

AGENDA

Wednesday

December 9, 2015

**TOWN OF EASTHAM
AGENDA
BOARD OF SELECTMEN
Wednesday, December 9, 2015
3:00 p.m.**

Location: Timothy Smith Room

- I. Preliminary Discussion of Fees for FY17-Transfer Station (Commercial TIP Fee), Beach Fees, and discussion of other Town Department fees (No votes will be taken)
- II. Policy Discussion- Review and discussion of Debt, Windmill Green and other Board Policies (No votes will be taken)
- III. Discussion of General Affordable Housing Opportunities

ADMINISTRATIVE MATTERS

- A. Plan future agendas
- B. Acceptance of Minutes:
 - November 16, 2015 – Regular Meeting
 - November 17, 2015 – Work Session
 - November 18, 2015 – Work Session

OTHER BUSINESS

Discussion of topics not reasonably anticipated by the Chair 48 hours before the meeting

Upcoming Meetings

<i>Monday, December 21, 2015</i>	<i>5:00 p.m.</i>	<i>Regular Session</i>
<i>Wednesday, December 23, 2015</i>	<i>3:00p.m.</i>	<i>Work Session</i>

The listing of matters includes those reasonable anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

This meeting will be recorded and written minutes prepared.



TOWN OF EASTHAM

2500 Stare Highway, Eastham, MA 02642-2544
All departments 508-240-5900 • Fax 508-240-1291
www.eastham-ma.gov



TO: Board of Selectmen
FROM: Jacqui Beebe
RE: 2016 Fee Requests
DATE: December 9, 2015

I would like to separate the town fee discussion into two pieces this year. For your review and discussion today are recommendations for changes in fees to go into effect for the current fiscal year and/or summer of 2016. Then in February, I will bring forward any recommendations from Departments for changes for next year (summer of 2017).

Both of the recommendations for change for this year were discussed and not changed last year.

Beach & Recreation: Recommending changes for FY17 (summer of 2016). The following increases are proposed:

- *Resident Beach Stickers* to \$30.00. The last increase was in FY11 to \$25.00, and the average in the lower cape is \$28.00 with some towns at \$25 and some already at \$30. (Replacement Sticker fee would be raised to \$7)
- *Daily Pass*- Both Wellfleet and the CCNS are currently at \$20
 - All Daily Parking to \$20 (from \$15 weekday and \$18 weekend)
 - Labor Day Pass- From \$40 to \$50
- *Visitor Stickers*- Have not been raised for 3 summers:
 - Weekly stickers- Increase \$5 to \$70
 - Two-week stickers- From \$100 to \$110
 - Seasonal stickers- From \$180 to \$200

The DPW/Transfer Station needs an increase for commercial tip fees:

- *Commercial Tip Fee for private haulers*- Neil is proposing a fee increase from \$95 to \$125 per ton. Tip fees vary widely from town to town and it is vital to stay current with this fee to avoid excess expense for the town. Currently rates vary from a low in Orleans of \$80 to a high in Provincetown of \$140. The Town of Wellfleet had closed its transfer station to private haulers last year, which had an immediate effect of increasing commercial

tipping in Eastham from 450 to 920 tons. The town is paying \$65 per ton plus transportation and handling at SEAMASS and this fee change will ensure that revenue stays ahead of expense, so we are not subsidizing private hauler operations. Due to not raising fees last year, we have had a dramatic increase in commercial hauler traffic and will experience a continued increase. We have 3 FTE's at the transfer station and we are at capacity. If the fees are not increased, we will need to increase staffing and invest in capital to keep up with the demand. We do not want to create a situation where residential customers are subsidizing commercial enterprise. The fee of \$ 125 per ton will place us in the sweet spot of stable revenue without increasing staff or equipment. The Finance Committee has reviewed this situation with me and voted to recommend the fee increase to you, recommending that it be made as soon as possible.

Both of these fee changes are important to accomplish this winter, as both beach stickers/fees and commercial tip fees are advertised in early spring for the upcoming season.

**BEACH
REVENUE/EXPENSE**

Beach	FY14	FY15	PRICE PER	# SOLD	PROPOSED INCREASE	PROJECTED W/INCREASE
Taxpayer's Beach Sticker	174,150.00	174,050.00	25	6962	30	\$ 208,860.00
One Week Renter	76,895.00	70,200.00	65	1080	70	\$ 75,600.00
Two Week Renter	25,300.00	21,300.00	100	213	110	\$ 23,430.00
Seasonal Sticker	10,980.00	12,060.00	180	67	200	\$ 13,400.00
Replacement	460.00	450	5	90	7	\$ 630.00
Labor Day Pass	320.00	480	40	12	50	\$ 600.00
Daily Tickets Mon-Fri	75,765.00	131,817.00	15	6117	20	\$ 122,340.00
Daily Tickets Sat-Sun	42,210.00		18	2230	20	\$ 44,600.00
	406,080.00	410,357.00				\$ 489,460.00
	FY13	FY14	FY15	FY16	FY17	
Direct Salaries F/T	130,136.00	139,692.00	139,967.00	143,041.00		
Direct Salaries P/T	128,892.00	131,020.00	131,020.00	135,355.00		
Benefits (34.2%)	44,506.51	47,774.66	47,868.71	48,920.00		
Other Expenses (from Budget)	63,643.00	64,652.00	65,382.00	61,449.00		
Administrative Support Services	78,606.60	82,854.83	84,511.95	86,624.70		
Fuel Usage	3,000.00	3,000.00	3,000.00	3000.00		
Capital	88,223.00	33,223.00				
	537,007.11	502,216.49	471,749.66	478,389.70		
REVENUE TOTAL	435,371.00	406,080.00	410,357.00	489,382.00	489,460.00	
EXPENSE TOTAL	537,007.11	502,216.49	471,749.66	478,389.70	478,389.70	
NET SURPLUS/DEFICIT	(101,636.11)	(96,136.49)	(61,392.66)	-10,992.30	11,070.30	
GROSS ADMIN OVERHEAD	1,676,941.00	1,767,570.00	1,802,921.00	1,847,994.00		
TOTAL EMPLOYEES	160	160	160	160		
OVERHEAD SHARE PER EMPLOYEE	10,480.88	11,047.31	11,268.26	11,549.96		
#OF DEPT EMPLOYEES	7.5	7.5	7.5	7.5		
OPERATIONS COST	537,007.11	502,216.49	471,749.66	478,389.70		

