan) *		1	
Initial in person, zoom or phone meeting with DEC & Village Officials at no charge. (kick-off meeting) <i>Work in Progress Meeting:</i> (public presentation) held after inventory is complete & prior to start of plan creation. <i>Final Public Presentation:</i> PowerPoint Presentation presenting findings & Final Plan. (Public presentations can be virtual presentations)		3	
Tree Inventory Software Quote: 2 year		1	
CONTRACT TOTAL (MAX)		n/a	

*** Note that the Village is undertaking a separate sidewalk assessment this spring as part of a Pedestrian and Bicycle Master Plan sponsored by CDTC. Tree impacts will be noted and shared with the selected consultant.**

Village of Ballston Spa received a DEC Urban Community Forestry grant with \$20,750 for allocated for the consultant

Proposals that do not include a “Not to Exceed” cost will be disregarded with no further

consideration. It is the responsibility of the proposing firm to accurately predict the amount of time that they will need to spend on the project.

SECTION 4: CONSULTANT SELECTION

Process

Village of Ballston Spa Park and Tree Board members will evaluate and rank all submitted proposals. Following this review, the consultant may be asked for an oral presentation or telephone interview. The certified arborist chosen for the project will be required to have an International Society of Arboriculture (ISA) professional certification.

Proposals shall include, and will be evaluated based upon, the following items/criteria and numerical point values.

- Successful provision of Certified Arborist services for similar projects	30 points
- Ability to provide comprehensive scope of services	30 points
- Availability of services as per program schedule	10 points
- Ability to maintain budgeted cost for Certified Arborist services	20 points
- <u>New York State firm/consultant and crew</u>	<u>10 points</u>
Total	100 points

After conclusion of this review and oral presentation, staff will recommend the most qualified consulting teams or firms to the Village Board. The decision will be based on a combination including, but not limited to: ranking, presentation of materials, and other qualifications. The selection committee may review the recommendations and invite the top candidates to conduct a presentation before the Village Board and members of the Village staff. Once authorized to proceed, the selected firm/consultant will be expected to immediately assist in developing a final scope of services and contractual agreement.

If, for any reason, the selected firm/consultant is not able to move forward with their proposal within 90 days, the Village of Ballston Spa reserves the right to contract with another qualified firm/individual. However, firm/consultant extended timetables will be considered, within the DEC Urban and Community Forestry Contract dates.

The Village of Ballston Spa shall not be liable for any expenses incurred prior to the contract being signed including the proposal preparation, attendance at interviews or time spent on the oral presentation and/or final contract negotiations.

The Village of Ballston Spa reserves the right to reject any and all proposals or to request more information from any or all of the firms/individuals.

SECTION 5: CONTRACT TERMS AND CONDITIONS

Upon selection of a firm/consultant, an agreement or contract for services shall be entered into by the Village of Ballston Spa and Consultant. It is expected that the contract will provide for compensation for actual work completed on a not to exceed basis with the following conditions. The contract will be amended as appropriate for each successive phase:

- I. Deletion of specific components, such as individual project meetings, will be at the discretion of the Village. Payment or reimbursement shall be made based on the actual hours worked on the various tasks required for the project plus necessary subcontractor work (as

applicable) and out of pocket expenses. Billing more than 'not to exceed' amount will not be compensated unless a contract extension has been approved in advance.

- II. The Village of Ballston Spa shall retain ownership of all documents, plans, maps, reports and data prepared under this proposal. In addition to being provided a hard copy and digital documents throughout the project, the consultant shall supply the Village of Ballston Spa with an electronic copy (PDF) upon project completion.
- III. If, for any reason, the consultant is unable to fulfill the obligations under the contract in a timely and proper manner, the Village of Ballston Spa reserved the right to terminate the contract by written notice. In this event, the firm/consultant shall be entitled to just and equitable compensation for any satisfactory work completed to that point at the discretion of the Village of Ballston Spa.
- IV. The consultant shall not assign or transfer any interest in the contract without prior written consent of the Village of Ballston Spa
- V. The consultant contract shall be governed by the laws of the State of New York.
- VI. Project summaries shall be submitted with each invoice during the course of the project. Each summary shall detail the unit amounts of trees inventoried for the amount billed to date, work items that need to be completed, the estimated costs to complete these tasks and the projected timelines for the completion of the project.

SECTION 6: COMMUNITY BACKGROUND

The Village of Ballston Spa is known as a walkable Village. The Village of Ballston Spa is not listed as an EJ Community but is home to a large vulnerable population. Neglect has led to sidewalks heaved by trees that make it difficult for pedestrians to traverse the village. The Village is home to many individuals who do not drive. Many of these individuals have low incomes. They locate to Ballston Spa because of the availability of services provided by the County, frequent bus transportation between Schenectady and Saratoga Springs, and easy access to Village businesses including a new full-service supermarket. The Village is also home to the Malta Elementary School where most students walk to school, two senior citizen apartment complexes and several residences for disabled adults and veterans. Trees provide shade for these individuals and encourage more people to walk.

