

# GoNetSpeed Utility Pole Replacement & Tree Trimming Project

**\*Please refer to the bottom of this document for a new information alert \***

New fiber optic service by GoNetSpeed is being installed in East Aurora. Up to 200 utility poles will be replaced and extensive tree trimming may be required on many village trees. Existing old poles will remain in place for an indefinite time period leaving a double eyesore of 400 plus poles (old & new). The Village Board has no power to approve or deny this work. Since many old trees have limbs that cross very close to power lines, they're going to be trimmed, cut, and some may be removed.

## **Who approved this project?**

This project was approved by NYSEG and is being paid for by GoNetSpeed.

## **Who owns the poles?**

NYSEG & Verizon own the utility poles. GoNetSpeed, has contracted with them to install new fiber optic service. However, some new poles will be 5' higher than the existing ones to comply with new safety regulations.

## **Who will do the trimming?**

GoNetSpeed has hired O'Connell Electric to replace the old poles. As part of this project, they will be trimming trees that have grown into the power lines. O'Connell Electric says they will use an ISA-certified arborist overseeing the tree work and will adhere to ANSI and ISA guidelines for trimming.

## **How much will the trees be trimmed?**

State regulations require trimming up to 10 feet away from each wire and 15 feet above the lines. The increased pole height requirement will now bring wires higher into the mature tree canopies, necessitating even more cutting. The trees are moving into dormancy now, so the pruning will be more noticeable in the spring when the trees leaf out.

Decisions about what poles will require work come from 3rd party engineering firms contracted to NYSEG and Verizon. They all follow national standards set for minimum height, minimum distance between services. There are poles in EA that do not meet those minimums. The 10' rule is in place because the power lines CAN and DO electrify trees when wet. The coating on the lines can be worn off. This causes the tree to act as a ground.

## **“I want to be home when they come.” Can the Village require GoNetSpeed to provide a street schedule?**

A street schedule will not be provided. O'Connell Electric has been putting leaflets on resident's doorknobs.

**Will the trees be trimmed on just the pole side of the streets or both sides of the streets wherever the wires are located?**

Neither NYSEG nor GoNetSpeed has answered this question yet.

**Will trees and/or branches on homeowner's front lawns be impacted? What are homeowner's rights?**

Utilities are required to provide uninterrupted service to homes. According to the NYS Department of Public Works, a utility, company, or subcontractor is required to secure homeowner consent prior working on private property. If a homeowner refuses consent and the privately owned vegetation interferes with power delivery, then utility rights could supersede homeowner rights. As a homeowner you have the right to ask the utility, or company working on behalf of the utility, for "Proof of Easement". These cases sometimes end up in court.

***If you have a dispute with a utility company over tree trimming you can contact the NYS Public Service Commission's Office of Consumer Services at 800-342-3377.***

**When will the old poles be removed?**

Different companies use NYSEG poles for their wiring. (Eg. Spectrum, Verizon, etc) The various companies will be responsible for moving their wires from the old poles to the new. Unfortunately, the lowest wires are telephone landline wires owned by Verizon. There is a financial disincentive for Verizon to maintain or remove those lines. NYSEG can't remove the old poles until Verizon removes their wires. In other words, this could be a very long wait. The "doubling poling" will be a substantial eyesore in our village.

**What is the Village Tree Board doing?**

The Tree Board will be in close contact with their arborist to help monitor the work and minimize cutting trees where possible. Their goal is to keep the trees healthy and use this trimming opportunity to reduce the need for drastic tree work in the future.

**How can I help?**

The Tree Board consists of a small group of volunteers, and can't monitor every tree all the time. If you notice any concerning tree work or have questions, please reach out. You can contact the village Tree Board on Facebook or email them at [EastAuroraTreeBoard@gmail.com](mailto:EastAuroraTreeBoard@gmail.com)

**Will new trees be planted?**

Village Administrator, Shane Krieger stated "We plant trees every year and will plant them in front of residences that request them". The Village Tree Board is planting over a dozen new trees this fall. The Tree Budget will be getting more money for tree planting that will enable planting in the Fall of 2025.

*The Tree Board will also again be asking for money to start proactive pruning. Structural pruning on relatively young trees can train them to grow healthy and avoid this problem in the future.*

The Village Board has turned down all previous requests for proactive pruning. Please consider contacting the Village Board and urge them to fund this work! ([village.board@east-aurora.ny.us](mailto:village.board@east-aurora.ny.us))

**The Tree Board needs planting volunteers.** If you'd like to participate in the Tree Board's planting program, visit their website (<https://www.east-aurora.ny.us/government/tree-board> (<https://www.east-aurora.ny.us/government/tree-board>))

## **ALERT! NEW INFORMATION**

***Citizen action by residents, advocacy from the Village Tree Board, and a recent report from WKBW Channel 7 news, brought GoNetSpeed & NYSEG to the table to address concerns.***

On November 5th, a meeting was held between representatives from GoNetSpeed, NYSEG, the Village Tree Board Chair, Bradley Tree Services, the Highway Department, and Village Administrators.

