



Town of Brewster Finance Committee

2198 Main St., Brewster, MA 02631
fincommmeeting@brewster-ma.gov
(508) 896-3701

FINANCE COMMITTEE MEETING AGENDA

2198 Main Street

October 4, 2023 at 6:30PM

Finance Committee

Harvey (Pete) Dahl
Chair

Frank Bridges
Vice Chair

William Meehan
Clerk

Patrick Buckley

Andrew Evans

William Henchy

Alex Hopper

Robert Tobias

Robert Young

Town Manager
Peter Lombardi

Finance Director
Mimi Bernardo

This meeting will be conducted in person at the time and location identified above. This means that at least a quorum of the members of the public body will attend the meeting in person and members of the public are welcome to attend in person as well. As a courtesy only, access to the meeting is also being provided via remote means in accordance with applicable law. Please note that while an option for remote attendance and/or participation is being provided as a courtesy to the public, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast or affect remote attendance or participation, unless otherwise required by law. Members of the public with particular interest in any specific item on this agenda, which includes an applicant and its representatives, should make plans for in-person vs. virtual attendance accordingly.

Members of the public who wish to access the meeting may do so in the following manner:

Phone: Call (312) 626 6799 or (301) 715-8592. Webinar ID: 862 2956 9696 Passcode: 565167

To request to speak: Press *9 and wait to be recognized.

Zoom Webinar: <https://us02web.zoom.us/j/86229569696?pwd=MUUhJNGpoU3VocTZ0cTU0VGpYcWdVQT09>

Passcode: 565167

To request to speak: Tap Zoom "Raise Hand", then wait to be recognized.

When required by law or allowed by the Chair, persons wishing to provide public comment or otherwise participate in the meeting, may do so by accessing the meeting remotely, as noted above. Additionally, the meeting will be broadcast live, in real time, via **Live broadcast** (Brewster Government TV Channel 18), **Livestream** (livestream.brewster-ma.gov), or **Video recording** (tv.brewster-ma.gov).

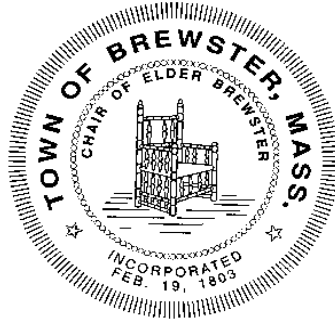
1. Call to Order
2. Declaration of a Quorum
3. Meeting Participation Statement
4. Recording Statement - As required by the Open Meeting Law, we are informing you that the Town will be video and audio taping as well as broadcasting this public meeting. In addition, if anyone else intends to either video or audio tape this meeting, they are required to inform the chair.
5. Public Announcements and Comment: Members of the public may address the Finance Committee on matters not on the meeting's agenda for a maximum of 3-5 minutes at the Chair's discretion. Under the Open Meeting Law, the Finance Committee is unable to reply but may add items presented to a future agenda.
6. Town Manager/Finance Director Report
7. Warrant Articles
 - Outstanding Obligations (Unpaid Bills)
 - General Bylaw Amendment: Private Road Betterments
 - Community Preservation Act Funding (pending confirmation from Faythe)
 - FY24 Capital and Special Project Expenditures
8. Liaison Assignments
9. Approval of Minutes
10. Request for agenda items for future meetings
11. Matters Not Reasonably Anticipated by the Chair
12. Next Finance Committee Meeting/Finance Committee calendar
13. Adjournment

Date Posted:

Date Revised:

Received by Town Clerk:

Town of Brewster



SPECIAL TOWN MEETING

WARRANT

for

NOVEMBER 13, 2023

at

6:00 PM

**STONY BROOK ELEMENTARY SCHOOL
384 UNDERPASS ROAD**

Please bring this copy of the warrant to Town Meeting
Large print copies of the warrant are available at the Brewster Town Offices