Finally, The Village of Ballston Spa is not likely to realize most of the benefits that the urban forest can provide if its trees are in poor health. Promoting tree health will help our community protect its investment in the urban forest. Public health and safety also depend on healthy trees; improperly maintained and unhealthy trees often have an increased risk of breakage or failure which can result in personal injury or property damage. By having an Urban Forest Management Plan in place and providing for proper tree care and eliminating destructive practices, Ballston Spa will be in a better position to maintain its urban forest in a healthy and safe condition.

According to the U.S. Forest Service:

- Front yard trees can increase residential property values
- In tree-lined commercial districts, shoppers' frequent businesses more often and longer with a greater willingness to spend funds

- Strategically placed trees can improve both heating and cooling costs for homeowners

Beyond economic considerations, an improved community forest will provide valuable public health and quality of life benefits to all of Ballston Spa's residents. Research has shown that trees can help promote exercise, establish a sense of community, reduce stress and depression, and improve local air and water quality. We also recognize the valuable contribution that a healthy community forest makes to fighting and mitigating climate change. Trees provide essential carbon sequestration services, help mitigate the urban heat island effect, and reduce flooding impacts during large storm events. We feel that every community, even those with pressing local needs, bears responsibility for addressing climate change at the local level.

PROPOSALS MUST BE RECEIVED PRIOR TO May 3rd 2021 4:00pm.

LATE SUBMITTALS WILL NOT BE CONSIDERED.

Appendix A Village of Ballston Spa Tree Ordinance

(Attach)

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Village Village
(select one:)

of Ballston Spa

Local Law No. 8 of the year 2019

A LOCAL LAW AMENDING CHAPTER 186 TREES OF THE VILLAGE CODE OF THE VILLAGE OF BALLSTON SPA

Be it enacted by the Village Board of the Village of Ballston Spa as follows:

**VILLAGE OF BALLSTON SPA
LOCAL LAW NO. 8 OF THE YEAR 2019
A LOCAL LAW AMENDING CHAPTER 186 OF THE CODE OF THE VILLAGE OF
BALLSTON SPA CODE ENTITLED "TREES"**

Section 1. Name of Local Law

This local law shall be referred to as "A Local Law amending Chapter 186 of the Code of the Village of Ballston Spa entitled 'Trees'"

Section 2. Findings and Intent

It is the intent of the Board of Trustees of the Village of Ballston Spa to modify the provisions of the existing code and to create a Park and Tree Board in the Village.

The Board of trustees recognizes the role that trees, shrubs and plants play in the Village ecosystem and that they contribute to the quality of air, reduction of noise and visual pollution, help to moderate climatic extremes and conserve energy. The Board further recognizes the role well maintained parks and trees play in enhancing property values and the general quality of life in the Village. In order to establish a responsible program for planting, maintenance, husbandry, or removal of plants, trees or shrubs in the Village, the Board of Trustees seeks to establish a Park and Tree Board to provide an orderly framework to maximize the benefits afforded by plants, shrubs and trees within the Village. The Park and Tree Board will participate in the National

Arbor Day Foundation's Tree City USA program. The Village of Ballston Spa will seek designation as a Tree City USA.

Section 3. Authority

This Local Law is enacted pursuant to the authority of Section 10 of the New York State Municipal Home Rule Law.

Section 4. Enactment

This Local Law repeals existing Sections 186-1 through 186-3 of Chapter 186. Trees, renumbers Section 186-4 Penalties for offenses and adds the below Sections 186-1 through 186- . This Local Law is adopted pursuant to the provisions of the Municipal Home Rule Law. All provisions of the Code of the Village of Ballston Spa regarding legal requirements for the enactment of this Local Law to the extent inconsistent with the Municipal Home Rule Law are hereby superseded.

Be it enacted by the Village Board of the Village of Ballston Spa that Chapter 186 is amended to add the sections which are set forth below:

§186-1. Creation and Establishment of a Village Park and Tree Board.

(a) There is hereby created and established a Village Park and Tree Board for the Village of Ballston Spa, NY which shall consist of at least five members, who shall be appointed by the mayor with the approval of the Board of Trustees and who shall serve without compensation. The Park and Tree Board is an advisory board to the Village Board of Trustees.

(b) The term of the five persons to be appointed to the Village Park and Tree Board shall be three years, except that in the initial term, members shall be appointed to lesser terms in order to allow for staggered terms. In the event a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term. The Board shall meet a minimum of six times each year, but may call additional meetings as necessary.

§186-2. Duties and Responsibilities.

It will be the duties of the board to:

- (a) Promote responsible planting of trees, shrubs and plants on public property throughout the Village and in Village parks
- (b) Promote public education about trees, shrubs and plants
- (c) Develop programs and projects to enhance Village beautification.
- (d) Develop innovative and joint funding for projects
- (e) Study, investigate, council and develop and/or update, 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.

The Park and Tree Board shall consider, investigate, make findings, report and make recommendations upon any special matter requested by the Village Board.

§186-3. Board Governance and Meetings.

The Mayor shall annually appoint a chairperson of the board during the Village organizational meeting each April. The Board will keep written minutes of their meetings and publish the minutes on the Village website. All regularly scheduled meetings to be attended by the majority of the members shall be included in the Village's website calendar and shall be open to any public

attendance. Members of the board shall disclose to the board of Trustees any personal financial interest in any project considered by the board. A majority of the members shall be a quorum for the transaction of business.

