


MEMORANDUM

TO: Town Council

FROM: David E. Cox, Town Manager 

DATE: October 19, 2023

SUBJECT: Agenda Information – 10/24/2023

The following is additional or summary information regarding matters on the upcoming Town Council Agenda. The numbering below follows the agenda, and some routine or self-explanatory items are not discussed in this memo. As you review your packet materials, please do not hesitate to contact the appropriate staff member or me prior to the Council meeting with any questions or concerns.

8 Continued Business

8b Discussion regarding Town policy regarding closure of athletic fields – As discussed in the memorandum included in this agenda packet, the Council is being asked to conclude its discussion regarding the policies, practices and standards related to field use at various facilities. The Council desired to follow up on its direction to be more liberal in allowing play, with a review of which staff member is charged with the decision to close fields as well as the process and liability matters related to use of facilities by outside groups.

Recommendation: Consider the information.

9 New Business

9a Consideration of various end of year budget transfers for Fiscal Year 2023 – The Council is asked to review and approve the transfer of budget expenditure amounts among various accounts in the budget for the fiscal year that closed on June 30, 2023. The transfers do not change the bottom line of the budget and simply acknowledge areas that were somewhat overspent by funding them with unspent funds in other lines or by the allocation of budgeted contingency funds. These transfers were reviewed and approved by the Board of Finance at its meeting on Monday, October 16. The transfers total \$48,219.

Recommendation: Approve the transfers.

9b Consideration of an Additional Appropriation for Fiscal Year 2023 – The Council is asked to review and approve the appropriation of unanticipated revenues received in the fiscal year ending June 30, 2023 to cover additional expenses incurred by the Board of Education in three Special Education lines. In accordance with section 45-3 of the Town Code, because this appropriation is funded by revenue other than the Town's accumulated surplus or taxes, the Board of Finance and the Town Council are charged with considering and approving the increase. The Board of Finance considered and approved the matter at its meeting on Monday, October 16. The increase in appropriation is \$330,763, which is funded with unanticipated revenue from the state's sharing of sales taxes and from interest income beyond the amount anticipated in the budget.

Recommendation: Approve the additional appropriation.

The remainder of the items are of a routine nature, in the sole purview of the Council or are announcements. Please contact me or the appropriate staff member with questions or concerns.

Town of East Hampton
Town Council Special Meeting
Tuesday, October 10, 2023
Town Hall 2nd Floor Conference Room #201

MINUTES

Present: Chairman Mark Philhower, Vice Chairman Tim Feegel, Council Members Pete Brown, Brandon Goff, Eric Peterson, Kevin Reich and Alison Walck and Town Manager David Cox

Call to Order & Pledge of Allegiance

Chairman Philhower called the meeting to order at 6:00 p.m. in the Town Hall 2nd Floor Meeting Room #201.

Executive Session

Strategy and Negotiation Regarding Collective Bargaining

A motion was made by Ms. Walck, seconded by Mr. Goff, to enter Executive Session at 6:00 p.m. with Town Manager David Cox and Attorney Nicholas Grello invited into the session. Voted (7-0)

Executive Session ended at 6:12 p.m.

Adjournment

The meeting was adjourned at 6:12 p.m.

Respectfully Submitted,

Cathy Sirois

Recording Clerk

Minutes transcribed from notes taken by Town Manager Cox

**Town of East Hampton
Town Council Regular Meeting
Tuesday, October 10, 2023
Town Hall Council Chambers and Zoom**

MINUTES

Present: Chairman Mark Philhower, Vice Chairman Tim Feegel, Council Members Pete Brown, Brandon Goff, Eric Peterson, Kevin Reich and Alison Walck and Town Manager David Cox.

Call to Order & Pledge of Allegiance

Chairman Philhower called the meeting to order at 6:30 p.m. in the Town Hall Council Chambers and via Zoom.

Adoption of Agenda

A motion was made by Ms. Walck, seconded by Mr. Goff, to adopt the agenda as presented. Voted (7-0).

Approval of Minutes

A motion was made by Mr. Peterson, seconded by Ms. Walck, to approve the minutes of the Town Council Regular Meeting of September 26, 2023 as written. Voted (7-0)

Public Remarks

Chuck Yenkner, 65 Spellman Point Road, notified the Town Council that the invasive plant hydrilla was discovered in the lake by the new limnologist and also noted it has possibly been there for two years. This will be discussed at the next Conservation-Lake Commission meeting.

Sean Paddock, 98 Comstock Trail, commented on the cancellation of the Hawks Football games on October 1st due to the Middle School fields being deemed too wet. He expressed his dissatisfaction with the call of the Public Works Director to close the fields.

Dave Johnson, 159 Bear Swamp Road, President of Hawks Football, asked if any there are any other fields to use in town besides the Middle School. They have reached out to the High School to try to work with them but have received no response. He would like more support from the Town.

Presentations

Presentation from the Aquarion Water Company

This presentation has been postponed to a future meeting.

Bids & Contracts

Review and Possible Approval of the Collective Bargaining Agreement between the Town of East Hampton and the East Hampton Police Union, Local #2407, Council 4, AFSCME, AFL-CIO – July 1, 2023 to June 30, 2026

The Town Council held an Executive Session with the Labor Attorney prior to the Regular Meeting to review the changes in the updated contract.

A motion was made by Ms. Walck, seconded by Mr. Peterson, to approve the Collective Bargaining Agreement between the Town of East Hampton and the East Hampton Police Union, Local #2407, Council 4, AFSCME, AFL-CIO – July 1, 2023 to June 30, 2026 as presented. Voted (7-0)

Review and Possible Award of Bid for Library Siding

Steve Fontanella, Director of Facilities provided an overview of the bids received for the Library siding project. Two bids were received. One bid from AHOVA Home Improvement LLC for a total of \$270,700 and DiGiorgi Roofing and Siding, Inc. for a total of \$250,134. Both firms included a cost of \$4 per square foot for any plywood replacement. Mr. Fontanella recommended the low bid from DiGiorgi Roofing and Siding, Inc.