***The following agreements and assurances were given:***

- The arborist for O'Connell Electric (GoNetSpeed's subcontractor) acknowledged that they can adjust plans somewhat. The 10/15' spacing is the rule but they can work with 8 ft if the situation makes sense.
- O'Connell Electric has invited Bradley Tree Services to serve in a 3rd party role if the Tree Board disagrees with O'Connell Electric's arborist. NYSEG's arborist can also be brought in for advice if there's a continuing dispute. The Tree Board is pleased with this due to Bradley Tree's extensive knowledge and experience.
- The O'Connell Electric arborist has also agreed to work with the Village Tree Board on difficult trees. There are many trees where the limbs are brushy, or there's very simple trimming to be done. He will not ask permission in every instance. However, when there's a tree that will be left as a stub, or hollowed out he will inform the Tree Board on all of them, via phone call, text, and photos.
- The Tree Board was assured that there will be time to judge individual situations and work out the best course.
- GoNetSpeed will be spending \$5 million on this project. In contrast, NYSEG is planning on doing the same work next year with their deferred maintenance trimming (40 plus years late), beginning in January. NYSEG will hire the cheapest contractor who low bids the job. The Tree Board believes NYSEG isn't going to demonstrate anywhere near the care that O'Connell is pledging to. At this point the Tree Board is

hopeful O'Connell Electric will have 90% of the work done first with a better outcome than what NYSEG will do.

- O'Connell will have a representative on scene at each tree trimming, to help with local concerns.
- The meeting later incorporated a walk to inspect some local trees of concern. It was determined that they would explore alternative options for the 'Fairy House Oak' at the Hamlin Park entrance.



**November 27, 2024**

**Recommendation to Slow Utility Work  
and Conduct Environmental Review,  
submitted to Village Board.**

**See attached PDF below.**

VILLAGE OF EAST AURORA  
TREE BOARD



Wednesday, November 27, 2024

**Village of East Aurora Board**

Village Offices  
585 Oakwood Ave  
East Aurora, NY 14052

**Re: Recommendation to Slow Utility Work and Conduct Environmental Review**

Dear Mayor and Trustees,

This recommendation reflects the views of the majority of the Village Tree Board members, acting under Village Code §240-3(D), which empowers the Tree Board to "consider, research, advise, report, and recommend upon any matter or question pertaining to the protection and enhancement of street and park trees." While not all members have chosen to endorse this request, the majority believe it is imperative to address the ongoing utility work to mitigate its significant impact on the Village's natural resources and character.

We respectfully recommend that the Village formally request GoNetspeed and NYSEG significantly reduce the pace of their tree-related operations within the Village and to ensure that all work is conducted in compliance with applicable environmental laws and regulations, with due consideration of the broader impacts on the community.

While the GoNetspeed project began with minimal Village oversight, we now have a clearer understanding of its visual and environmental consequences. The aggressive trimming of trees, even in the limited areas addressed thus far, has already had a profound impact. Expanding such practices across the Village's entire two-square-mile area would have an even greater effect, which we believe must be carefully evaluated and mitigated.

It is well-established under federal law, including the Cable Communications Policy Act of 1984, that cable and fiber optic companies have the right to maintain their infrastructure within existing utility easements. GoNetspeed is legally permitted to attach their lines to the poles, which must accommodate them. GoNetspeed and NYSEG have classified this work as maintenance and thus believe they are exempt from adhering to other applicable laws and regulations. We disagree.

The Village has long upheld public interest protections through its ordinances, such as requirements for tree replacement in the Mid-Main overlay area, restrictions on signage and lighting, and more recently regulations on the height of vegetation within the Village right-of-way. These laws reflect a commitment to preserving the character and natural resources of the community. The current utility work represents a significant environmental disruption far beyond routine maintenance and must be addressed accordingly.

# URGENT ACTION UPDATE

## Save this old growth tree!

Many of us are now familiar with the GoNetSpeed Internet project in the Village of East Aurora, and many have been dismayed by the tree cutting and trimming being done to accommodate it. See the [ACES website](http://AcesEastAurora.org) for details on this project. (AcesEastAurora.org)

Regardless of whether you're for or against the project, or consider it a necessary evil to have high speed internet, there's one beloved and ancient tree that needs your support and needs it *fast*:



The "Fairy Tree". A circa 250 year old Oak tree on South Grove Street, that proudly stands at Hamlin Park's main parking lot entrance.

Initial discussions with project managers indicated a willingness to consider alternatives for this tree. They're now planning to cut very large limbs. This will have a drastic impact on the tree's health, beauty & grace.



***A 250+ year old tree should not be sacrificed to an unaccountable, non-governmental process.***

If you care about saving this majestic old growth tree, please attend the Village Board meeting this **Monday, Jan, 6th, at 7pm.**  
**Or,** please call/email the Village Board and Administrators **asap** with your concerns.  
The cutting could begin anytime!

(Contact info [here](#), or scan the QR code.)