§186-4. Species to be Planted.

The Park and Tree Board, in consultation with the Cornell Cooperative Extension and/or the NYS Department of Environmental Conservation, will develop and periodically update a list which contains allowable species for small, medium and large trees to be planted on public property and in the right of way adjacent to public thoroughfares within the Village of Ballston Spa. The Board will develop regulations pertaining to the spacing, distance from curb, sidewalk; street corners, fireplugs and/or utilities for all Village Street Trees.

No species other than those contained in the list may be planted within the Village without the written permission of the Village Park and Tree Board.

§186-5. Public Tree Care.

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.

The Village Park and Tree Board may cause to be removed any tree or part thereof which creates an unsafe condition or is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or which is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of allowable trees and shrubs by private property owners as long as the selection and location of the plantings are in accordance with the provisions of this Chapter.

§186-6. Tree Topping.

It shall be unlawful as a normal practice for any person, firm, or Village department to top any tree on public and park properties. 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. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where different pruning practices are impractical may be exempted from this ordinance at the determination of the Village Park and Tree Board.

§186-7. Pruning, Corner Clearance.

Every owner of any tree or shrub on private property overhanging any street, sidewalk or right-of-way within the Village shall prune the branches so that such branches shall not obstruct the light from any street lamp, overhang the side walk to obstruct use of the full sidewalk or obstruct the view of any street intersection. In addition, property owners are also responsible for pruning branches on their own trees or shrubs as well as those in the public right of way abutting their property so that there shall be a clear space of eight feet (8') above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a danger to the safety of the public. The Village shall have the right to

prune any tree or shrub on private property 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. The Village shall have the authority to prune such trees and shrubs and charge the cost of this work on the owner's property tax notice.

§186-8. Dead or Diseased Tree Removal on Private Property.

The Village shall have the right to cause the removal of any dead or diseased trees on private property within the Village, when such trees constitute a hazard to life and property, or harbors insects or disease which constitute a potential threat to other trees within the Village. The Village will notify in writing the owners of such trees and request permission to enter the property in order to inspect the trees. In the event any tree is diseased, removal shall be done by owners at their own expense within sixty days after the date of service of notice and inspection of any tree. In the event of failure of owners to comply with such provisions within that time period, the Village shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

§186-9. Interference with Village Park and Tree Board.

It shall be unlawful for any person to prevent, delay or interfere with the Village Park and Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any plantings, shrubs or trees on public property, as authorized in this ordinance.

§186-10. Arborists License and Bond.

It shall be unlawful for any person or firm to engage in the business or occupation of removing trees within the Village without first applying for and procuring a license. The license fee shall be paid in advance; provided, however, that no license shall be required of any public service company or Village employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000 for bodily injury and \$100,000 property damage indemnifying the Village or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

§186-11. Review by Village Board.

The Village Board shall have the right to review the conduct, acts and decisions of the Village Park and Tree Board. Any person may appeal from any ruling or order of the Village Park and Tree Board to the Village Board who has the authority to hear the matter and make final decisions.

Former §186-4 is now renumbered §186-12 and continues to read as follows:

§186-12. Penalties for offenses.

Any person, firm or corporation who or which shall violate any of the provisions of this chapter or any rule or regulation made pursuant thereto shall, upon conviction thereof, be subjected to a fine of not more than \$250 and/or imprisonment for 15 days. Each day during or on which a violation of this chapter shall occur shall be deemed to be a separate and distinct offense.

Section 5. Severability

If any part or provision of this local law is judged invalid by any Court of competent jurisdiction, such judgment shall be confined in application to the part of provision directly on which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this law or the application thereof to other persons or circumstances. The Village hereby declares that it would have enacted the remainder of this law even without such part of provision or application.

Section 6. Effective Date

This local law shall take effect immediately upon filing with the New York State Secretary of State pursuant to the New York State Municipal Home Rule Law.

[HISTORY: Adopted by the Village Board of the Village of Ballston Spa on November 13, 2019 by L.L. No. 8 of 2019

Editor's Note: This local law amends Ch.186, entitled Trees]

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 8 of 2019 of the (County)(City)(Village)(Village) of Ballston Spa was duly passed by the Village Board of the Village of Ballston Spa on November 13, 2019, in accordance with the applicable provisions of law.

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Village)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____ in accordance with the applicable provisions of law.~~

~~**3. (Final adoption by referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Village)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.~~

4. ~~(Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Village)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.

Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or Village, or the supervisor of a Village where such officer is vested with the power to approve or veto local laws or ordinances.

5. ~~(City local law concerning Charter revision proposed by petition.)~~

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. ~~(County local law concerning adoption of Charter.)~~

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 20____ of the County of _____, State of New York, having been submitted to the electors at the General Election of _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the Villages of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.

Teri L. O'Connor

Teri O'Connor, Clerk, Village of Ballston Spa
Clerk of the county legislative body, City, Village or Village
Clerk or officer designated by local legislative body

(Seal)

Date: 11/14/19