Transfer Station Revenue Expense

	FY13	FY14	FY15	Proj FY16 Estimated	Actual Jul-Nov
REVENUE					
Residential Stickers		435,645.00	\$ 450,430.00	\$ 450,430.00	
2nd Sticker		36,900.00	\$ 38,520.00	\$ 38,520.00	
3rd Sticker		1,815.00	\$ -		
Landfill Entry Fee		29,540.00	\$ 30,722.00	\$ 30,722.00	
*Landfill Gate Fees		105,341.00	\$ 192,428.00	\$ 240,000.00	136,049.00 69% 12/7
Landfill Haulers		23,128.00	\$ 22,872.00	\$ 22,500.00	
Commercial		600.00	\$ -		
Replacement		1,085.00	\$ -		
Recycling Program		56,970.00	\$ 46,492.00	\$ 30,000.00	
Total Revenue	626,414.00	691,024.00	\$ 781,464.00	\$ 812,172.00	
EXPENSE					
	FY13	FY14	FY15	Budgeted FY16	Actual Jul-Oct
Direct Salaries F/T	145,960.00	148,922.00	151,936.00	160,701.00	
Direct Salaries P/T	7,672.00	9,053.00	8,785.00	17,920.00	
OT	-	12,390.00	10,429.00	5,694.00	
Subtotal Salaries	153,632.00	170,365.00	171,150.00	184,315.00	
Benefits (34.2%)	79,173.00	50,931.00	51,962.11	54,959.00	
Benefits 11.2%	23,856.00	16,679.00	17,016.83	17,998.00	
Waste/Tip fees		\$ 77,872.00	147,845.00	192,000.00	104,871.00 55% 10/13
Other Expenses (from Budget)	301,833.00	274,960.00	323,332.00	337,027.00	
Administrative Support Services	36,683.08	38,665.59	39,438.91	\$ 42,255.00	
Fuel Usage	4,000.00	4,200.00	4,200.00	\$ 4,656.00	
sub total expense	\$ 445,545.08	\$ 463,307.59	\$ 583,794.85	\$ 648,895.00	
debt service	-	-	-	\$ -	
Capital in Article 13				\$ 76,000.00	
Capital in budget	-	14,000.00	20,959.00	\$ -	
sub total capital	-	14,000.00	20,959.00	\$ 76,000.00	
Total Expense	599,177.08	647,672.59	775,903.85	909,210.00	
					w/Increase
REVENUE TOTAL	626,414.00	\$ 691,024.00	781,515.00	\$ 812,172.00	957,827.00
EXPENSE TOTAL	599,177.08	647,672.59	775,903.85	909,210.00	909,210.00
NET SURPLUS/DEFICIT	(6,460.92)	43,351.41	5,611.15	\$ (97,038.00)	48,617.00

Admin Calculation (line27)

GROSS ADMIN OVERHEAD	1,676,941.00	1,767,570.00	1,802,921.00	
TOTAL EMPLOYEES	160	160	160	
OVERHEAD SHARE PER EMPLOYEES	10,480.88	11,047.31	11,268.26	
#OF DEPT EMPLOYEES	3.5	3.5	3.5	
OPERATIONS COST	632,874.92	647,672.59	775,903.85	909,210.00
ANNUAL TONS PROCESSED	2900	2537	3476	4000
COST PER TON	\$218.23	\$219.65	\$223.22	\$227.30

**TRANSFER STATION
REVENUE/EXPENSE**

	FY2014	FY 15 #SOLD	PRICE PER	PROPOSED	Est Revenue
				INCREASE	
Residential Stickers	435,645.00	3751	120	0	450,120.00
2nd Sticker	36,900.00	1183	30	0	38,520.00
3rd Sticker	1,815.00	19	120	0	2,280.00
Landfill Entry Fee	29,540.00		10	0	30,722.00
*Landfill Gate Fees	105,341.00	3476	95 per ton	30	374,500.00
Landfill Haulers	23,128.00				30,000.00
Commercial	600.00	6	100		600.00
Replacement	1,085.00	217	5		1,085.00
Recycling Program	56,970.00				30,000.00
*1/2 year @ 95.00					
*1/2 year @ 125.00					
	691,024.00				957,827.00

Summary of Mullin Rule Process –Town Counsel

The "Mullin Rule" – Where one or more board members are unable to attend one or more sessions of a quasi-judicial proceeding, the term Mullin Rule is at times raised in connection with assessing which members are qualified to sit on an application after missing a hearing session. In effect, the so-called Mullin Rule arose out of litigation, resolved by the decision in Mullin v. Planning Board of Brewster, 17 Mass. App. Ct. 139, 143 (1983). This decision held that, proceedings before a municipal planning board on an application seeking a special permit under G. L. c. 40A, Section 9 were adjudicatory in nature, and consequently only those members of the board who had attended the hearing on the application were entitled to vote on it. For the decision, see: <http://masscases.com/cases/app/17/17massappct139.html>

An interpretation of the application of this holding has developed, to the effect that if no substantive testimony occurred at a missed hearing session, it was possible for a member who missed such a "non-substantive" session to attend and participate on all subsequent substantive sessions.

In another circumstance, where a member misses a substantive session, another rule applies. This is the option that was enacted as G.L. c.39, §23D. This statute offers a narrow exception to the Mullin Rule in G.L. c.39, §23D. It provides at subsection (a) that a member of a quasi-judicial board who has missed a substantive hearing session shall not be disqualified from voting on an application "solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received." [emphasis added] This exception is conditioned on the requirement that, prior to such vote, the member who was absent for the single session must "certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof." This written certification is required to be incorporated into the record of the proceedings on the application.

PROCESS:

The following information concerning the process for adoption of the procedure that allows a member of a quasi-judicial board who has missed a single session of a hearing on a permit application to make up for that absence so that the member may resume participation for the remainder of the hearing sessions.

The relevant statute is G. L. c. 39, §23D, which provides as follows:

(a) Notwithstanding any general or special law to the contrary, upon municipal acceptance of this section for 1 or more types of adjudicatory hearings, a member of any municipal board, committee or commission when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he has

examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing in this section shall change, replace, negate or otherwise supersede applicable quorum requirements.

(b) By ordinance or by-law, a city or town may adopt minimum additional requirements for attendance at scheduled board, committee, and commission hearings under this section. [emphasis added]

Note that adoption of this statute will allow participation by a member who has missed one session, only. As I noted in my email yesterday, the need to attend every hearing session is a requirement in the case of quasi-judicial hearings. For other matters, such as deliberation by strictly advisory boards, there is no such requirement.

