

# ADOPT AN ISLAND APPLICATION

---

## Memorandum of Understanding

---

The Town of South Hadley DPW, here after the Department, and \_\_\_\_\_, hereafter called the Group, recognize the need and desirability for clean and presentable traffic islands and public spaces, here after public spaces, and are entering this Agreement to allow the Group to participate in public space beautification within the Town of South Hadley.

- I. The Group agrees to adopt the public space at \_\_\_\_\_ for beautification and maintenance only. The agreement shall remain in effect for a six month period, beginning this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

The Town reserves the right to terminate the adoption agreement at will and without notice, should the terms or spirit of the program be knowingly or unknowingly violated. The Group may terminate this agreement for any reason, with thirty days notice.

- II. The Group shall:
1. Commence public space maintenance by May 31<sup>st</sup> and continue through the first frost in the fall. Public space sponsors will be responsible for keeping areas free of weeds.
  2. Ensure that any planting on the public space will be limited to natural materials such as plants and flowers. A plan of the intended landscaping, or detailed description, must be submitted to John Broderick, Highway Superintendent, for review and approval PRIOR to commencing work.
  3. Replace, as needed, any plant items that perish during the course of the season.
  4. Remove debris at the end of the season and as needed during the terms of this agreement.
  5. Perform work on public spaces in daylight and during good weather.
  6. Ensure that only such persons participating are determined by the Group to be sufficiently responsible to safely participate in this activity, but in no case shall the participants be less than eleven (11) years old.
  7. Ensure adequate adult supervision for each participant under the age of seventeen (17). There must be an adult supervisor for children working under the age of seventeen (17).
  8. Assume responsibility for watering, weeding, and fertilizing the public space plantings

9. Ensure that all participating minors submit to the Department a completed copy of the attached release form, signed by the participating minor's parent or legal guardian.

III. The Department shall:

1. Provide appropriate signage to be placed in the public space.
2. Remove asphalt from certain paved islands, or public spaces as determined by the Department. The Department shall do this preparation on a time available basis, subject to Departmental workload.
3. Provide compost for gardening and planting, on a free, as available basis. The Group will be responsible for providing any other soil amendments.

IV. The Department shall select the public spaces available for adoption. The Department will decide any questions or disputes that may arise under this agreement and its final decision shall be conclusive upon the parties to this agreement. The agreement is not transferable or assignable in whole, or in part, without the written consent of the Department.

V. The group acknowledges that it is voluntarily, and of its own free will, participating in the Town's "Adopt an Island" program. The Group, through the signatures affixed below, hereby, releases and forever discharges themselves, their heirs, their executors, and their administrators, The South Hadley Department of Public Works, its successors and assigns, of and from all, and all manner of action and actions, causes and causes of action, suits, debts, dues, sums of money, accounts, reckoning, bonds, bills, covenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgments, executions, claims and demands whatsoever, in law or in equity, which against the Town had, now has, or which their heirs, executors or administrators hereafter can, shall or may have for upon or by any reason of any matter, cause or thing whatsoever from the beginning of the world into the future, especially for the participation in the "Adopt an Island" program.

In witness whereof, the parties have executed this agreement on this \_\_\_\_\_ day of \_\_\_\_\_, 2008. The Groups representative certifies that they possess that authority to execute this agreement on behalf of the Group.

Name of Group: \_\_\_\_\_

By: \_\_\_\_\_

South Hadley DPW

By: \_\_\_\_\_

Highway Superintendent