



NYC Parks  
GreenThumb

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City of New York  
Parks & Recreation

[nyc.gov/parks](http://nyc.gov/parks)

**To:** All Primary Contacts of GreenThumb Community Gardens operating on NYC Parks property  
**From:** Bill LoSasso, Director of NYC Parks GreenThumb  
**Date:** March 17, 2019  
**Re:** **Relicensing of GreenThumb Community Gardens on NYC Parks Property**

Dear GreenThumb Community Gardeners:

I hope that the garden group is doing well and looking forward to another season. Together, community gardens are beautifying and strengthening communities across New York City and we are proud to support you. As you know, all community gardens located on property under the jurisdiction of the NYC Department of Parks & Recreation ("NYC Parks") operate pursuant to the GreenThumb License Agreement ("License"). The term for the current license agreement has expired, and it is time to relicense gardens in good standing for another term, which will expire on **December 31, 2022**.

As your garden group's designated Primary Contact, it is your responsibility to communicate announcements from GreenThumb to the garden group and to help facilitate the relicensing of the garden. Attached, you will find a copy of the 2019-2022 License and Registration packet, which must be completed by all garden groups on NYC Parks property prior to relicensing. This letter also includes important reminders and updates regarding the License and relicensing process, as well as materials to support your operation of a GreenThumb garden. Please review this letter and all documents carefully with the garden group. Your GreenThumb Outreach Coordinator will be happy to help answer any questions you may have.

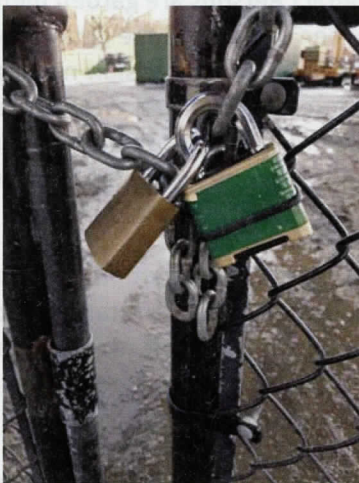
#### **Select Highlights of the GreenThumb License Agreement**

Please note that the information below is intended to be illustrative. It is important that each garden group carefully review the License prior to it being signed by the group's newly designated Primary and Secondary contacts.

- **Primary and Secondary Contacts (Section 2):** Primary and Secondary Contact Persons are garden members that have been designated by the garden group to serve as liaisons to GreenThumb and the general public. Designation as a Primary or Secondary Contact, however, does not necessarily reflect decision-making authority within the garden group, and all gardens determine their own internal governance structure that is consistent with applicable laws, rules and regulations. GreenThumb encourages groups to designate new contacts every couple years to give members a change to take a rest and to provide an opportunity for more members to get involved.
- **Event Attendance (Section 5(B)(i)):** In years past, GreenThumb has required that each garden group send a representative to at least one GreenThumb workshop each year. The purpose of this is to stay in touch with groups, obtain regular feedback, and ensure continuing education of garden groups. This requirement is now being broadened, and groups may now send a representative to any GreenThumb-sponsored event during the season (workshops, GrowTogether, panel discussions, Gardener Resource Fairs, etc.)
- **Signage (Section 5(B)(ii)):** All gardens must post signage provided by NYC Parks GreenThumb on the exterior fence indicating that the garden is under the jurisdiction of NYC Parks and participating in the GreenThumb community gardening program. NYC Parks has already installed this signage. In addition, to insure that

members of the public know how they can become involved in community gardens, gardens must also post signage indicating the open hours of the garden, contact information for the garden group, and information on how to join the garden. GreenThumb can assist you in creating this signage for free by contacting your Outreach Coordinator.