Please note the underlined text of the statute. In Subsection (a), the statute requires adoption by "municipal acceptance" of the statute. **In the case of a town, the method of adoption is by a vote of town meeting. Such a vote would be by simple majority. Although the statute does not require the a bylaw for simple acceptance of the statute, subsection (b) requires a bylaw to be enacted in order to adopt specific standards for the exercise of this statutory procedure.**

An appropriate town meeting article for simple acceptance of G. L.c. 39, §23D would be as follows:

To see if the town will vote to accept the provisions of G. L. c. 39, §23D in order to authorize a member of a town board who has been absent from no more than a single session of a hearing at which testimony is heard or received to participate in the remaining hearing sessions, provided said member shall examine all evidence received at the missed session, and certify such examination in writing in compliance with subsection (a) of said statute, which provides as follows:

Notwithstanding any general or special law to the contrary, upon municipal acceptance of this section for 1 or more types of adjudicatory hearings, a member of any municipal board, committee or commission when holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received. Before any such vote, the member shall certify in writing that he has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. The written certification shall be part of the record of the hearing. Nothing in this section shall change,

replace, negate or otherwise supersede applicable quorum requirements.

or take any other action relative thereto.

Although there is no requirement to print the text of the statute in the article, it might be beneficial to do so as a method to avoid confusion concerning the meaning of acceptance of the statute. Note that the statute allows for acceptance to be made applicable to fewer than all town boards, or to only one board.

In addition, it is significant that a bylaw is not required for simple acceptance of this statute. Subsection (b) requires a bylaw in order to impose standards for the exercise of the privilege once the statute has been accepted. Little guidance is provided as to the contents of such a bylaw, only that a bylaw may impose what is termed "minimum additional requirements for attendance at scheduled board, committee, and commission hearings under this section." The particular terms of such a bylaw would necessarily vary according to the conditions deemed appropriate under the circumstances of each situation.



TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642-2544
All departments 508-240-5900 • Fax 508-240-1291
www.eastham-ma.gov

Memorandum

TO: Town Administrator
Board of Selectmen

FROM: Eastham Planning Board

DATE: November 30, 2015

RE: M.G.L. c. 39 s. 23D (Mullin Rule)

At the November 18, 2015 Planning Board meeting, the Board took the following vote regarding the Mullin Rule to be forwarded to the Board of Selectmen:

A **MOTION** by Craig Nightingale to support adoption of the Mullin Rule for Town of Eastham regulatory boards, **seconded** by Dwight Woodson.

In favor: Coppelman, Woodson, Dill, Stahl, Autorino, Nightingale

Opposed: None

The VOTE: 6-0

Motion passed – Unanimous

Respectfully submitted by

Dwight Woodson, Vice Chairman
Eastham Planning Board

cc. Stephen Wasby

Barnstable Policy

ARTICLE II Absentee Members [Adopted 9-4-2008 by Order No. 2009-013] § 37-8.

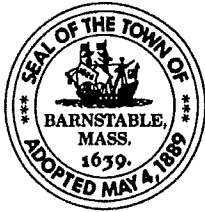
Absentee voting members of certain boards, committees and commissions. In accordance with Massachusetts General Laws Chapter 39, Section 23D, an absentee voting member of any of the boards, committees and commissions of the Town of Barnstable holding an adjudicatory hearing shall not be disqualified from voting solely on the basis of missing a single session so long as the following criteria are met:

A. The absentee voting member shall be absent from no more than a single session of the hearing at which testimony or other evidence is received;

B. Prior to voting, the absentee member shall certify, in writing, that he has examined all evidence received at the missed session and watched the video recording of the missed session, or, if no video recording is available, then has listened to the audio tape or reviewed a verbatim transcript of the missed session; and § 37-8

C. The absentee member shall certify, in writing, which evidence was reviewed, and the written certification shall be made part of the record and shall be filed with the Town Clerk; and

D. Provided that no other member of the same board, committee or commission sitting on the same matter has invoked this provision.



The Town of Barnstable

Growth Management Department
200 & 367 Main Street, Hyannis, MA 02601

Confirmation of Evidential Review

In accordance with Chapter 79 of the Acts of 2006 and the provisions of Massachusetts General Laws (MGL) Chapter 39, Section 23D and the Town of Barnstable Code Section 37-8 I, _____ (print name) do hereby certify that I have examined all evidence received and reviewed at the missed session of the below referenced adjudicatory hearing, which evidence includes an video recording of the missed session. If a video recording is not available list evidence reviewed below:

Signature: _____

Print name: _____

Date: _____

Adjudicatory Hearing Information & Reference *

File Number	
Project Name	
Hearing Date	
Property Street Address	
Map & Lot Number(s) (Use "Three-Digit Dash Three-Digit" Format from Assessors Office. Example: 123-456)	
Hearing Board	
Hearing Purpose	

* Fill out any and all fields as are necessary to identify the appropriate adjudicatory hearing.

This form was accepted and incorporated into the written record of this adjudicatory hearing:
_____ (date).

Signature: _____, Board Chair

Print name: _____, Board Chair

Date: _____

Debt
Policy
(Proposed)

December 9, 2015

To: Board of Selectmen

From: Sheila Vanderhoef, Town Administrator

RE: Debt Management Policy

Attached is a draft of a debt management policy that the board can consider. I will provide some back up information but would direct you to the DOR website, Municipal Databank area.

Due to the heavy investment in the water infrastructure project, we cannot avoid debt ratios approaching and exceeding 16%, for one year, (FY30), but I think this is acceptable given the increase in community value due to the infrastructure investment.

I was uncertain what type of format you wanted for this policy. I have used the general guiding principal of debt management in budget prepared in the past 23 years, and used the capital planning process to ensure that necessary capital building and equipment investments are on schedule.

DRAFT

TOWN OF EASTHAM MUNICIPAL DEBT POLICY

1.0 Preamble

The Town of Eastham through the budget process established by the Town Administrator has adhered to a general policy concerning the level of debt carried in any fiscal year. The policy has two key elements; first that a healthy community by DOR and the municipal auditor standards has 10% or less of its operating budget absorbed by debt service, and secondly the moderation of capital expenses is a good tool to control this debt to operating ratio.

2.0 History

Eastham is a small community, which relies on property taxes for the majority of its revenue. There is a small business community, with nearly 97% of the local taxes derived from residential property tax. This lack of diversification in the tax base limits flexibility and as local aid has declined the In FY93, the town's annual budget was \$9,473,512. The debt payments in that year were \$2,111,041 or 22.28%. In 1997, the town's bond rating was A2.

In FY15, the operating budget is \$26,871,929 and the debt service is \$1,528,133 or 5.5%. The FY15 bond rating is AAA.