A motion was made by Mr. Reich, seconded by Ms. Walck, to award the bid for Library Siding to DiGiorgi Roofing and Siding, Inc. in the amount of \$250,134 and \$4 per square foot for any plywood replacement. Voted (7-0)

Resolutions/Ordinances/Policies/Proclamations

None

Continued Business

Sub-Committee Reports & Updates

Ms. Walck reported that the garden around the gazebo has been planted in honor of Garden Club member Sue LePage who passed away.

Discussion and Possible Action on an Amendment to the Street Standards for Private Roads

The current revisions allow for private roads based on current requirements but specifically require the traveled portion of the roadway to be fully constructed to the Street Standards with no exceptions for surface course thickness. The Planning & Zoning Commission will also be asked to consider parallel updates to the applicable zoning and subdivision regulations.

A motion was made by Mr. Reich, seconded by Mr. Brown, to approve the amendments to the Town of East Hampton Street Standards as presented. Voted (7-0)

New Business

Discussion on Policy Regarding Closing of Athletic Fields

Following the closure of the athletic field at the Middle School on October 1st due to wet fields, the Council is asked to review the practices and standards that led to staff closing the fields and to determine whether the proper staff were involved in those decisions and whether the standard or policy should be different than it currently is. With the assignment of grounds maintenance to Public Works, the decision is made by the Director of Public Works in consultation with others. Currently staff operate with a standard that calls for balancing the interests of a specific user to use a field against the interests of other users who may be impacted by the use of a field that is water saturated or otherwise compromised.

Council members voiced their opinions on the issue and Director of Public Works Matt Walsh provided an overview of the situation from October 1st. In the end it was decided to lean on the side of play and the issue will be brought back to the next Council meeting for further discussion and review of responsibilities and the agreements for field use.

A motion was made by Mr. Goff, seconded by Mr. Peterson, to have the Public Works Director lean on the side of play and leave the safety aspect to the teams and bring this item back to the next meeting to discuss responsibilities and agreements. Voted (5-2) Mr. Reich and Ms. Walck against.

Town Manager Report

Mr. Cox provided his written report for the Council members which will be included with the minutes filed in the Town Clerk's Office. Mr. Cox also reported that the Ambulance Association received the final version of the agreement and will formally approve that at their next meeting. Due to the vacancy of our Planning & Zoning Official, Tyche Planning Group will assist with office hours and meeting assistance. The Building Official will be the temporary Zoning Enforcement Officer. Also, Christine Cachuela, who has been the Interim Library Director has been named the Library Director.

Appointments

None

Tax Refunds

A motion was made by Ms. Walck, seconded by Mr. Goff, to approve tax refunds in the amount of \$1,961.84. Voted (7-0)

Public Remarks

Dave Johnson, 159 Bear Swamp Road, commented that he has good communication with Matt Walsh and with Middle School Athletic Director Mike Mercaldi. He has not heard back from the High School Athletic Director regarding the use of the fields at the High School. He noted the Hawks are very accommodating and always need to move soccer equipment out of the way and at the end move it all back. He also noted they do have insurance. Saturday, October 21st is their "Senior Night" and want to be sure there are no issues with field use that night.

Sean Paddock, 98 Comstock Trail, thanked the Council members for their discussion. He commented on using the fields rather than keeping them looking nice and questions who should be making the final decision on field use.

Rich Milton, 3 Melburn Avenue, commented that he feels there is a huge lack of support from the administration and down. He also noted wet fields are the safest fields to play on. He feels there is a lack of support.

Communications, Correspondence & Announcements

September 2023 Board and Commission Summary

The members received the September 2023 Board and Commission Summary.

Adjournment

A motion was made by Mr. Reich, seconded by Ms. Walck, to adjourn the meeting at 7:45pm. Voted (7-0).

Respectfully Submitted,

Cathy Sirois
Recording Clerk



MEMORANDUM

TO: Town Council

FROM: David E. Cox, Town Manager

DATE: October 19, 2023

SUBJECT: Field Use Policy

TOWN COUNCIL

- Mark Philhower
Chairperson
- Tim Feegel
Vice Chairperson
- James Brown
- Brandon Goff
- Eric Peterson
- Kevin Reich
- Alison Walck

This memorandum is in follow up to the discussion held by the Town Council at its last meeting on October 10. At that meeting, the Council heard concerns from a user group about decision making related to field closure due to weather related field conditions. The Council ended the discussion by encouraging staff to be more liberal in allowing play instead of potentially conserving field conditions. The Council, however, wished to address certain other matters related to the decision making process for field use including who, on staff, would make the decision as well as a better understanding of the existing process and liability issues.

Existing Policies

Upon researching the matter, it appears that a few applicable policies and practices exist. For properties that are assigned for school use, on which most of the uses in question occur, the Board of Education has applicable policies. The current policies, which cover use of school facilities including not only buildings but the grounds as well, are dated 2003 and 2006 and some were updated in 2014. The main portions of the policies are attached to this memo. These policies outline that the principal of each school and the Superintendent are ultimately responsible for the activities on school grounds and the policies provide standards, priorities and processes for coordinating school and non-school uses. By 2018, the practice had been changed to put the maintenance related decisions on the Parks and Recreation Director due to that person's role in overseeing the maintenance of the fields and grounds. While the schools continue to enter into scheduling agreements with the groups through which outside group use of facilities is coordinated with the school's and Town's uses, any decision related to field closure was made by the Parks and Recreation Director. In 2018, the Town Council reviewed a policy that supplemented the BOE policies and outlined various field and facility use practices from the Town operations perspective. Although the record is not entirely clear, the policy may have been adopted and was certainly followed. At the time, the Council made a clear decision to require insurance from organized outside users.