- **Membership (Section 5(B)(vi)):** Community gardens can thrive only if they are open to and reflective of the communities that host them. Garden groups must make membership and/or gardening plots of the garden available to the public on a first come, first serve basis, through the use of a waiting list if needed. If no individual plots are available at the time of request, Gardens must make every effort to allow interested members of the public to become members and participate in its stewardship in other ways, such as assisting with site upkeep, events, administrative tasks, and other activities associated with operating a publicly-accessible community garden.
- **Garden Events (Section 5(B)(vii)):** To reflect growing public interest in community gardening, and to provide more New Yorkers a chance to engage with these open spaces, garden groups must host at least two community events per year that are free and open to the public. These events are broadly defined, and can range from community picnics to musical and art performances to garden-related workshops and more. Any free organized event that engages the community and invites them in to enjoy the garden satisfies this requirement, with the exception of garden group workdays. In addition, GreenThumb has outlined the protocol for hosting events at GreenThumb gardens, which is included in this mailing. It is important that all necessary approvals be secured in advance to insure that the garden group has taken necessary actions to protect itself.
- **Garden Access (Section 5(C)(v)):** NYC Parks requires access to all property under its jurisdiction, including community gardens. GreenThumb formerly required garden groups to provide two copies of gate locks at the garden's expense, but that approach has proven problematic since many garden groups regularly change locks and keys and forget to provide GreenThumb with copies. This has resulted in increased costs to groups, delayed service requests and work, and locks having to be clipped by Parks when access is needed immediately. To simplify access and ease these burdens, GreenThumb now requires that garden groups secure the gates through use of a daisy chain locking system. Please see the attached illustration. Where the garden gate does not accommodate this type of locking system, garden groups will remain required to provide GreenThumb with two copies of keys to gate locks. Your Outreach Coordinator will contact you this year with further details on implementation of this requirement, which will occur later this season.



#### **Overview of daisy chain method**

Gardens will remain able to continue using their own locks and keys for garden gates, but will no longer be required to provide keys to GreenThumb every time the lock and/or keys are changed out.

Instead, gardens will now be required to lock their lock through a lock that has been provided by GreenThumb. The GreenThumb lock will be painted green, and GreenThumb will maintain sole access to that lock. This is how Parks will maintain access to the garden.

If new chains are required, they will be provided by GreenThumb. Please contact your Outreach Coordinator if you have questions.

- Posting of GreenThumb License (Section 5(B)(viii)): Each garden group must prominently post a copy of this letter and the License at the Garden, and must provide garden members a copy of the License either electronically or in hard copy upon request. Keeping a copy of the license in the shed or other location in the garden that is accessible to all members and that gardeners are made aware of satisfies this requirement.
- Growing Food (Section 5(C)(vi)): In order to minimize the likelihood of contact with contaminated soil, all food must be grown in raised planting beds with a semi-permeable barrier (such as landscape fabric) between the clean soil and ground. Additional details on this requirement can be found in the Gardeners' Handbook and attached handout. Alternative methods must be pre-approved in writing by GreenThumb.
- Registration (Section 5(F)): The Registration helps GreenThumb understand the needs of each group, informs how we can best support gardens, and supports us in sharing just how beneficial and impactful community gardens are. All garden groups are required to complete the GreenThumb Registration (included in this mailing) as a prerequisite to being licensed. Updated membership lists must still be provided to GreenThumb annually in order for the garden to continue operating and to remain registered and eligible for support.
- Construction (Section 6(A)): No construction activities may take place at the Garden without prior written permission from GreenThumb and, where applicable, a valid Construction permit from Parks and, where applicable, the New York City Department of Buildings. Garden groups shall not affix any structure to adjacent properties or buildings without a valid permit and prior written permission of GreenThumb. This includes gazebos, sheds, shade structures, concrete pads/foundations, and other structures within gardens.
- Drugs & Alcohol (Section 6(E)): Drugs and alcohol are strictly prohibited in community gardens located on NYC Parks property. In response to recent inquiries, I would also like to clarify that obtaining a temporary or special event permit to serve alcohol from the New York State Liquor Authority does not remove or negate this prohibition.
- Rentals prohibited (Section 6(K)): Gardens are public community spaces. Garden groups may not rent out or otherwise charge a fee to use any portion of the garden without prior written approval of NYC Parks. The License agreement does not automatically grant you that permission. Garden groups may, however, make their own determinations as to what events they wish to host at the Garden. Please note that groups may only accept *unsolicited* donations, and only solely to support the operation and maintenance of the garden. Groups may never require the payment of a fee or donation for an event or from a third party in return for hosting an event in the garden, nor may they advertise a "suggested donation" or use similar language, without prior written approval of NYC Parks. Standalone donation boxes are permitted.
- Sales and Fundraising at gardens (Section 6(K)): Gardens are permitted to sell agricultural produce that is produced on site at the Garden only, and only for the purpose of supporting the operation and maintenance of the Garden. External vendors may not sell products at the Garden without prior written permission of NYC Parks. To support groups in funding the ongoing operation of gardens, however, Parks will allow no more than two (2) fundraisers inside the Garden per calendar year, solely for the purposes of supporting the operation and maintenance of the Garden, with prior written approval of GreenThumb and Parks. All other sales or paid events are prohibited unless a permit has been obtained in advance from NYC Parks.
- Tree Policy (Section 6(O)): Due to excessive tree plantings in past years, many GreenThumb gardens now have significant shade coverage and/or fruit trees that are left unattended to, with fallen fruit that attracts rodents. In addition, improper tree pruning has occurred, causing damage to property and risking injury to gardeners. Also, NYC Parks has very strict and detailed laws governing tree removal on NYC Parks property, and fines can be significant for improper removals. As a result, garden groups are not permitted to plant, damage or remove trees, or perform major pruning such as limb removals, without the prior written approval of NYC Parks.