The importance of bond ratings is that bond buyers use these ratings to set interest rates for bonds. Low interest rate on long-term debt is a saving to the community. To maintain excellent bond ratings in the absence of a diversified tax/revenue base the community needs to take care to manage debt but not at the expense of community investment.

3.0 Debt Policy

The Debt Policy or more accurately the debt management policy of the town is to maintain a debt to operating ratio of 10% or less. The policy is influenced, and thus varies by the need to invest in equipment, building, supplies, and excellent staff. The policy has little benefit if the overall management of the town and community investment is lacking. The town will be establishing a municipal water supply. The total projected cost is \$130M. This installation of the system will take place over 10 years. The debt ratio is expected to increase to 16.7%, in FY30. This is the projected ratio based on all issued and unpaid debt. We move into this era with municipal buildings in good condition, and current equipment and adequate supplies to perform necessary tasks. However, the increase in property values and enhanced community service by having municipal water available should continue to support a good bond rating.

Therefore anticipating an increase in the debt ratio for several years is expected to be offset by the overall increase in property values and community value.

INDEX-Town Policies

General Policies	Date Adopted	Revised
Affordable Housing Policy	8/17/2015	
Aquaculture License Regulations	12/21/2009	
Boards, Committees and Commissions- Policies & Procedures for	10/15/2012	
Buy Recycled Policy	4/27/1998	
Emergency Pet Friendly Shelter	2/5/2008	
Equal Access to Facilities and Activities Grievance Policy and Procedure	2/26/2001	
Gift Acceptance Policy	12/14/2013	Revised: 1/6/2014
Green Cleaning Policy	1/1/2010	
Investment Policy	3/4/2013	
Memorandum of Understanding Between Eastham & Wellfleet	11/6/2013	
Minutes and Posting of Minutes Policy	8/6/2007	
Nauset Inlet Moorings Policy	7/11/2013	
Operational Guidelines for the Swap Shop	8/3/2005	
Parking Regulations	4/26/2010	
Programming of Government Access Cable TV Channel 18-Policy	10/6/2008	
Public Meetings Notice	5/15/2000	
Special Municipal Employees Status	10/20/2014	
Resolution for Cape Cod Campaign for Civil Rights	11/30/1992	
Timothy Smith Fund Loan Policy	9/15/2008	
Transfer Station Campaigning Procedures	2/19/2013	
Vistability Standards for Affordable Housing		
Voluntary Visitability Standards for Residential Construction	8/6/2007	
Beaches: Rules, Regulations and Usage		
Beach Rules & Regulations	9/6/2011	
Beach Sticker Eligibility Rules	6/24/2002	
Rules & Regulations for Kite Boarding/Windsurfing	7/2/2012	
Smoking Prohibition on Certain Town Owned Beaches & Adjacent Parking Areas	5/5/2010	
Use and Reservation Policies for Recreation and Beach Facilities	11/18/2002	
Town Property Rules, Regulations & Usage		
Content & Application of Fertilizers & Pesticides On Municipal Land	8/7/2013	
Regulation of Harvesting of River Herring	3/17/2003	
Regulation on Memorials on Town Property	10/20/2008	
Regulations for Overnight Camping on Town Owned land in Zoning District H	5/5/2010	Revised: 11/9/2010
Town Owned Buildings- Room Use and Fee Policy	9/7/2011	
Use of the Eastham Windmill Green and Bandstand Policy	9/15/2008	
Policies related to Personnel		
Anti-Fraud Policy	6/18/2007	
Conflict of Interest Summary	---	
Deferred Compensation Plan Emergency Withdrawals	6/18/2001	
EEO/AA Statement	---	
Electronic Communications Policy	8/4/2003	
Flag at Half Staff for Employees and Elected Officials	12/19/2007	
Same Sex Marriage Benefits	9/20/2004	
Sexual Harassment Prevention Policy	1/6/1992	Revised: 5/5/2010
Supervisor's Workplace Violence Guidelines	10/15/2001	
Town Owned Vehicle Use Policy	5/5/2010	
Workplace Violence Policy	10/15/2001	
Board of Selectmen Budget Policies		
FY2017	10/19/2015	
FY2016	11/17/2014	
FY2015	11/2013	
FY2014	11/19/2012	
FY 2012	11/1/2010	
FY 2011	11/18/2009	
FY 2009	11/5/2007	

Policy
other



TOWN OF EASTHAM

2500 Stare Highway, Eastham, MA 02642-2544

All departments 508-240-5900 • Fax 508-240-1291

www.eastham-ma.gov

TO: Board of Selectmen
FROM: Jacqui Beebe
RE: Policy
DATE: December 8, 2015

Windmill Green- we are recommending a change to the policy/fee for the use of the Windmill Green. There are private (non-resident and for-profit) enterprises that are renting the Green for events several times per summer. They are registering as "individuals" and paying the required \$100 fee for use, and then charging rent for spots for commercial craft fairs/other events. It is our estimate that these vendors are paying the town \$100 and collecting several thousand dollars per event from their vendors. It is clear from the policy that the Board does not want this kind of use, but the policy does not ban it, and creates a broad "individual" category that is difficult to enforce. We would recommend either a specific ban on individual for-profit use, or an increased fee for non-resident, "individual" use. I have attached the current policy and rental form for your review.

At the meeting, I will have a spreadsheet with other towns' policies, so we can compare and have a discussion. For now, I am hoping the board will advise as to the issues of :

- Appropriate uses,
- For profit v. non-profit use
- Desire to increase fees or limit kinds of uses

TOWN PROPERTY Policy

Use of the Eastham Windmill Green
and Bandstand Policy



Town of Eastham
2500 State Highway
Eastham, MA 02642
508.240.5900
fax 508.240.1291
www.eastham-ma.gov

USE OF THE EASTHAM WINDMILL GREEN AND BANDSTAND POLICY

1.0 Authority

The Board of Selectmen hereby adopts a set of guidelines for the use of the Town of Eastham's Windmill Green and the Bandstand.

2.0 Purpose

It is the intention of the Board of Selectmen of the Town of Eastham to make the Windmill Green and Bandstand available to all qualified applicants as per the regulations described further in this policy.

3.0 Applicability

This policy shall apply to individuals or organizations wishing to use the Windmill Green and/or the Bandstand for any event and/or program.

4.0 Definition

The Windmill Green and the Bandstand is the area known as the facility across from the Town Hall.

5.0 Responsibility

The Board of Selectmen or their designee is responsible for ensuring that this policy is upheld and that policy guidelines are followed.