**TOWN OF BREWSTER
SPECIAL TOWN MEETING WARRANT
NOVEMBER 13, 2023**

TABLE OF CONTENTS

A	INDEX		
B	ANECDOTE FROM THE ARCHIVES		
C	INFORMATION		
D	FALL 2023 SPECIAL TOWN MEETING WARRANT ARTICLES		
ARTICLE	DESCRIPTION	SPONSOR	PAGE
1	Outstanding Obligations	Select Board	
2	Capital and Special Projects Expenditures	Select Board	
3	Community Preservation Act Funding	Community Preservation Committee	
4	Zoning Bylaw Amendments: Accessory Dwelling Unit	Planning Board	
5	Town Bylaw Amendment: Private Road Repair and Betterment	Select Board	
6	Fire Union Contract	Select Board	
7	Local Comprehensive Plan	Select Board & Planning Board	
8	Creation of Opioid Settlement Stabilization Fund & Appropriation of Funds	Select Board	
9	Special Revenue Fund: Cable Franchise Fee	Select Board	
10	Adoption of Local Option: Community Preservation Act Surcharge Exemption	Select Board	
11	Police Litigation Settlement Appropriation	Select Board	
12	Town Bylaw Amendment: Golf Commission	Golf Commission	
13	Citizens Petition: New Town Bylaw – Restriction of Short-Term Rentals	Citizens Petition	
14	Citizens Petition: New Town Bylaw – Registration of Short-Term Rentals	Citizens Petition	
E	TOWN MODERATOR’S RULES		
F	GLOSSARY OF FINANCIAL TERMS		

INFORMATION FOR NOVEMBER 13, 2023

SPECIAL TOWN MEETING

Services Available to the Public During Town Meeting

TRANSPORTATION:

The Council on Aging offers rides to and/or from Town Meeting. For information or to schedule a ride to and/or from Town Meeting please call the Council on Aging at 508-896-2737 by noon on Wednesday, November 8th. Rides are available during the entirety of Town Meeting.

CHILD CARE SERVICES:

Cape Cod YMCA is providing free childcare services in the Stony Brook School Library during Town Meeting. **This service is available for children of all ages.** If you would like to take advantage of this service, please call or email the YMCA before 4:00 pm on Wednesday, November 8th; at (508) 362-6500 ext. 1020 or dgraham-reardon@ymcacapecod.org.

FOOD & BEVERAGES:

Nauset Youth Alliance provides food and beverages for purchase from 5:30 pm to 8:00 pm during Town Meeting. Items include sandwiches, chips, desserts, water, coffee, tea, and juice. These refreshments are generously provided by Ocean Edge Resort.

TOWN OF BREWSTER SPECIAL TOWN MEETING NOVEMBER 13, 2023

Barnstable, ss

To: Roland W. Bassett, Jr. Constable of the Town of Brewster

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and inform the Town of Brewster inhabitants qualified to vote in Town affairs to meet at the Stony Brook Elementary School, 384 Underpass Road, on **Monday, November 13, 2023**, next, at 6:00 p.m. o'clock in the evening, then and there to act upon the following articles:

OUTSTANDING OBLIGATIONS

ARTICLE NO. 1: To see what sums the Town will vote to appropriate from available funds for the payment of unpaid obligations from previous fiscal years, including any bills now on overdraft:

	<i>Department</i>	<i>Outstanding Obligations</i>	<i>Amount</i>
a.	Golf Department	Denis L. Maher Well Drilling & Pump Services	\$7,585.00
b.	Fire Department	Cape Cod Medical Center	\$265.00
c.	Department of Public Works	Sylvester Consultants	\$325.00
d.	Department of Public Works	Strategic Materials Inc.	\$300.96
		Total	\$8,475.96

Or to take any other action relative thereto.

(Select Board)

(Nine-tenths Vote Required)

COMMENT

This article will authorize the payment of outstanding bills from a previous fiscal year. According to Massachusetts General Laws, a Town cannot pay a bill from a previous fiscal year with the current year's appropriation. Therefore, Town Meeting authorization is required.

Select Board: Yes 4, No 0, Abs 0

Finance Committee:

Yes 0, No 0, Abs 0

CAPITAL AND SPECIAL PROJECTS EXPENDITURES

ARTICLE NO. 2: To see what sums the Town will vote to raise and appropriate, transfer from available funds, or authorize the Town Treasurer to borrow under and pursuant to Massachusetts General Laws Chapter 44, Sections 7, 7(1), or 8, or any other enabling authority, for the capital outlay expenditures listed below, including, in each case, all incidental and related costs, to be expended by the Town Manager with the approval of the Select Board, except School expenditures to be made by the School Superintendent with the approval of the School Committee; authorize leases and lease purchase agreements for more than three but not more than five years for those items to be leased or lease purchased, and further that the Town Manager with the approval of the Select Board or School Superintendent with the approval of the School Committee for school items, be authorized to sell, convey, trade-in or otherwise dispose of equipment being replaced, all as set forth below:

<i>Department</i>	<i>Item</i>	<i>Funding Source(s) / Appropriation or Transfer</i>	<i>Amount</i>
1 Select Board			
a. Ponds Management Plan & Pilot Pond Study	Professional services and costs for development of a Town-wide pond management plan and related pond pilot study	Free Cash/Water Quality Stabilization	\$100,000
b. Herring River Watershed Permit	Professional services and costs for development of the Town's planned Herring River Watershed Permit, including analysis of future build-out potential	Water Quality Stabilization	\$50,000
Sub-Total			\$ 150,000
2 Facilities			
a. Town-wide Building Maintenance	Professional services and costs for building repairs and maintenance for Town-owned buildings	Free Cash	\$30,000
Sub-Total			\$30,000
3 Police			
a. Vehicle Replacement	Purchase and outfit (3) hybrid police vehicles	Free Cash	\$140,000
b. Mobile Data Terminal Replacement	Purchase and installation of mobile data terminals	Cell Tower Lease Funds	\$45,000
Sub-Total			\$185,000

	<i>Department</i>	<i>Item</i>	<i>Funding Source(s) / Appropriation or Transfer</i>	<i>Amount</i>
4 Fire				
	a. Chest Compression Devices (3)	Purchase of three (3) replacement devices with extended warranty	Ambulance Fund	\$65,000
	b. Miscellaneous Fire Equipment	Purchase of replacement hoses, nozzles, hand tools, ropes, ladders, and other miscellaneous equipment	Free Cash	\$30,000
	c. Additional Funding for Ambulance Leases	Funds to cover unexpected increases in ambulance lease payments	Ambulance Fund	\$15,000
	d. Mobile Computer Equipment	Purchase of mobile and desktop computer equipment and updated operational software and any other related costs	Ambulance Fund	\$35,000
Sub-Total				\$145,000
5 Department of Public Works				
	a. Drainage/Road Maintenance	Professional services for engineering, permitting, and construction associated with road maintenance and drainage	Free Cash	\$250,000
	b. Replace One Ton Dump Truck	Purchase and equipped one (1) Dump Truck, including but not limited to emergency lights, plow package, material spreader, and radios	Free Cash	\$220,000
	c. Mower Replacement	Purchase and equipped one (1) walk-behind mower	Free Cash	\$25,000
	d. Pick-up Truck	Purchase and outfit (1) 4x4 pick-up truck, including but not limited to plow package, emergency lighting, and radio	Free Cash	\$80,000
	e. Mobile Digital Sign Board Replacement	Purchase of Mobile digital sign board	Cable Special Revenue Fund	\$20,000
	f. Building Maintenance & Repairs	Professional services and costs for building repairs and maintenance	Reappropriate existing articles	\$50,000
	g. Electric Mower	Purchase (1) battery powered full electric mower	Free Cash	\$17,000

	<i>Department</i>	<i>Item</i>	<i>Funding Source(s) / Appropriation or Transfer</i>	<i>Amount</i>
	h. Millstone Road Construction	Professional services and costs of construction of Millstone Road improvements	Free Cash & Reappropriate Articles & Road Betterment Fund	\$2,550,000
Sub-Total				\$3,212,000
6 Information Technology				
	a. Technology Upgrades/ Replacement	Ongoing information system & equipment improvements, including but not limited to the purchase of computers, software, servers, and other hardware/ software	Free Cash	\$40,000
Sub-Total				\$40,000
7 Council on Aging				
	a. Council on Aging 50 th Anniversary Celebration	Funding for Town-wide activities related to the COA's 50 th anniversary	Free Cash	\$15,000
Sub-Total				\$15,000
8 Assessors				
	a. Valuation Services	Professional services for new growth and cyclical inspections as required by the Department of Revenue	Overlay	\$80,000
Sub-Total				\$80,000
9 Brewster Elementary Schools				
	a. Stony Brook Generator Design	Professional design services for the purchase and installation of a new generator at the Stony Brook Elementary School	Free Cash	\$75,000
Sub-Total				\$75,000
10 Water Enterprise Fund				
	a. Red Top Road Water Main Installation	Professional services and costs for engineering and construction of new water main on Red Top Road	Water Retained Earnings	\$75,000
Sub-Total				\$110,000