- **Maintenance Responsibilities (Sections 5(A) & 5(C)):** Licensed garden groups are responsible for the day-to-day care and maintenance of gardens, and for insuring that that the Garden remains in a safe and orderly condition, including but not limited to regular weeding, maintenance of structures, removal of litter, and clearing of snow and ice. The upkeep of gardens reflects on the entire garden community, and we encourage garden groups to develop detailed maintenance plans to insure that gardens remain well-maintained.
- **Termination (Section 7):** The License outlines the relationship between licensed garden groups and NYC Parks, and stewarding a community garden is a significant responsibility. Failure to comply with the terms or conditions of the License constitutes a breach of the License, constituting default. In the case of default, a default notice will be issued by Parks and garden groups shall have a period to rectify a Default. As required by NYC Parks regulations, Council Members and Community Boards will be copied on default notices.
- **Open hours (Section 8(A)):** It is important that New Yorkers understand that gardens are public spaces and when they can enjoy gardens. Gardens must maintain public open hours 20 hours per week during the garden season (April 1 – October 31). Ten of those hours must be posted on the exterior of the fence. In response to public requests for gardens to remain accessible during weekends, and to encourage greater awareness of the fact that gardens are publicly accessible, GreenThumb now requires that all licensed Gardens maintain public open hours for a total of five (5) combined hours on weekends (Saturday and Sunday), and that those hours be posted on the fence. The remaining open hours may be hosted at the discretion of each garden group. Insuring that members of the public have regular access to gardens is an important way that groups identify new members and insure that gardens remain in operation.
- **Assumption of Risk (Section 10):** The previous requirement in past licenses that garden groups indemnify NYC Parks for all incidents within Gardens has been removed. Now, twice each year, garden groups must instruct members that a community garden involves activities that pose risks of serious bodily injury and even death, including but not limited to, engaging in strenuous physical activities, using (or being in the presence of others using) garden equipment, constructing raised gardening beds, snow removal, and walking on uneven walkways. Garden groups must post a sign approved by GreenThumb at the Garden explaining these risks and that members understand and assume them whenever they are in the Garden. Parks will provide the sign below during the 2019 season.

## GARDEN MEMBERS:

Participation in a community garden involves activities that pose risks of serious injury. These risks include, but are not limited to, engaging in strenuous activities, constructing raised garden beds, removing snow, using (or being in the presence of others using) garden equipment, and walking on uneven walkways.

Your participation in this community garden indicates that you understand and assume these risks.