6.0 Standards/Rules and Regulations

6.1 Eligibility

Individuals, ^{town} town sponsored groups and non-profit organizations shall be eligible to apply to use the Windmill Green and/or the Bandstand.

Applications shall not be considered from groups or individuals who discriminate in their membership, programs or philosophy on the basis of sex, race, color, creed, national origin, disability, marital status, veteran status, age or sexual orientation.

Repeat use may be denied to groups or individuals who fail to abide by this and other policies, rules and regulations pertaining to the use of town property.

6.2 Use of the Windmill Green/Bandstand shall be governed by the following rules and regulations:

6.2.1 Events shall be scheduled during daylight hours, and no event shall continue past 8:00 p.m. The applicant may set up for the event after 4:00 p.m. the day previous to the event (when the area is available), and must have the Windmill Green cleaned up by noon of the day following the event. Event shall not exceed more than three (3) days.

6.2.2 The applicant is responsible for set up and clean up of the Windmill Green after the event, including the picking up of all litter, taking away of recyclable materials, and the removal of any display material and signage. The applicant is required to provide the necessary containers for recyclable materials. (Check with the town for a full list of recyclable items)

6.2.3 Signs, notices or other items may not be attached to any structure, tree, or trash recycling bin on the Windmill Green. (Permits are required for signs)

6.2.4 No activity may charge a fee for the event. Items may be sold if permitted by the Board of Selectmen or their designee, and state and local license requirements are met.

**6.2 Use of the Windmill Green/Bandstand shall be governed by the following rules and regulations:
Continued**

- 6.2.5 The use or sale of alcoholic beverages is prohibited on the Windmill Green.
- 6.2.6 Motor Vehicles may be allowed on the Windmill Green if requested on the application and a \$25 per event fee is paid.
- 6.2.7 There shall be no discharge of firearms except for ceremonial purposes and as approved by the Police.
- 6.2.8 There shall be no fires permitted, with the exception of candles which may be held by individuals participating in ceremonies, such as weddings, etc. Candles may not be placed along or attached to any structure on the Windmill Green.
- 6.2.9 For any event utilizing the Bandstand, a single noise complaint shall be sufficient to permit the police to order discontinuance of the noise portion of the event. A second complaint shall be sufficient for the police to order the end of the event and the clearing of the entire Windmill Green.
- 6.2.9.1 Amplified music shall only be allowed by special permission of the Board of Selectmen or their designee.
- 6.2.9.2 No additional lighting may be installed, on either a temporary or permanent basis, without the explicit approval of the Board of Selectmen.
- 6.2.9.3 Dogs are prohibited on the Windmill Green during events.
All other times dogs are allowed on Windmill Green only on a leash.
- 6.2.9.4 The applicant must agree to indemnify and hold the Town of Eastham harmless against any and all claims which may be made against the Town for property damages and personal injuries sustained by any person including the user which may result from the use of said property by the user. The applicant must also furnish proof of general liability insurance naming the Town as additional insured. Liability Limits as follows: **Comprehensive General Liability-Bodily Injury~\$1,000,000 Aggregate**

7.0 Procedure

All applicants shall be required to complete and sign the Application for Use of the Windmill Green and/or Bandstand. Applications and fees must be turned into the Town designee no less than eight weeks prior to the requested event date. A \$200 refundable damage deposit check is required, and must be submitted 3 days before the event.

Should two (2) or more applicants request the same day(s), preference shall be given to events sponsored by the town.

7.1 Fee Schedule

The following must be submitted and paid by the applicant at the time of application submittal:

- 1. A certification of current/valid insurance coverage.
- 2. A peddler's permit if anything is being sold on public property.
- 3. The appropriate use fees as follows:
 - \$100 per day use fee
 - \$25 per event fee if you intend to provide portable toilets.
 - \$25 per event fee for vehicle access for set up and take down only.
(Vehicles not being actively loaded or unloaded may not be parked on the Green.)
 - \$25 per event fee if you intend to use/provide tents.

A \$200 refundable damage deposit check is required, and must be submitted 3 days before the event.



- 8.0** The Board of Selectmen or their designee reserves the right to reject any and all requests.

what is inappropriate?

9.0 Effective Date

This policy is effective as of September 15, 2008.

This policy was adopted by the Board of Selectmen at a public meeting on September 15, 2008.



Town of Eastham
2500 State Highway
Eastham, MA 02642
508.240.5900
fax 508.240.1291
www.eastham-ma.gov

APPLICATION FOR THE USE OF THE WINDMILL GREEN AND BANDSTAND

Date of Application: _____

Date of Event: _____ Start Time: _____ End Time: _____

Sponsoring Organization: _____

Address: _____

Mailing Address (if different): _____

Contact Person: _____ Phone: _____ Fax: _____

Description of the Event: Include name of event (if any), type of activity, expected number of persons, and any equipment, tables, structures, tents etc., that will be erected.

Do you require a special waiver on any component of the Windmill Green Policy ? No _____ Yes _____

If Yes, please explain _____

Will there be items sold at this event? No _____ Yes _____

If Yes, please describe. _____

Will there be a charge for admission? No _____ Yes _____

If Yes, please describe. _____

The following must be submitted and paid by the applicant at the time of application submittal.

1. A certification of current/valid insurance coverage.
2. A peddler's permit if anything is being sold on public property.
3. The appropriate use fees as follows:
 - ☐ \$100 per day use fee
 - ☐ \$25 per event fee if you intend to provide portable toilets.
 - ☐ \$25 per event fee for vehicle access for set up and take down only
(vehicles not being actively loaded or unloaded may not be parked on the Green)
 - ☐ \$25 per event fee if you intend to use/provide tents.
 - ☐ A \$200 refundable damage deposit check is required, and must be submitted 3 days before the event.

INSURANCE:

Does the organization carry insurance? Yes _____ No _____
If Yes, indicate the amount: _____ and the Agent's name: _____

A copy of the Certificate of Insurance must be provided naming the Town of Eastham as included in the coverage.

INDEMNIFICATION: The applicant must agree to indemnify and hold the Town of Eastham harmless against any and all claims which may be made against the Town for property damages and personal injuries sustained by any person including the user which may result from the said property by the user. The applicant must furnish proof of general liability insurance naming the Town as additional insured. (See the Windmill Green & Bandstand Policy.)

AGREEMENT:

I have carefully read the rules and regulations of the Town of Eastham's Guidelines for the Use of the Windmill Green and Bandstand and fully understand their content. I accept responsibility for the proper use of the facilities and for the actions and conduct of the group using the Town of Eastham facilities for this function. I will assume all responsibility for all fees, charges, and damage claims from such use of the facilities.