Existing Practice

As noted above, user groups enter into an agreement with the individual schools the main purpose of which is to clearly show the dates and times of use. The Town staff



Town Council - Field Use Policy

October 19, 2023

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is involved in the process as well to not only coordinate Recreation uses but also to coordinate the field preparations such as line painting. Aside from direct costs associated with supplies and direct repairs that are charged on occasion, there is generally no fee to use the athletic fields. As noted, both in the 2018 discussion with the Town Council and at the recent meeting, the practice has been that the Recreation Director, in that person's role as the overseer of field maintenance, was making the final determination as to whether fields would be closed or limited due to conditions. Once the responsibility for field maintenance shifted to the Public Works Director, so did that decision-making responsibility.

Liability

Another matter discussed at the Council was that of liability related to use of a field, especially one that is potentially impacted by weather conditions. I will remind the Council that municipalities and other political subdivisions in Connecticut have fairly broad civil immunity under the law. In general, unless the Town or its employees are deemed to be negligent, as that term is defined by the courts in a specific case, or unless the Town has knowledge of a dangerous situation about which it fails to take timely corrective action, it is not civilly liable. Additionally, where an administrative decision has a level of discretion, these types of decision are also generally free from civil liability. Of course, nothing is absolute, but the Town maintains insurance, which will defend these actions, activities and decisions. Additionally, pursuant to the policies, user groups are required to maintain their own insurance and to indemnify the Town with that policy.

Recommendation

Town staff has taken note of the Council's desire to be more liberal in allowing field use as opposed to potentially preserving field conditions. That guidance will be used in implementing the existing policies. As such, staff makes no recommendation for further action by the Council at this time. In the future, it may be appropriate for the education and general government staff to review the policies in place to determine whether updates are appropriate to better match the practice and to better capture the guidance that has been given.

DC

Attachments

cc: Paul Smith, Superintendent
Matt Walsh, Public Works Director
Shawn Mullen, Acting Recreation Director
Steve Fontanella, Facilities Director

Community Relations

Use of School Facilities

Since school buildings and grounds are public property of the citizens of the Town of East Hampton, the East Hampton Board of Education may make them available for purposes other than education when they are not in use for school purposes and encourages the use of these facilities by responsible community organizations.

The Board of Education shall grant the use of school facilities for activities of an educational, cultural, civic, social, recreational, governmental or general political nature and other non-commercial uses consistent with the district and/or public interest when such use does not interfere with school programs, school sponsored activities or athletic seasons.

Recognizing that the Board of Education must maintain its Town-owned properties, originally financed by all citizens of East Hampton, it is nevertheless the policy of the Board of Education to charge for some uses and for some groups.

Charges, where applicable, will be based on the following:

- The type of organization applying
- The facilities required
- The length of time that facilities are required
- The type of function (i.e. charged admission)

Consistent with this policy, the Superintendent or designee shall approve and schedule the use of school facilities by an individual or group and shall develop guidelines for community use of the schools. Fees shall be set annually by the Board of Education for the use of the facilities. Groups desiring continuing use of facilities must reapply annually.

Types of Activities which will not be permitted include but are not limited to:

1. Activities in conflict with the welfare of the public and/or policies of the Board of Education.
2. Activities which are unlawful in nature.
3. Any activity which may be injurious to the buildings, grounds or equipment of the schools.

A community group will not sponsor another group for use of facilities if that organization would not have been eligible under its own application.

(cf. [0000](#) - Mission and Function)

(cf. [0200](#) - Goals and Objectives)

(cf. [1314](#) - Soliciting Funds from and by School Personnel)

(cf. [1324](#) - Soliciting Funds from and by Students)

(cf. [3515](#) - Facilities Use)

(cf. [6145](#) - Extra-Class Activities: Limited Open Forum)

Legal Reference: Connecticut General Statutes

[10-239](#) Use of school facilities for other purposes

PA 97-290 An Act Enhancing Educational Choices and Opportunities

Equal Access Act, 20 U.S.C. ss 4071-4074

Good News Club v. Milford Central School, Sup.Ct., 6-11-01

20 U.S.C. 7905 (Boy Scouts of America Equal Access Act contained in No Child Left Behind Act of 2001)

Policy adopted: June 26, 2006

Policy revised: June 30, 2014

EAST HAMPTON PUBLIC SCHOOLS

East Hampton, Connecticut

1330

Community Relations

Use of School Facilities

Eligible Groups

1. Community groups shall be permitted and encouraged to use school facilities for worthwhile purposes (when such use will not interfere with the school program) in the following order of priority:
 - a. School Functions
 - b. Public Emergency
 - c. Town Meetings
 - d. Local Community Organizations
 - e. Private/Business Organizations
2. The official calendar for all use of school facilities is maintained online, as well as, in the Principal's office and Director of Facilities Office.
3. When the use of a facility has been assigned to a particular school or community group, only the Principal or designee may make an exception to that scheduled use.

4. Should conflicts occur for whatever reason in the anticipated use of facilities such conflicts may be resolved only by the Superintendent or designee. The parties involved will be notified, as soon as possible, by the Principal's office of the resolution of the conflict. If in spite of all efforts to avoid such conflicts one does arise involving a school and an out-of-school group, then the school group will contact the Principal or an Assistant Principal for a resolution of the problem. If no administrator is available, the school organization shall report the incident to the Principal as soon as possible. The Principal shall then investigate the problem to ascertain how such conflict arose and shall take steps necessary to prevent its reoccurrence.
5. The facilities must be relinquished promptly by both school and community groups, at the time scheduled.
6. Decisions about whether or not custodial, cafeteria or police coverage is required and the amount to be charged shall be the responsibility of the Superintendent or designee. Arrangements for such coverage shall be the responsibility of the building administrator.
7. Fees or other charges will be explained and a rental agreement form will be returned to the applicant. Any questions regarding the fee schedule should be directed to the Superintendent's office.
8. The Board of Education reserves the right to reject any or all requests when such action is deemed in the best interest of the school system.
9. Spectator motor vehicles of any type will be restricted solely to blacktop areas of the school grounds and are to be limited to a 15 mile per hour speed limit while on school property. Violators of the parking and speeding limitations will be subject to police action.
10. Public Law 98-377, Title VIII - The Equal Access Act prohibits any public secondary school receiving federal funds from denying access to school facilities during non-instructional time to any students who wish to conduct a meeting when the reason for the denial is the religious, political, philosophical or other content of the speech of such meeting.