- **Bylaws:** All garden groups must submit current and up-to-date bylaws as a prerequisite to being licensed and registered by GreenThumb. Bylaws ensure that garden groups have an internally agreed upon governance structure and decision-making process that allows all members to fully participate in the Garden's stewardship. GreenThumb has hosted many workshops in recent years on creating bylaws, and you can access guidelines for creating approved bylaws on the GreenThumb webpage or by contacting your Outreach Coordinator. Please note that bylaws must conform to the minimum guidelines in GreenThumb's template, so please be sure to review that information.  
Bylaw templates: [https://greenthumb.nycgovparks.org/news.html?news\\_id=403](https://greenthumb.nycgovparks.org/news.html?news_id=403)
- **Gardeners Handbook (Section 5(F)):** The GreenThumb Gardeners' Handbook ("Handbook") has been updated to include a significant amount of information related to operating a GreenThumb community garden. It outlines a number of GreenThumb policies to guide activities in Gardens, including events protocols, permitting, best practices, and more. This document should be closely reviewed by garden groups and shared with members. It is located on the GreenThumb website at the following link, and your Outreach Coordinator can mail you a printed copy upon request. Link to Handbook: [https://greenthumb.nycgovparks.org/news.html?news\\_id=434](https://greenthumb.nycgovparks.org/news.html?news_id=434)
- **Non-profits and schools:** As a reminder, all gardens must remain publicly accessible open spaces that are open to stewardship by members of the community. All Licensees must adhere to all terms of the License, including membership and bylaws, regardless of whether the Garden is affiliated with a school, church, non-profit, or other organization. Organizations that have existing bylaws that are not specific to the community garden must prepare separate bylaws for the garden space. All neighbors must remain welcome to join GreenThumb gardens as members, and to participate in decision-making and governance as outlined in the License and garden's bylaws. Membership may never be conditioned upon membership in an external organization.

Stewarding a GreenThumb community garden is an important form of community service, we thank you for taking on this responsibility in an effort to make your neighborhood and our city a better place. GreenThumb is here to support garden groups however we can, and we are thankful for the opportunity to get to work with dedicated New Yorkers like you.

Sincerely,

William LoSasso  
Director of GreenThumb



## GREENTHUMB RELICENSING STEP-BY-STEP GUIDE

- 1) **BEFORE RELICENSING:** GreenThumb will mail one copy of the following to each Primary Contact for all GreenThumb community gardens located wholly or partially on NYC Parks property
  - a. GreenThumb License (“License”)
  - b. GreenThumb Registration (“Registration”)
  - c. DEP Hydrant Access Permit application
  - d. GreenThumb Events Protocol
  - e. Safe Soil Gardening Requirements
  - f. Bylaws Guidelines
  
- 2) **BEFORE RELICENSING:** Upon receiving the mailing above, the Primary Contact of each garden group must:
  - a. Review/share the contents with their respective garden groups
  - b. Work with the garden group to identify two garden members to serve as the Primary and Secondary Contacts, who will serve in this capacity unless new contacts are identified by the group at a later date
  - c. Have the Primary and Secondary Contacts sign the License Agreement on behalf of the group
  - d. Insure that the group’s bylaws are consistent with GreenThumb requirements
  - e. Fully complete the Registration
  - f. Either the new Primary or Secondary Contact must then RSVP to and attend the “GreenThumb Relicensing Sessions” for your neighborhood. (Your Outreach Coordinator will be in contact regarding scheduling.)
  
- 3) **DURING RELICENSING:** At each GreenThumb Relicensing Session:
  - a. GreenThumb staff will provide a brief presentation to review the information that was mailed to each Group, and answer any questions that you have
  - b. Groups must drop off the following fully completed and signed at the relicensing session:
    - License
    - Registration
    - Bylaws
  - c. Licenses will not be signed on site, as all submissions must be reviewed by GreenThumb for completeness. After the event, GreenThumb staff will review the submitted documents, and once all documents are confirmed to be complete, the GreenThumb Director will sign the new License and a copy of the License and Registration will be sent to the Primary and Secondary Contacts
  - d. GreenThumb will also mail a laminated copy of the Garden’s open hours to each garden to post on the fence
  - e. Incomplete materials will be returned to be fully completed. Groups will not be relicensed until all required documents are completed in full
  
- 4) **AFTER RELICENSING:** Following attendance at the GreenThumb Relicensing Sessions:
  - a. Each garden group is required to review the License (including Section 10. Assumption of Risk) with their garden group at the next scheduled membership meeting
  - b. Each garden group is required to provide each member with a copy of the signed License, either electronically or in hard copy, upon request. GreenThumb will provide these copies upon request.
  - c. Each garden group is required to post a copy of this letter and the signed License at the garden
  - d. Each garden group is required to post the open hours of the garden on the exterior fence