Signature: _____ **Date:** _____

Name: _____ **Title:** _____ **Telephone:** _____

Address: _____

Information or Questions: Please call Mark Powers, Recreation & Beach Director-508-240-5974.

Mail or deliver completed applications to: Town of Eastham- 2500 State Highway -Eastham, MA 02642

This section to be completed by the Town of Eastham.

Approval of the following is required before this application is approved:

Fire Dept. _____ **Police Dept.** _____

Health Dept. _____ **Recreation Dept.** _____

Building Dept. _____ **Bldg. Maintenance Dept.** _____

Town Administrator _____

APPROVAL/DENIAL

This application has been ☐ **Approved** ☐ **Denied**

If approved, reservations have been made according to the above information with the understanding that the policies and regulations of the Board of Selectmen will be followed.

Signature: _____ **Date:** _____

This application has been denied because: _____

TOWN PROPERTY Policy

Town Owned Buildings
Room Use and Fee Policy

TOWN OF EASTHAM

Town-Owned Buildings ~ Room Use and Fee Policy

1.0 Authority

The Board of Selectmen hereby and in accordance with their statutory authority and responsibility for town-owned buildings, establishes a policy pertaining to the use of town buildings and usage fees as herein described.

2.0 Purpose

It is the intention of the Board of Selectmen of the Town of Eastham to make designated town-owned building rooms available to all qualified applicants as per the regulations and fees described further in this policy.

3.0 Applicability

This policy shall apply to individuals or organizations wishing to use designated town owned building rooms for an event or program.

4.0 Definition

Town owned building rooms designated for use are the Earle Mountain Room, and the Small Room both located in the Eastham Town Hall, and the John H. Powers Hall located at the Council On Aging.

5.0 Responsibility

The Board of Selectmen or their designee is responsible for ensuring that this policy is upheld, the guidelines followed and the applicable fees received.

6.0 Standards/Rules and Regulations

6.1 Eligibility

Town sponsored groups, civic and service groups, non-profit organizations, for profit organizations, advocacy groups, political parties, and private individuals shall be eligible to apply and use town owned building rooms for meetings.

Applications shall not be considered for groups or individuals who discriminate in their membership, programs or philosophy, on the basis of sex, race, color, creed, national origin, disability, marital status, veteran status or sexual orientation.

Repeat use may be denied to groups or individuals who fail to abide by this and other policies, rules and regulations pertaining to the use of town owned property.

6.2 Use of town-owned buildings shall be governed by the following rules and regulations:

6.2.3 User agrees that no alcohol shall be consumed in the building or on the premises.

6.2.4 The meeting room and rest rooms must be left in a neat and clean condition after each use.

6.2.5 Equipment belonging to the building may not be used unless so specified in the "Application for Building Use."

6.2.6 Nothing may be removed from the building without permission of the Head Custodian.

6.2.7 All decorations must be flameproof in accordance with the State Fire Code. In arranging decorations, nails and other material harmful to the finish of the building shall not be used.

6.2.8 Setup of the room must be arranged with the custodian. There will be no activities performed which have the potential to put undue stress to carpets, such as dances, races, etc. Furniture must not be moved by anyone but the custodial staff in order to prevent damage to the carpet. The moveable wall that separates the Earle Mountain Room and the Small Room at the Town Hall must not be moved by anyone but one of the custodians. In the case of damage over and above normal wear, the group shall be responsible for reimbursement to repair the damage.

6.2.9 A \$50.00 cleaning fee will be assessed to groups which leave the room in a condition which is less than clean after use.

6.2.10 Each room has been arranged for a maximum number of people allowed in each room according to fire code and safety regulations. This is strictly enforced.

7.0 Procedure

Applicants requesting to use town-owned buildings for meetings are required to fill out the Building Use Form available at the Town Hall reception desk and pay the applicable fees. Applications and fees must be turned into the Town designee no less than four weeks prior to the requested event. Should two or more applicants request the same day(s) preference shall be give to events sponsored by the Town. The Board of Selectmen or their designee reserves the right to reject any and all requests.

8.0 Use Fees

The fee schedule as attached is subject to change.

9.0 Liability

The Town of Eastham assumes no liability either for injuries to persons who are on town premises or damage to any equipment. The holder of a permit to use the town facilities agrees to accept all equipment and property as is and waives any and all claims against the Eastham Board of Selectmen, its members, employees and agents for any injury, accident, illness, expense of claim of any kind whether to persons or to property which may occur as a result of the use town facilities by said holder or by others under its express, implied or apparent authority. The holder of a permit further agrees to assume all liability and to indemnify and hold harmless, the Board of Selectmen, its members, employees and agents for any and all damage to the buildings, equipment or other property arising out of the use of town facilities by the said holder or by others under its express, implied, or apparent authority. The above waiver, assumption of liability, and indemnification shall be effective and binding, notwithstanding that the condition of the facilities may have caused or contributed to the injury, damage, expense, or claim.

10.0 Effective

This policy is effective as of September 7, 2011.

This policy was adopted by the Board of Selectmen on September 7, 2011.

The Town of Eastham Building Use Fees are as follows:

Requests for use of Town Building rooms is reviewed by Town Administrator and cannot be appealed. However, at her discretion, she may bring any pressing issue to the attention of the Board of Selectmen.

Type A-Town of Eastham Boards & Committees

Type B- Civic & Service Groups, Non-Profit organizations

Type C-For profit organizations, advocacy groups & political parties, private individuals

<i>Room Use</i>	<i>Type A</i>	<i>Type B</i>	<i>Type C</i>
<u>Town Hall Rooms</u> Monday-Friday 8am-4pm	\$0	\$0	\$50
<u>Town Hall Rooms</u> Saturday & Sunday 9am-5pm <i>(Saturday & Sunday arrangements must be made at least 2 weeks in advance)</i>	\$0	\$50	\$200
<u>Council On Aging</u> Monday- Friday 8am-4pm	\$0	\$0	\$100
<u>Council on Aging</u> Saturday & Sunday- 9am-5pm <i>(Saturday & Sunday arrangements must be made at least 2 weeks in advance)</i>	\$0	\$50	\$200
Kitchen Use at Town Hall or COA <i>(no cooking, only microwave is allowed)</i>	\$0	\$0	\$50



Town of Eastham
2500 State Highway
Eastham, MA 02642
508.240.5900
fax 508.240.1291
www.eastham-ma.gov

