
**BY-LAWS OF THE VILLAGE OF
MILLBROOK SHADE TREE
COMMISSION**

These By-Laws of the Village of Millbrook Shade Tree Commission (“Commission”) shall be a reflection of the Village Code of the Village of Millbrook, New York, as codified at Chapter 212, Sections 212-1 through 212-13 with certain additions governing conduct and public participation in Commission activities.

Article I
Definitions

As used in these By-Laws, the following terms shall have the meanings indicated:

- Park Trees are all trees, shrubs, bushes and all other woody vegetation in public areas owned by the Village or to which the public has access as a park.
- Street Trees are all Trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the Village.

Article II
Mission Statement

The mission of the Village of Millbrook Shade Tree Commission is to help assure the maintenance and expansion of the Village of Millbrook's tree canopy and the health and safety condition of trees in the community. The Shade Tree Commission shall advise the Mayor and the Village Board regarding the preservation, protection and management of the urban forest and shall coordinate activities regarding public trees.

It is understood that the Commission serves in an advisory role to the Village of Millbrook and has no independent authority.

Article III
Creation of the Shade Tree Commission

There is hereby created and established a Shade Tree Commission for the Village of Millbrook, New York, which shall consist of three (3) members, all citizens and residents of the Village of Millbrook, who shall be appointed by the Mayor with the approval of the Village Board.

Article IV
Board Officers and Duties

The officers of the Shade Tree Commission shall be titled Chairperson, Vice Chairperson and Secretary.

Chairperson – This member shall be an employee of the Village, in either a full time or a part time capacity. The Chairperson will be responsible for scheduling all meetings, of which there shall be a minimum of four annually, with more meetings if he need arises. The meeting dates will be set by either the Shade Tree Commission or at the request of the Mayor or Village Board. The Chairperson will give a report of the Shade Tree Commission's activities after each meeting to the Village Board.

Vice Chairperson – This person will be responsible for conducting meetings in the absence of the Chairperson.

Secretary – This member will be responsible for recording minutes and submitting a copy of same to the Village Clerk. Members of the Shade Tree Commission will approve all minutes before they are forwarded to the Village Clerk. Letters or emails addressed to the Shade Tree Commission will be answered by the Secretary, with records kept of all communications. Any records of any expenditure shall be kept and forwarded to the Village Clerk. Purchases by the Shade Tree Commission shall be in accordance with all procurement practices practiced by the Village.

Members-at-Large – The Village Board may appoint two (2) Members-at-Large who may reside in the Village or the Town of Washington. The Members-at-Large’s role is voluntarily and without compensation. Members-at-Large will serve as an advisory role based upon their unique qualifications in natural sciences, gardening, horticulture or urban planning.

Article V Terms of Office

The term of the three (3) persons to be appointed by the Mayor with Village Board approval shall be three years, except for the first year of the Shade Tree Commission. For the first year, two (2) members will be asked to serve a one-year term and one other will serve a two-year term. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term.

Article VI Description of Responsibilities and Activities of the Shade Tree Commission

General Responsibilities – The general responsibilities of the Shade Tree Commission Members are to serve in an advisory capacity to the Village Board, to assist the Village Highway Superintendent in management of the tree inventory, to plan and conduct Arbor Day activities and to participate in special projects such as tree plantings.

Activities – The members will be assisting the highway superintendent in developing and reviewing, annually, a long-range plan for the Village of Millbrook’s urban forest, advising and assisting the Mayor, Village Trustees and Village Clerk on matters concerning the trees and related resources and helping to conduct an annual Arbor Day Celebration on the last Friday in April. The members may also be participating in educational campaigns, including but not limited to, school and civic organization presentations (Tree City) and creation of printed materials for Arbor Day such as proclamations to be read at Village Board meetings. Finally, members may serve as a liaison with organizations planning either tree related events or plantings.

Article VII Operational Provisions

Recommendations – Recommendations being forwarded to the Village Board should be in the form of motions and voted on by the members of the Shade Tree Commission.

Quorum – A quorum of a majority of the members must be present to vote on any motions.

Board Minutes – Board minutes shall contain members present, topics discussed and numerical results of all votes taken.

Place of Meetings – All meetings shall be held at Village Hall.

Notice of Meetings – Postings of upcoming meetings shall be made at the Village Hall, Post Office and Town Hall, at least seventy-two (72) hours prior to each meeting, or as much as is practicable.

Appointment of Members – Members of the Shade Tree Commission shall be appointed by the Mayor with the approval of the Village Board.

Compensation – Board members serve without financial compensation except for allowable expenses, as approved by the Village Board in advance. Travel expenses outside of the Town of Washington to attend presentations, training or conferences are subject to the guidelines followed by Village of Millbrook employees.

Elected Positions – The positions of Vice Chairperson and Secretary will be elected by the members of the Shade Tree Commission after all five (5) members have been appointed by the Mayor with the approval of the Village Board.

Membership Generally – Village residents, who wish to join the Shade Tree Commission shall submit a letter of intent to the Village Clerk. The Village Board shall have the discretion to decide those eligible for appointment.

Article VIII Funding

The Village Board shall maintain a line item in the Village Budget to fund the operation of the Shade Tree Commission, to plan Arbor Day activities and to pay for tree plantings. Donations made by either individuals or organizations for the purpose of tree planting shall be placed in the same line item designated as Shade Tree Account. Records must be kept as to the amount of all donations made, how those funds are spent and receipts must be saved for a period of five (5) years, to ensure donations are spent on donor's wishes in accordance with Municipal Law and Village accounting practices.

Article IX Public Tree Care

Planting, Pruning, Maintenance and Removal – The Shade Tree Commission 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 ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds. In coordination with the Highway Supervisor, Shade Tree Commission shall have the right to plant, prune, maintain and remove trees.

Unsafe or Injurious Trees – The Shade Tree Commission 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, water lines or other public improvements or is affected with any injurious fungus, insect or other pest. The Shade Tree Commission shall have the right to remove, cause to be removed or order to be removed trees only in accordance with approval from the Mayor and Village Board.

**Article X
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 any 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. 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 section at the determination of the Shade Tree Commission.

**Article XI
Pruning for Visibility**

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 street light or interferes with the visibility of any traffic control device or sign.

**Article XII
Removal of Stumps**

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

**Article XIII
Removal of Healthy Street Trees**

In order to protect the Village's investment in time and resources in the Shade Tree Program, it shall be unlawful to remove any healthy Street Tree without consent from the Highway Supervisor.

**Article XIV
Review of Shade Tree Commission Decisions and Appeals**

Review of Shade Tree Commission Decisions – The Village Board of Trustees shall have the right to review the conduct, acts and decisions of the Shade Tree Commission.

Appeals – Any person may appeal from any ruling or order of the Shade Tree Commission to the Village Board, who may hear the matter and make a final decision.