Application

1. Procedure to be observed in filing of an application: An application/permit is required for the use of any facility from an outside organization. Any group or individual using the facility without a permit is trespassing and will be removed and/or prosecuted at the discretion of the Administration.
 - a. Permits for the use of facilities or fields are called Building/Field Permits.
 - b. Applications for permits are available on the District website, at the specific schools or at the Director of Facilities office located within the Board of Education.
 - c. Applications for permits are to be submitted to the Principal's Office of the building/field location being requested for use.
 - d. Application/Permit form must be completely filled out (as applicable) and submitted no later than two weeks prior to the first date of use unless prior approval is provided. Application for use during school vacation periods is requested as early as practical to permit scheduling, where possible, in conjunction with seasonal maintenance programs.
 - e. When and if the application has been approved by the Principal and his/her designee it is forwarded to the Director of Facilities whereby a Certificate of Insurance and any applicable fees

are collected. Upon approval a building/field use permit will be issued and confirmation will be provided to the applicant and the school.

f. The issuance of a building field use permit does not imply a contractual agreement between the user and the East Hampton School District. The District may revoke the building/field use permit at any time if it is deemed in the best interest of the District or if in the District opinion the user group violated the policy and will return any fees which may have been collected.

Fees

1. There will be no rental fees charged for the use of the building to local non-profit groups as long as no admission or team entrance fee or similar fee is charged for the building/field use event(s) on the application. Other community organizations that provide an educational or charitable service will also not be charged a fee.

2. The District will charge any group that uses existing District utilities, such as electricity or water a utility fee which will be based upon the cost of providing utility.

3. Organizations using the buildings/fields will be required to pay for custodial coverage if needed outside of regular custodial hours or if special custodial coverage is necessary. Organizations using the kitchen will be required to pay one or more members of the regular cafeteria staff if such personnel are needed. Police coverage, if required, shall be paid by the organization. The Board of Education reserves the right to waive any of the above fees.

There shall be rental fees charged for building uses not outlined above in accordance with the fee schedule established by the Board of Education unless waived by the Board of Education and/or Superintendent.

4. When a group heavily uses an outside facility, as is solely determined by the Administration, the District may charge the group for restorative maintenance work. The charges will be equivalent to the district cost to the District. Failure to pay this charge within 30 days after being imposed by the District will automatically disqualify the group from using any District facilities.

5. Fees will be charged to all business organizations using outside facility as part of their business operation.

6. All fees must be paid in full ten (10) calendar days before the event unless special approval is provided by the Director of Facilities. No building/field use permit will be issued before all fees are paid. Failure to pay all fees in full ten (10) calendar days before the event will automatically void the application.

7. The District retains the right to require documentation establishing the non-profit or not-for-profit status of any group. Failure to provide such documentation which is acceptable to the School District will result in the requirement to pay building/field use fees. Misrepresentation of this status will result in denial of any building/field use permits for either a temporary or permanent time period at the discretion of the District.

8. All applicants for use of school facilities shall hold the East Hampton Board of Education free and without harm from any loss or damage liability or expense that may arise during or be caused in any way by such use or occupancy of school facilities. In the event that property loss or damage is incurred during such use or occupancy of school facilities, the amount of damage shall be decided by the Superintendent and approved by the Board, and a bill for damages will be presented for prompt payment to the group using or occupying the facilities during the time the loss or damage was sustained. Events that have large group participation may be required to

show proof of insurance to cover a minimum liability of \$300,000 for personal injury, unless waived by the Board of Education and/or the Superintendent of Schools. This evidence must be submitted before any Building/Field Use Permit is issued and no later than ten (10) calendar days prior to the first event on the application unless prior permission is granted. Failure to do so will automatically void the application.

9. The renting organization must agree to be responsible for the conduct of all persons in attendance at the activity. Adequate adult supervision shall be provided for all minor groups before, during and after functions.

Field Use Seasons and Applicable Period

The season use is defined as:

April 1st to November 30th

Note: The season dates are for administrative purposes only; they do not mean that fields and outside facilities will be available for the full extent of the season.

Prior to the beginning of each season, there will be a one (1) month open application period. All applications received during that period will be processed together.

Priority Use of Fields

Experience has shown that often many groups want to use the same fields at the same times. This section following guidelines is for the Administration to follow to resolve conflicts and maintain fairness. When applications from different group's conflict over use of a field(s), the conflicting groups will be notified and encouraged by the District to compromise. If the conflicting groups cannot reach a mutually agreeable compromise, then the District will decide on a solution utilizing the priority levels listed below for guidance.

East Hampton School District-sponsored events take priority over all users at all times. After this, the following priorities are followed:

Priority 1: Groups which are non-profit or not-for-profit and whose participating members are in grades PreK-12.

Priority 2: Groups which are non-profit or not-for-profit and whose participating members are 18 years of age and older.

Priority 3: Business organizations whose participating members are in grades PreK-12.

Priority 4: Business organizations whose participating members are 18 years of age and older.

Priority 5: Any and all others.

In order to provide equitable use of facilities no single group will be granted use of any particular field more than three of the five weekdays, nor more than one of the two weekend days unless no other group is requesting the remaining days. Please note, that the High School lighted field will have more restrictive use in order to maintain the field as the primary game field for High School Athletics.