APPLICATION FOR THE USE OF TOWN OWNED BUILDINGS

Today's Date: _____

Date(s) of Event: _____ Start Time: _____ End Time: _____

Organization or Group: _____

Local Sponsoring Organization: _____

Person responsible for the obligation of the group: _____

Address _____ Telephone _____

Area or Facilities Needed: _____

Purpose of Building Use: _____

Communit(y)ies to be served _____

Profit or Non-Profit Organization: _____

Total # of Persons expected _____ Maximum # expected at any one time _____

Special Equipment Required: (Please check all that apply)

Use of Kitchen: _____ Use of Both Rooms: _____ Police Coverage: _____ Sound System: _____

Floor Mike: _____ Movie Screen: _____ Laptop: _____ Power Point: _____ Podium: _____

TV/VCR: _____ Extra Tables: _____

Other _____

Fees to be assessed by the Town: _____ Date Paid: _____ Collected by: _____

I AM THE PERSON RESPONSIBLE FOR THE OBLIGATION OF THE GROUP. I HAVE READ THE ATTACHED REGULATIONS AND UNDERSTAND THEM, WITH THE ACKNOWLEDGMENT THAT ANY ADDITIONAL EXPENSES INCURRED WILL BE PAID BY MY ORGANIZATION AND THAT ANY VIOLATION OF THE RULES OF THE TOWN OF EASTHAM MAY JEOPARDIZE FUTURE USE OF THE BUILDING.

SIGNATURE _____

This application is recommended for approval and reservation made according to the above information with the understanding that all Town policies and regulations will be followed.

DATE

TOWN ADMINISTRATOR

Reservation entered on: _____ by _____

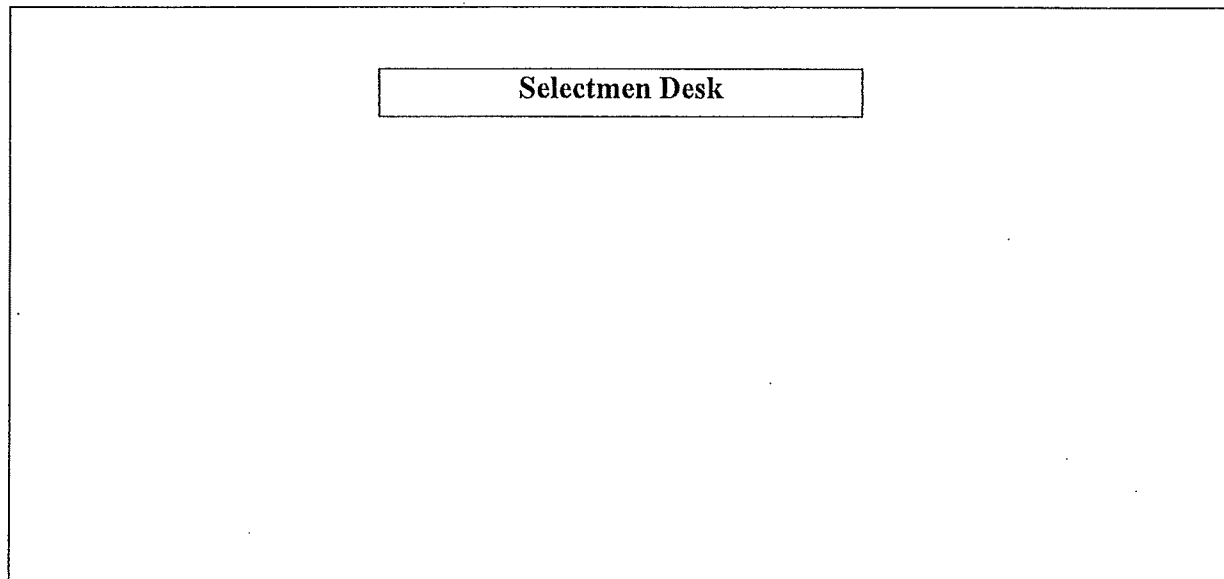
cc:

Original form in the Room Use Binder
Cindy Nicholson, Assistant Town Clerk
Mike Caliri, Video Services Coordinator
Bob Varley, Building Maintenance Supervisor

**USE THE DIAGRAM BELOW TO INDICATE PLACEMENT OF
CHAIRS & TABLES
FOR YOUR FUNCTION**

Earle Mountain Room:

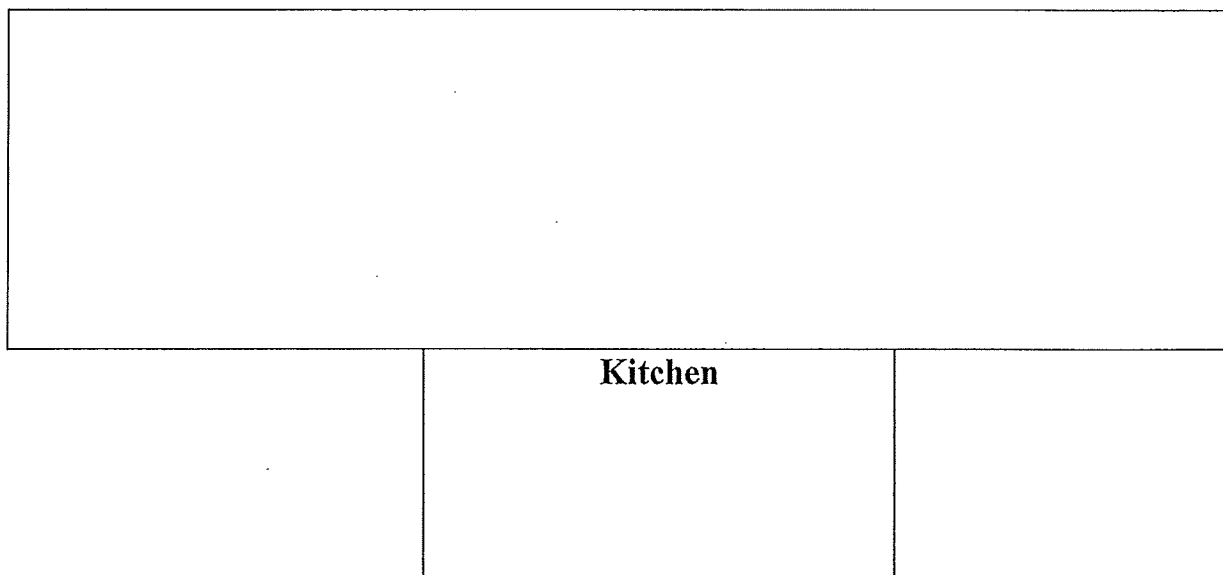
Maximum Capacity- 120 people auditorium style



Small Room:

