VERMONT URBAN & COMMUNITY FORESTRY PROGRAM

Letter of Collaboration

Shade Tree Preservation Plans and the Amended Vermont Tree Warden Statutes

Town of East Montpelier

PLANT LIVE GROW

AGREEMENT

This letter summarizes the collaborative work to be completed by:

- The Vermont Urban & Community Forestry Program
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  Montpelier, VT 05620-3801
  Primary contact: Joanne Garton, 802-249-4217, joanne.garton@vermont.gov

and

- The Town of East Montpelier
  Address: 40 Kelton Road; PO Box 157
  East Montpelier, VT 05651
  Primary contact: C. Bruce Johnson, 802-223-3313x204, manager@eastmontpeliervt.org

as part of technical assistance and outreach related to the amendments to the Vermont tree warden statutes signed into law on October 8, 2020 and made effective on November 1, 2020.

This collaborative effort will go into effect upon signing and terminate on March 31, 2022.

INTRODUCTION TO SHADE TREE PRESERVATION PLANS

According to the amended tree warden statutes, a municipal tree warden is responsible for the care and maintenance of shade trees within public ways and places. A **shade tree** is defined as a shade or ornamental tree located in whole or in part within the limits of a public way or public place, provided that the tree is either (a) planted by the municipality or (b) is designated as a shade tree pursuant to a municipal shade tree preservation plan. **Public place** is defined as municipal property, including a municipal park, a recreation area, or a municipal building. **Public way** is defined as a right-of-way held by a municipality, including a town highway.

This letter of collaboration outlines the commitment of Town of East Montpelier to developing and adopting a shade tree preservation plan that expands the duties of the tree warden beyond trees planted by the municipality. As stated in the tree warden statutes, a shade tree preservation plan **must**:

(1) describe any program for the planting of new trees and shrubs;

(2) provide for the maintenance of shade trees through feeding, pruning, and protection from noxious insect and disease pests;

(3) determine the apportionment of costs for tree warden services provided to other municipal corporations;

(4) determine whether tree maintenance or removal on specific municipal property shall require the approval of another municipal officer or legislative body; and

(5) determine the process, not inconsistent with 24 V.S.A. Chapter 67, for the removal of:

(A) diseased, dying, or dead shade trees; and

(B) any shade trees that create a hazard to public safety, impact a disease or insect control program, or must be removed to comply with State or federal law or permitting requirements.

Additionally, plans **may**:

(6) map locations or zones within the municipality where all trees in whole or in part within a public way or place shall be designated as shade trees; and

(7) designate as a shade tree any tree in whole or in part within a public way, provided that the tree warden and legislative body of the municipality find that the tree is critical to the cultural, historical, or aesthetic character of the municipality.

SCOPE OF WORK

With assistance from the Vermont Urban & Community Forestry Program (VT UCF), the Town of East Montpelier commits to:

- assembling a team of interested parties who will convene for the duration of the project;
- development of a shade tree preservation plan that fulfills sections (1) through (5) above and, if applicable, extends to numbers (6) and (7) above to designate additional trees as shade trees under the jurisdiction of the tree warden;
- holding at least one public hearing concerning the shade tree preservation plan for the purpose of soliciting public input;
- presenting the draft shade tree preservation plan to the governing body of the municipality for approval;
- providing a minimum of **50 hours of volunteer or municipal staff match**, documented using the attached Volunteer Match Log;

- participation in a post-project interview with VT UCF staff that provides guidance and lessons learned from the plan development to other Vermont communities; and
- allowing the VT UCF to share the content of the interview as well as the adopted shade tree preservation plan with other Vermont municipalities, tree wardens, and regional and state staff, and on the program's website.

The Vermont Urban & Community Forestry Program commits to:

- attending up to three meetings of the project team and/or governing body of the municipality to collect and answer questions regarding the development of a shade tree preservation plan as it pertains to municipal tree care and community forest management;
- conferring with partners such as the Vermont League of Cities and Towns to answer questions regarding the legal nature of tree management in public ways and places, including the right-of-way, and the overlap of other legal rights and responsibilities of other municipal staff and organizations;
- conducting the post-project interview; and
- facilitating information sharing among the ten towns participating in the shade tree preservation plan pilot project.

MONETARY OUTLINE AND TERMINATION

This agreement confirms that no money or payment will be exchanged for the duration of the project.

Either party may terminate this working relationship seven days after notifying the other party in writing.

SIGNATURES

This scope of work will be effective from the date of signing until March 31, 2022.

Both parties agree to the conditions as described above.

Signature 12/9/2020	Signature 12/8/20
Date	Date
Joanne Garton	C Bruce Johnson
Name	Name
Vermont Urban & Community Forestry Program	Town of East Montpelier