Restrictions on Field Use

The issuance of a Field Use Permit does not remove certain restrictions which may be imposed by the District. All fields and other outside facilities exist primarily for the use of the schools and their students. Therefore, the District will impose certain restrictions as needed regarding how a field or outside facility is used by an outside group. This may include but not be limited to the following:

1. Canceling use because of wet or other conditions that would cause damage to the field surface.
2. Canceling or restricting the use of the field or facility due to deteriorating conditions resulting from overuse or other causes, even though the Building/Field Use Permit allowed it.
3. Prohibition of field markings and the replacement of certain goals and equipment when the District deems it may be detrimental to the District's use of the field or facility or safety.

The District's Administration will maintain a set of General Field Rules, which will be imposed upon the user groups, which will address conduct by the group and spectators on the field(s) and all District property. The Administration will periodically review and revise these rules as it deems necessary.

Provision for Maintenance/Other Work on Fields

Prior to the Open Application Period for each season, the District will review the needs for major maintenance work which would require the removal of field(s) from service. Fields which are to be taken out of service will be listed so that groups will know not to make application for these fields. The District will do its best to make this list final before the Open Application Period. However, the District retains the right to take any field out of use at any time for maintenance work or for any other reason that the District deems is in its best interest.

Exclusion of Certain Fields and Outside Facilities

In order to maintain athletic fields at a level where they afford safe and adequate use by school sponsored teams, it will be necessary to limit use by non-school agencies. The District retains the right to exclude a limited number of fields and other outside facilities from outside use. Fields may be closed to allow field regeneration.

Any activity that might endanger the surface of a field or lawn is prohibited unless prior authorization is approved by the Building Principal, Athletic Director and the Director of Facilities. Prohibited activities shall include, but are not limited to, sliding, tobogganing, sledding, golfing, model airplane flying, or using motorcycles, cars, land terrain vehicles or trucks on the fields.

Coverage by District Personnel

In most cases, there is no need for any District personnel to be present for a field or outside facility use. However, the District may require that District personnel be present for certain events because of the use of utilities, certain District items or for the purposes of opening and locking up. In these instances, the user group will pay a labor fee per the Fee Schedule in addition to any other applicable fees.

Exclusion of Use During School Hours

No group will be given permission to use any field or outside facility during regular school hours or one (1) hour before or after regular school hours. This also applies to Summer School when applicable.

Outside User Group Responsibilities

Outside user group will be responsible for the safety and welfare of all of their members and spectators and will assume the following responsibilities:

1. Determination as to whether the field or outside facility is safe for their use.
2. Determination as to whether the field is not too wet to play on without damaging it.
3. Reimbursement to the School District for the cost of any damage which, in the District's determination, resulted from the group's use.
4. Conduct and behavior of all its members and spectators.
5. Enforcement of all District Field Rules among its members and spectators.

Field Maintenance & General Use

No outside group will be permitted to perform any work or modifications or apply any materials to any fields or outside facilities without obtaining written permission from the Director of Facilities first.

Available field equipment should be returned to its proper location following use. Special attention should be taken to assure that soccer goals are securely anchored at all times.

Parking in designated areas only. No parking on grass.

Good Neighbor Policy – We ask that you observe all rules and regulations and behave at all times in a manner considerate of our neighbors.

Users are expected to remove all trash from athletic fields at the conclusion of play. Trash should be removed from the site.

Violation of field use policies may result in loss of privileges.

Tournaments

Special approval is required to host tournament play or to offer fields for use as a neutral site or host site for any league competition.

High School Field Lights

The use of the High School Field lights will be restricted to authorized events only. Lighting is required to be off by 11:00 p.m. unless special approval has been received by the Board of Education and the Town of East Hampton Building Department.

Special Rules for the Use Track and Field

1. No equipment/furnishings of any kind shall be installed without approval of the Director of Athletics or his/her designee.

2. The use of this track and field is granted under the following specific restrictions:
 - a. **No food or refreshments** to be served or eaten on the premise, unless specifically mentioned in the contract.
 - b. The following are **NOT** permitted on the fields or track:
 - Metal cleats
 - Any beverage other than water or sports drink
 - Sunflower seeds
 - Food, gum, etc. (allowed only in bleachers/grandstand)
 - Glass bottles or containers
 - Tobacco products
 - Bicycles, skateboards, scooters, etc.
 - Tents and tent stakes or anchoring devices
 - Chairs or other furniture
 - c. Spectators must stay on the outside of the stadium field fence and off of the track.
 - d. All posted rules must be followed.
3. Public use of the track and field is not permitted during times of school use.

Additional Rules for Use of Facilities

1. No organization may use the building/fields beyond 11:00 p. m. except by special arrangement.
2. Persons attending any functions must confine themselves to the areas assigned for their use.
3. Smoking is prohibited inside the school building or on school property.
4. Sale and use of alcoholic beverages is prohibited inside the school building or on school property.
5. Narcotics or other drugs are prohibited inside the school building or on school property.
6. Refreshments may be served only by prior arrangements and agreement with school authorities.
7. Decorations, exhibits or scenery shall be approved in advance by the building Principal. No school equipment or property shall be moved without prior approval of the Principal.
8. Pianos, audio-visual equipment, public address systems, and other special equipment may be used by special arrangement with the Principal.

9. All storage of organizational equipment or material shall be as approved by the Principal and requirements for removal of such equipment or material shall be at the discretion of the Principal.
10. Classroom materials and the contents of student and teacher desks are off limits.
11. Controls for heat, ventilation and lights and adjustment of athletic equipment shall be controlled by the custodians.
12. The Board of Education reserves the right to reject any or all requests when such action is deemed in the best interest of the school system.

Personal Use of School Equipment

Equipment of the Board of Education shall be used exclusively for the instructional benefit of students and the overall operation of the schools. This use of equipment shall be based on the school system's needs and will be subject to the approval of the Superintendent of Schools.

Community groups may request the use of school equipment in emergency situations. Permission must be granted by the Superintendent of Schools or designee.

Legal Reference: Connecticut General Statutes

[19a-342](#) Smoking prohibited in certain places. Signs required. Penalty

[10-239](#) Use of school facilities for other purposes.