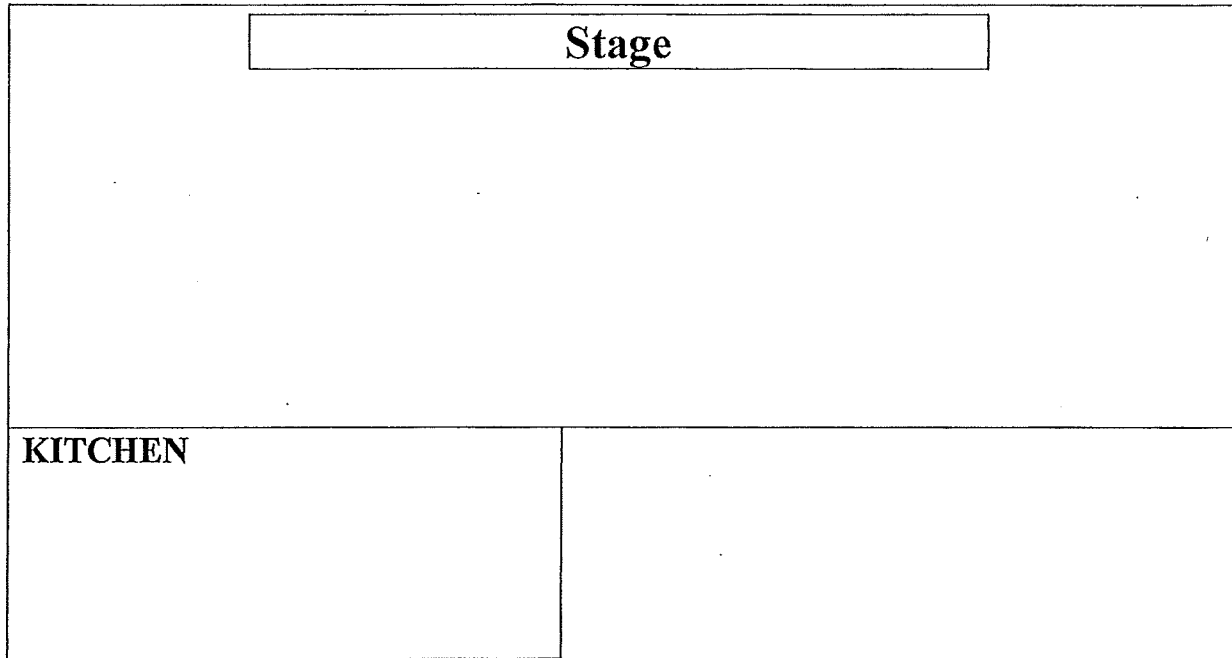
Maximum Capacity- 30 people auditorium style

Maximum capacity w/4 extra tables:



Council On Aging

Maximum Capacity- 125 people auditorium style
With 9 round tables & 4 rectangular tables



Policy

Vistability Standards for Affordable Housing

Afford Housing - General Policy
Af. Housing - LIP
Af. Housing - Visit Standards



TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642-2544

All departments 508 240-5900 Fax 508 240-1291

www.eastham-ma.gov

LIP

VISITABILITY STANDARDS FOR AFFORDABLE HOUSING

The Board of Selectmen hereby establish the following policy:

As the Local Initiative Committee for the Town, we have a responsibility to review and accept or reject Affordable Housing Proposals seeking the benefit of Local Initiative Project status. In that role we review those proposals to assess their benefits to the community.

The Town has acknowledged its responsibility to provide access to its public buildings to all citizens on an equal basis, regardless of physical limitations. As an extension of that commitment, it shall be the policy of the Board of Selectmen when reviewing any affordable housing proposal to, in consultation with the Public Access Committee of Eastham, make recommendations to the developer for the inclusion of modifications to accommodate disabled persons and, at a minimum, request that they provide that at least one, or 10%, of the affordable units meet the "Visitability standards."

This policy, adopted by the Board of Selectmen on August 15, 2005.

Policy

Voluntary Vistability Standards for Residential Construction



TOWN OF EASTHAM

2500 State Highway, Eastham, MA 02642-2544
All departments 508 240-5900 Fax 508 240-1291
www.eastham-ma.gov

VOLUNTARY VISITABILITY STANDARDS FOR RESIDENTIAL CONSTRUCTION

1.0 Authority

This policy was adopted by the authority of the Eastham Board of Selectmen pursuant to recommendations made by the *Public Access Committee of Eastham* and is effective on the date of adoption.

2.0 Purpose

The purpose of this policy is to provide improved residential access and mobility for residents of Eastham, regardless of their physical limitations, by recommending that any individual or developer engaged in new or existing residential construction projects voluntarily incorporate minimum *Standards of Visitability* into their design and construction plans.

3.0 Applicability

This policy will apply to any new residential construction project or an area of a major residential renovation project in which the renovation represents 50% or more of the total existing habitable space.

4.0 Definition

"Visitability" means a change in home construction practices to offer certain features that make the home more accessible for people who have or develop a mobility impairment, whether temporary (broken leg) or permanent.

5.0 Responsibility

It is the responsibility of the Building Inspector of the Town of Eastham to implement this policy through the distribution of information recommending voluntary minimum *Standards of Visitability*, as part of each building permit application.

6.0 Regulation

6.1 Distribution of Information

It will be the policy of the Town of Eastham, acting through the Town Building Inspector, to distribute to any individual or developer engaged in new or existing residential construction projects, information which details minimum *Visitability Standards* that are intended to provide improved accessibility for people with disabilities. Said information will be distributed at the time the Town Building Inspector issues a building permit for the project. All permit applications and plans will be reviewed for compliance with the *Visitability Policy* and compliance recommendations shall be noted in writing. (There is no statutory requirement that will delay issuance of a building permit).

6.2 Recommended Visitability Standards

The following is a recommended list of *Visitability Standards* that individuals and developers are encouraged to include in their design and construction plans for new or existing residential construction:

- One no-step entrance into a home, with an opening that is at least 36 inches wide; the entrance should lead away from a driveway or public way.
- One bathroom on the same level as the no-step entrance; bathroom must have an unobstructed, 32 inches wide doorway, allowing someone in a wheelchair to enter and shut the door, and a walk in shower.
- The installation of grab bars on bathroom walls.
- Electrical wall outlets and receptacles that are at least 15 inches, but no more than 48 inches, above the finished floor.
- Light switches and all environmental controls such as fans, air conditioning, and heating control panels that are no more than 48 inches above the finished floor.
- Lever door handles.

7.0 Penalties

Compliance with this policy is voluntary.

This policy adopted by the Board of Selectmen at a public hearing held on August 6, 2007.