<i>Department</i>	<i>Item</i>	<i>Funding Source(s) / Appropriation or Transfer</i>	<i>Amount</i>
11 Golf Enterprise Fund			
a. Maintenance Building Design	Professional services associated with the design of a new maintenance building	Golf Retained Earnings	\$400,000
b. Irrigation Pump Reconditioning/ Replacement	Professional services and costs associated with the reconditioning of well #2 and pump replacement	Golf Retained Earnings	\$100,000
c. Equipment Replacement	Purchase and replace equipment necessary to maintain golf course	Golf Retained Earnings	\$350,000
d. Tee Box Renovations	Purchase and install materials to upgrade and maintain tee boxes	Golf Retained Earnings	\$20,000
e. Restaurant Equipment, Furnishings, & Repairs	Purchase and install restaurant/kitchen equipment, furnishings, and any other related costs to maintain the restaurant	Golf Retained Earnings	\$15,000
f. Windows & Door Additional Funding	Professional services and costs to replace windows and doors in the clubhouse and pavilion	Golf Retained Earnings & Golf Capital Stabilization Fund	\$700,000
g. Driving Range Improvements	Costs associated with upgrading the driving range	Golf Retained Earnings	\$15,000
h. Irrigation Water Source & Supply Study	Professional services and costs for irrigation water source & supply study	Golf Retained Earnings	\$100,000
Sub-Total			\$1,700,000
12 Recreation			
a. Replace Town Hall Athletic Field Benches	Replace 6 benches at Town Hall softball fields	Free Cash	\$10,000
Sub-Total			\$10,000
13 Library			
a. Elevator	Purchase and install a new elevator including any other related costs	Free Cash	\$100,000
Sub-Total			\$100,000
14 Building/Inspections			
a. New Vehicle (hybrid)	Purchase of (1) hybrid vehicle	Free Cash	\$60,000
Sub-Total			\$60,000

	GRAND TOTAL	\$5,877,000
--	--------------------	--------------------

Or to take any other action relative thereto.

(Select Board)

(Majority Vote Required)

COMMENT

1a.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 0, No 0, Abs 0

1b.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 0, No 0, Abs 0

2a.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 0, No 0, Abs 0

3a.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 0, No 0, Abs 0

3b.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 0, No 0, Abs 0

4a.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 0, No 0, Abs 0

4b.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 0, No 0, Abs 0

4c.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 0, No 0, Abs 0

4d.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 0, No 0, Abs 0

5a.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 0, No 0, Abs 0

5b.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 0, No 0, Abs 0

5c.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 0, No 0, Abs 0

5d.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 0, No 0, Abs 0

5e.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 0, No 0, Abs 0

5f.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 0, No 0, Abs 0

5g.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 0, No 0, Abs 0

6a.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 0, No 0, Abs 0

7a.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 0, No 0, Abs 0

8a.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 0, No 0, Abs 0

9a.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 0, No 0, Abs 0

10a.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 0, No 0, Abs 0

11a.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 0, No 0, Abs 0

11b.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 0, No 0, Abs 0

11c.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 0, No 0, Abs 0

11d.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 0, No 0, Abs 0

11e.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 0, No 0, Abs 0

11f.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 0, No 0, Abs 0

11g.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 0, No 0, Abs 0

11h.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 0, No 0, Abs 0

12a.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 0, No 0, Abs 0

13a.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 0, No 0, Abs 0

14a.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 0, No 0, Abs 0

COMMUNITY PRESERVATION ACT FUNDING

ARTICLE NO. 3: To see if the Town will vote to act upon the recommendations of the Community Preservation Committee; to appropriate from Fund Balances Reserved for future expenditure, the amounts shown below, for the purpose of future expenditures, operating and administration expenses, and reserve funds related to Community Preservation, Historic Preservation, Open Space, Community Housing and/or Recreation; and to authorize the Town Administrator to enter into contracts for operating and administration related to Community Preservation, Historic Preservation, Community Housing and Open Space and/or Recreation, all as follows:

	<i>Purpose</i>	<i>Item</i>	<i>Funding Source(s)</i>	<i>Amount</i>
1	Community Housing			
	a. Brewster Affordable Housing Trust	Affordable Buydown Program	Undesignated Fund Balance	\$255,000
	b. Preservation of Affordable Housing (POAH) and Housing Assistance Corporation (HAC)	Development of affordable housing units at Spring Rock Village on Millstone Road	Undesignated Fund Balance	\$507,500
	Sub-total			\$762,500
	Grand Total			\$762,500

For Fiscal Year 2024 Community Preservation purposes, each item is considered a separate appropriation to be spent by the Community Preservation Committee; provided however, that the above expenditures may be conditional on the grant or acceptance of appropriate historic preservation restrictions for historic resources, open space restrictions for open space reserves, and housing restrictions for community housing, running in favor of an entity authorized by the Commonwealth to hold such restrictions for such expenditures, meeting the requirements of G.L. c.184 and G.L. c.44B, Section 12, and to authorize the Board of Selectmen to convey or accept such restrictions;

And further, any revenues received in excess of the estimated receipts are transferred to their respective reserve fund balance(s) for future appropriation using the allocation formula of 10% Open Space and Recreation, 10% Housing, 10% Historical and 70% for Budgeted Reserve for CPA.