Regulation approved: January 13, 2003

Regulation revised: June 30, 2014

EAST HAMPTON PUBLIC SCHOOLS

East Hampton, Connecticut

Business/Non-Instructional Operations

Community Use of School Facilities

The Board of Education recognizes that the school, building and grounds, is a community center and a valuable public resource. The Board is committed to making these facilities available to the community as much as possible under proper and appropriate conditions when such use does not conflict with school activities and functions. The Board of Education shall grant the use of school facilities for activities of an educational, cultural, civic, and other non-commercial uses consistent with the public interest when such use does not interfere with the school program or school-sponsored activities.

Any use of the school building and grounds by recognized community groups or organizations must be approved by the Superintendent of Schools.

The Superintendent of Schools is authorized to use his/her discretion in approving or disapproving applications under this policy. The decision of the Superintendent may be appealed to the Board of Education.

School facilities will be allocated according to the following priorities with all possible efforts to adjust schedules for mutual convenience and maximum usage.

1. School functions under the direction of the Principal and/or teachers.
2. Meetings and programs sponsored by the Board of Education, Town Council, Recreation Commission, PTO or other town governmental or non-profit agencies. (Non-profit agencies, recognized youth groups, scouts, athletic organizations, 4H groups, etc.)
3. Other non-profit community groups composed of local residents.

The use of school facilities by individuals, private groups and organizations or non-community groups is prohibited.

Applications for the use of school facilities and grounds must be made in writing and submitted to the Superintendent of Schools or his/her designee at least two (2) weeks before the date of intended use. Agencies using the school on a long term basis must submit applications annually.

A custodian must be present when the school building is being used to insure building security, proper maintenance, and to see that it is used appropriately and left in proper order. Any group or organization may be required to pay any or all maintenance costs, including the hourly rate for custodial services when and if a custodian time extends beyond regular employment hours.

Any group or organization using the school building, grounds, or equipment, is responsible for and must assume the cost of all damages to any school property.

School grounds shall not be available for use after sundown except by permission of the Board.

The possession or consumption of alcoholic beverages and/or illicit drugs on school grounds or property is prohibited.

Parking is restricted to designated parking areas. Parking is prohibited on all grass areas, playgrounds, and those areas designated for emergency vehicles.

The Boy Scouts of America, Big Sisters of America, Boys and Girls Clubs of America, Future Farmers of America, Girl Scouts of America, Little League Baseball, Inc. and any other group intended to serve youth under the age of 21 listed in Title 36 of the U.S. Code may use school property upon payment of suitable fees and costs according to the Board approved fee schedule.

Legal Reference: Connecticut General Statutes

[10-239](#) Use of school facilities for other purposes

Equal Access Act, 20 U.S.C. ss 4071-4074

Good News Club v. Milford Central School, Sup. Ct., 6-11-01

20 U.S.C. 7905 (Boy Scouts of America Equal Access Act contained in No Child Left Behind Act of 2001)

Policy adopted: June 26, 2006

EAST HAMPTON PUBLIC SCHOOLS

East Hampton, Connecticut

3515

Business/Non-Instructional Operations

Community Use of School Facilities

The use of school buildings, grounds, equipment and facilities will be authorized by the Superintendent in conformity with the following regulations governing their use as approved by the Board.

1. Application forms for the use of school facilities must be presented to the Superintendent at least 14 days prior to the date of use.
2. The use of school facilities for school purposes, meeting of students, entertainment by teachers' clubs, alumni associations, parent-teacher associations and other organizations affiliated with the schools have precedence over all others. Requests for school facilities for school programs must be cleared with the building Principal or the Superintendent or both, should the nature of the request so justify.
3. The following users shall not be charged a rental fee or custodial fee during the hours of 3:00 p.m. to 10:00 p.m. on regularly scheduled school days:
 - A. School affairs sanctioned by the Board of Education.
 - B. PTA/PTO and other school related meetings.

C. Municipal agencies, Boards and commissions of the town.

D. Local non-profit organizations.

Where additional staffing or significant extra cleaning is required or when use extends beyond 10:00 p.m., custodial fees shall be charged to all users at a rate established by the Board of Education.

All users shall pay both the rental fee and custodial fee for use of school facilities on Saturdays, Sundays and holidays.

4. All activities must be under competent adult supervision approved by the Superintendent and the Principal of the building involved. In all cases, an assigned school employee will be present. The group using the facilities will be responsible for any damage to the building or equipment.

5. Groups receiving permission are restricted to the dates and hours approved and to the building area and facilities specified, unless requested changes are approved by the Superintendent.

6. Groups receiving permission are responsible for the observance of local and state fire and safety regulations at all times.

7. The following activities are prohibited:

A. Use of school property to individuals or organizations whose activities are of a subversive nature.

B. Use of school premises for non-school activities during school hours.

C. Smoking anywhere in school buildings.

D. Use of school buildings for games of chance.

E. Use of school buildings for holding card parties and public dances, except when plans have been approved by the Superintendent.

F. The granting of further use of premises to any person or organization which fails or refuses to pay for any damage sustained by its use.

G. The opening of the school building when the building is normally closed, unless a responsible custodian is provided.

H. Use for activities which engender racial or religious prejudices or which are inimical to democracy.

I. The use of alcoholic beverages.

8. The Board will cooperate with recognized agencies, such as the Red Cross and Civil Defense, and will make suitable facilities available without charge during community emergency or to prepare for civil defense.

9. Proper liability insurance in an amount approved by the district will be required by all groups given permission to use school facilities, except where this coverage is already provided by the Board. A copy of the policy or the rider naming the Board as additional insured shall be furnished to the district.

10. The Board will approve and periodically review a fee schedule for use of facilities.

11. In situations where there is no cost factor to the district, or in situations where a mutual exchange of facilities is possible between the school district and the organization, fees may be modified or eliminated by the Superintendent. In situations where extended usage for a long period of time is required, rates may be set at a contract price.

