

Appendix 3: VNA contract

**Agreement between the
Visiting Nurse Association of Chittenden and Grand Isle Counties
and
Grow Team ONE
For
Use of Land as a Neighborhood Garden**

This agreement is entered into between Visiting Nurse Association of Chittenden and Grand Isle Counties (on behalf of the Champlain Long-Term Care Coalition), 1110 Prim Road, Colchester, VT 05446 (hereinafter referred to as VNA) and Melissa Stiebert and Jessica Hyman, Grow Team ONE co-coordinators, on behalf of Grow Team ONE for the use of land as a neighborhood garden. The purpose of this garden is to provide an opportunity for interested residents of the Old North End Neighborhood of Burlington to come together and learn about gardening.

- I. Term:** This agreement shall be for a trial period of June 15, 2007 to November 30, 2007, after which both parties agree to meet to evaluate this agreement and upon mutual consent renew this agreement for a two-year period.
- II. Responsibilities of the VNA:** VNA agrees to:
- A. Provide use of a parcel of land owned by the VNA at 28 Archibald Street to Grow Team ONE for use as a neighborhood garden at a price of \$1.
 - B. Maintain the portion of the site not used by the garden; and
 - C. Identify a VNA staff person to be a primary contact for Grow Team ONE in matters related to this contract.
- III. Responsibilities of Grow Team ONE:** Grow Team ONE agrees to:
- A. Oversee all arrangements for operations of a neighborhood garden including:
 - 1. obtaining funding for or donations of all plants and materials needed for the garden;
 - 2. building raised beds for growing flowers and plants;
 - 3. making improvements to the soil including bringing in top soil and compost;
 - 4. designing a garden; and
 - 5. engaging residents of the neighborhood to plant and maintain the garden.
 - B. Obtain approval from the VNA prior to making any structural improvements to the property. Once constructed Grow Team ONE will maintain such structures in sound condition and repair with an attractive appearance;

- C. Monitor and ensure that the property is kept in good order. This includes keeping the property:
 - 1. clean and free of trash and debris, including keeping the fence in place, and the plants watered and well maintained;
 - 2. free from any obstacles or hazards that might affect the safety of neighbors and pedestrians; and
 - 3. free of any noises or odors that might diminish the quality of life of neighbors.

- D. Require gardeners participating in the project sign an agreement clearly documenting the use of the site, their responsibilities, and the following language: “I understand that neither Grow Team ONE nor the Visiting Nurse Association of Chittenden and Grand Isle Counties are responsible for my actions. I therefore agree to hold harmless Grow Team ONE and the Visiting Nurse Association of Chittenden and Grand Isle Counties for any liability, damage, loss or claim that occurs in connection with the use of the garden by me or any of my guests.

- E. To the best of your ability limit access to the site:
 - 1. to only, individuals who have signed and agreed to the terms of the waiver and their guests (only when accompanied by the participant). Grow Team ONE will do this employing means such as site design and signage to indicate that this is a neighborhood garden and not a public park. Clear communication about how to sign up and participate in the garden project should further be used to indicate the limited access of this site; and
 - 2. to use during day light hours.

- G. During the period of this agreement, repairing any damage to the site caused by gardeners to at least its current condition;

- H. Allow representatives from the VNA on-site at any time during the duration of this agreement to inspect the site to ensure that the terms of this agreement are being met.

- I. Identify a point person to represent Grow Team ONE in all matters related to this agreement;

- J. Obtain the applicable city permits and permissions prior to installing any signage on the site.

- K. Include the VNA name on any signage or materials distributed about the site indicating that “space for the neighborhood garden has been provided by the Visiting Nurse Association of Chittenden and Grand Isle Counties”, obtaining prior approval of the VNA Manager of Community Relations of any print materials using the VNA name and any media contacts and materials pertaining to this project.

L. Upon the end of this agreement, return the property to its original condition which includes:

1. removing any raised beds, stones or other structural improvements unless otherwise agreed upon; and
2. restoring the grass surface.

IV. Additional Responsibilities and Terms of the Agreement:

- A. Both the VNA and Grow Team ONE agree to abide by all applicable provisions and regulations of the federal, state, and city laws and ordinances.
- B. Both the VNA and Grow Team ONE are acting as independent contractors with independent and severable liability.
- C. **Insurance:** Grow Team ONE shall indemnify and hold the VNA, its Trustees and employees harmless from any claim by any person, for any loss, injury or damage, resulting from any activity set out in this agreement or any act or omission by Grow Team ONE or any of its employees or agents.
- D. **Amendment:** This agreement may be modified or amended if the amendment is made in writing and signed by both parties.
- A. **Termination:** This agreement may be terminated immediately if the conditions of the contract are not met and the party in error is given at least 30 days to remediate any infractions.
- B. **Negation of Joint Venture:** Nothing contained in this Agreement shall constitute or create a partnership or joint venture between the parties.
- H. **Applicable Law:** This agreement shall be governed by the laws of the State of Vermont.
- I. **Entire Agreement:** The Agreement is the entire and only agreement between the parties and supersedes all prior understandings and practices between the parties.

Acknowledged, Accepted and Approved

By: _____ Date: _____

J. Churchill Hindes, Ph.D.
President and CEO
Visiting Nurse Association of Chittenden
and Grand Isle Counties

By: _____ Date: _____
Melissa Stiebert, Co-Coordinator
Grow Team ONE

By: _____ Date: _____
Jessica Hyman, Co-Coordinator
Grow Team ONE

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