12. The Board reserves the right to revoke permission for use previously granted.

(cf. [1330](#) -Use of School Facilities)

Legal Reference: Connecticut General Statutes

[10-239](#) Use of school facilities for other purposes.

Equal Access Act, 20 U.S.C. ss 4071-4074.

20 U.S.C. 7905 (Boy Scouts of America Equal Access Act contained in No Child Left Behind Act of 2001)

Regulation approved: June 26, 2006

EAST HAMPTON PUBLIC SCHOOLS

East Hampton, Connecticut



Town of East Hampton Field/Facility Use Policy

Fields

The field/facility use policy is for all organizations/groups/individuals wishing to use municipal fields and facilities. These fields and facilities are located in town parks and on school property.

All organizations/groups/individuals wishing to use town fields or facilities must fill out the attached Field/Facility Use Request Form, pay any applicable fees and supply proof of a valid insurance policy as requested by East Hampton Parks and Recreation of the Town Manager. No reservations will be made without this information.

FIELD MAINTENANCE FEE POLICY

I. General

The East Hampton Parks and Recreation Department is responsible for the maintenance and upkeep of all town fields and parks located in the Town of East Hampton. A typed-out schedule of all games and practices must be submitted 6 weeks prior to use of the fields to ensure proper reservations and field preparations.

Any organization or group wishing to do work or buy items affecting any field/grounds must present the idea in writing and get it approved by the Parks and Recreation Department prior to purchasing or performing work.

In the event of rain, the Parks and Recreation Department will make every effort to make all fields playable. If the Park and Recreation Director or designee deems fields are unplayable, an E-mail will be sent out and a posting to social media will be made. It is the responsibility of the contact person to inform all of their participants that games or practices are cancelled. If the rain comes after the department employees leave for the day, organizations must be prudent and consider the long-range effects of playing before going on a field. No work may be done to the fields by an organization/group/individual. Any work done to the fields will result in cancellation of future reservations for the organization/group/individual.

Examples of conditions that may require the alteration or cancellation of an activity are:

Standing puddles of water on the field

Unsure footing or slippery conditions
 Waterlogged grounds (squishy areas)
 Lighting
 Severe Weather storms
 Unsafe facility conditions

If rain persists for multiple days or there are very heavy downpours, no games or practices shall be held until the Park and Recreation Director or designee notify organizations/groups/individuals. If any organization/group/individual ignores this policy and goes on the fields deemed unplayable, the organization/group/individual shall be held monetarily responsible for the time and materials it requires the Town of East Hampton to make all necessary repairs to the field. A report will be prepared and provided to the organization/group/individual containing pictures of the field damage, the amount of time and materials necessary to repair, the cost of those items along with an invoice.

II. Users

First Priority Users for all the fields will be given to (in this order)

1. East Hampton Public School Teams
2. East Hampton Parks and Recreation Department Programs
3. East Hampton Youth Leagues
4. In town Non-profit 501 C 3 groups comprised of East Hampton residents

- Please note that these leagues must belong to an affiliated state or national organization that is responsible for the administration of their sport (i.e. Little League, Youth Football, Travel Soccer). All team rosters must have 75% or more East Hampton participation of East Hampton residents.

Second Priority Users

1. Groups or individuals who are residents
2. Out of town Non-profit groups 501 C 3

Third Priority Users are:

1. For profit clubs, groups, businesses and associations, for youth and adults
2. Non-residents and others

Special Events – include but not limited to any and all events held beyond the regularly scheduled season of an organization/group or event that is held for a limited time on the fields/facilities located with the Town of East Hampton.

III. Conditions of Use

The Town of East Hampton in its sole and absolute discretion, reserves the right to decline rental of the parks, facilities or fields or to cancel the rental of parks, facilities or fields.

Parks, facilities or fields can be reserved only in the name of an adult who represents an approved organization and who agrees in writing to be responsible for organizations behavior on said property.

All groups must adhere to the published guidelines of the East Hampton Parks and Recreation Department, East Hampton Board of Education or Town of East Hampton ordinances. There is a no authorized usage of alcohol and tobacco products on any Town or Board of Education property with the exception of a permit of exemption for alcohol use at picnics issued by the East Hampton Police Department or Town Manager.

IV. Rental Requirements & Fees

All interested parties wishing to rent a field/facility must complete a field/facility use request form. If approval of use is granted, applicants must complete the Town of East Hampton Facility/Field use contract enclosed and submit the rental fee within 5 business days of approval.

Fees: First Priority users are exempt from fees
 Second Priority users must pay a fee of \$25 per hour
 Third Priority users must pay a fee of \$50 per hour
 Special events fee is a flat fee based on locations, extent of event and, maintenance issues. Parks and Recreation Director and his/her designee will determine this fee when given request.

All user groups will be responsible for additional fees associated with the mandatory presence of police or park personnel at their event.

V. Utility and Field Materials Fee

Material cost (i.e. Lime, paint, requested sports equipment) will be charged to each club, organization or sports group as discussed prior to signing the request form.

The Park and Recreation Director or his/her designee may decide that users would be charged for utilities (i.e. field lighting). This would be communicated to the group renting prior to group reservation confirmation.

VI. Insurance Requirements

All groups using the field/facilities must supply the East Hampton Parks and Recreation Department with proof of liability insurance. The Town of East Hampton requires a minimum of \$1,000,000 liability insurance with the Town of East Hampton listed as an additional insured. Proof of this insurance must be submitted to the East Hampton Parks and Recreation Department at the time of booking.

VII. Cancellation and Refund Procedures

The Town of East Hampton in its sole and absolute discretion, reserves the right to cancel permission for any group to use a park, facility or field if the purpose of such use is not considered to be in the best interest of the community or neighborhood.

If the Town of East Hampton cancels a permit due to weather or field conditions, all fees will be refunded if it is a one-day event. For long-term usage a re-scheduled date will be given. Please allow up to 15 business days for a refund to be issued.

If Police coverage or Park Maintenance coverage is required, all fee structures and cancellation policies must be in accordance to their contracts with the Town of East Hampton.

No refunds will be made in any amount for failure to show on a reserved rental date. If it is deemed necessary to cancel a permit due to a violation of town policy or town ordinances, all user fees paid will be automatically forfeited.

VIII. Additional Supervision

The Town of East Hampton reserves the right to require any lessee or user to provide police protection when deemed necessary. Additional park personnel will be assigned, if deemed necessary, by the Town of East Hampton; any resulting expenses or cost will be filled to the lessee or user.

IX. Appeals Process

All waiver requests to any provision of this policy are to be directed to the Recreation Director. Appeals from the Recreation Director's decision can be made to the Town Manager with a subsequent appeal to the Town Council, if necessary. The decision of the Town Council is final.

FACILITIES

Town Hall Community Room

The Town Hall Community Room will be made available to user groups as space permits. Please reference Users Section II for user priority and section IV Rental Requirements and Fees.

Tennis Courts

Tennis Courts can be reserved on a first-come, first – served basis. No fee will be associated with use of Tennis Courts.

Pavilion Rentals

Pavilion rentals information is available in the Pavilion Rental Packet (available on the East Hampton Parks and Recreation website www.easthamptonrec.com). Before a reservation for our Sears Park Pavilion can be booked:

- 1) A Pavilion rental form must be completed and returned with a \$125 security deposit to the Parks and Recreation Department office. The deposit is refundable after the function is over and the area used has been inspected for damage, and could take up to (2) weeks to be returned. If damage exceeds the \$125 deposit, separate billing will be made to cover additional costs for needed repairs and/or cleaning.
- 2) Once the desired date is approved, the rental fee must be PAID at the time of reservation. Fee is \$75 for half day of use (9:00 – 1:00pm) or (1:00pm – 6:00pm). For full day the fee is \$125.00 (9:00am – 6:00pm).

**Town of East Hampton
Fiscal Year 2022-2023 End of Year Budget Transfers**

Agenda Item: 9a

Department	Org	Object	Description	Transfer From/To	Comment
TRANSFER FROM					
Contingency	01120000	5990	Contingency	\$ 30,000	Contingency
Glastonbury Dispatch	01250000	5535	Annual Fee	18,219	Annual fee less than estimated
				<u>\$ 48,219</u>	
TRANSFER TO					
Animal Control	01210214	5611	Supplies/Materials/Minor Equip	\$ 34	
Animal Control	01210214	5438	Vehicle Repair/Maintenance	35	
Information Technology	01150000	5316	Computer Consulting Services	50	
Lake Patrol	01210213	5130	Overtime Salaries	50	
Legal	01040000	5330	Professional/Tech. Services	125	
Transfer Station	01560000	5435	Refuse Removal	295	
Animal Control	01210214	5960	Extraordinary Items	300	
Commission on Aging	01370000	5120	Part Time/Seasonal Salaries	315	
Transportation	01340000	5633	Annual Contribution	560	
Community Services	01350000	5430	Bldg & Equip Maint/Repair	695	Repairs to broken well pump
Transportation	01340000	5511	Other Transportation	1,035	Assessment higher than forecasted
Engineering	01520000	5330	Professional/Tech. Services	1,500	Costs higher than estimated
Registrar of Voters	01080000	5550	Printing/Binding	2,350	Printing of ballots
Town Center Fire System	01220225	5430	Bldg & Equip Maint/Repair	4,450	Repairs for waterline leak
Town Hall	01050130	5430	Bldg & Equip Maint/Repair	8,000	Building repairs
Police Patrol	01210212	5130	Overtime Salaries	28,425	FMLA, Reserve Deployment, POST accreditation
				<u>\$ 48,219</u>	

The above transfer is needed in order to zero out departmental deficits for the fiscal year end 2022-2023. This transfer also serves as additional communication to the Board of Finance and Town Council as to the operational areas in the budget that were over and under spent.

Motion: To approve the above transfers for the 2022-2023 fiscal year and authorize the Finance Director to make any additional transfers, up to \$5,000 (in the aggregate), that may be needed in order to close out the books for the 2022-2023 fiscal year. Further resolved that the Finance Director shall report back to the Board of Finance and the Town Council of any additional budget transfers.

APPROVED:
BOARD OF FINANCE: 10/16/2023

TOWN COUNCIL:

**Town of East Hampton
Additional Appropriation / Transfer Request Form
Fiscal Year 2022-2023**

Fund: General Fund
Department: Education

Additional Appropriation
Transfer

The following additional appropriation / transfer is recommended for approval.

Estimated Revenue

MRSA Sales Tax Revenue	01060135-4420	\$ 254,115
Interest Income	01060135-4100	76,648
TOTAL		\$ 330,763

Appropriation

Special education – Tuition to private schools	01951270-5563	\$ 168,495
Special education – Tuition to private schools	01951265-5563	86,570
Special education – Pupil transportation	01952710-5510	75,698
		\$ 330,763

Explanation

The above transfer request is requested to cover the Board of Education’s budget deficit.

Source of Funds

Funding is from unanticipated revenue from interest income and the State of CT’s MRSA grant.

Recommended motion:

Resolved, that the Board of Finance approve the above additional appropriation from unanticipated revenue.

<u>Approved</u>	<u>Yes</u>	<u>No</u>	<u>Date</u>
Board of Finance	✓		10/16/2023
Town Council			



Office of the COLLECTOR OF REVENUE
KRISTY MERRIFIELD, CCMC
kmerrifield@easthamptonct.gov

October 10, 2023

To: The East Hampton Town Council,

The documentation for the tax refunds listed below is available in the Office of the Collector of Revenue for your review. There are thirteen (4) refunds totaling \$1,109.95.

Respectfully Submitted,

Joshua Gambeski
Assistant Collector of Revenue
On Behalf of:
Kristy L. Merrifield, CCMC
Collector of Revenue

	30.19+
	303.25+
	363.36+
	413.15
004	
	1,109.95*