Or to take any other action relative thereto.

(Community Preservation Committee)

(Majority Vote Required)

COMMENT

In May of 2005, Brewster voters approved a ballot question which allowed for the adoption of the modified Community Preservation Act (CPA). The act appropriates a 3% surcharge on the

Town’s real estate tax revenues, which are reserved in a special fund in order to finance projects and programs for the purposes of preservation of open space, recreation, community housing, and historic preservation. Brewster is also eligible to receive up to 100% in matching funds from the State, although we anticipate a reduced reimbursement rate from the State for Fiscal Year 2024, which is projected at 25%. In Fall 2022, Brewster adopted, through a local bylaw, a distribution schedule for the annual CPA funds beginning in FY24 as follows: 10% of the funds for open space and recreation, 10% for community housing, 10% for historic preservation, and the 70% undesignated reserve balance is available for any CPA eligible project. The 2022 bylaw also established a non-binding 2023-2027 Target Allocation Policy as follows: 30% for Open Space, 30% for community housing, 10% historic preservation, 10% recreation, and 20% for any CPA eligible project.

1. Community Housing:

a. Brewster Affordable Housing Trust – Brewster Affordable Buydown Program

Brewster Affordable Housing Trust's (BAHT) Affordable Buydown Program is a continuation of the Brewster Affordable Homebuyers Buy Down Program which began in 2007 and, over the past 16 years, expended \$360,000 to assist 12 households in purchasing affordable homes in Brewster. Funding is now exhausted. When the Buy Down program was first developed by the Community Preservation Committee (CPC), Brewster did not have a municipal housing trust. Going forward, the BAHT will manage the Buydown Program which may provide up to \$50,000 of grant assistanceⁱ to first-time affordable homebuyers purchasing a home in Brewster. Eligible households may make up to 80% of the Area Median Income (AMI) and must agree to place a permanent deed restriction on the home. The grant funds reduce, or “buy down”, the purchase price of the home to make the home affordable and are provided as an interest-free loan, forgivable after 30 years. The program is targeted to preserve affordable homes already on the Town's Subsidized Housing Inventory (SHI). These monies will fund buydown awards and administrative expenses for the program. The Brewster Housing Partnership recommended approval of this request to the Community Preservation Committee.

Total Project Cost: \$255,000

CPC Request: \$255,000

CPC Vote: 9-0-0

Select Board: Yes 4, No 0, Abs 0

Finance Committee:

Yes 0, No 0, Abs 0

b. Preservation of Affordable Housing (POAH) and Housing Assistance Corporation (HAC) – Development of affordable housing units at Spring Rock Village on Millstone Road

Spring Rock Village is the proposed development of 45 affordable housing units located on Millstone Road in Brewster. The community will provide apartments for a range of household types – with affordable rents that working Brewster households can support. The site design creates a sociable neighborhood that preserves the existing 16-acre woodland habitat and minimizes building footprints by centering several four-unit apartment buildings around a town center. The development prioritizes sustainability with its town-center-focused site layout and commitment to Passive House energy efficiency. The apartments will include 15 one-

bedrooms, 25 two-bedroom, and 5 three-bedrooms scattered across the buildings featuring traditional Cape Cod architecture. The project is close to Nickerson State Park, the Cape Cod Rail Trail, and public transportation provided by Cape Cod Regional Transit Authority. Preservation of Affordable Housing (POAH) and Housing Assistance Corporation (HAC) were selected by the Brewster Affordable Housing Trust to develop this project through a Request for Proposals process. (RFP) The Town of Brewster, through the Affordable Housing Trust, Select Board and town staff crafted the vision for this project prior to releasing a Request for Proposals from developers. The project is scheduled for completion in June 2026. The initial lease up for tenants will include a 55% local preference (24 units) and a 15% regional preference (7 units). \$500,000 of the award will be used for construction costs of the project. \$7,500 will be used to pay CPC legal and administrative expenses related to the award. The Brewster Housing Partnership recommended approval of this request to the Community Preservation Committee.

Total Project Cost: \$27,128,227 CPC Request: \$507,500 CPC Vote: 8-0-0

Select Board: Yes 4, No 0, Abs 0 **Finance Committee:** **Yes 0, No 0, Abs 0**

ADU BYLAW AMENDMENT

ARTICLE NO. 4: To see if the Town will vote to replace the Accessory Dwelling Unit (ADU) provisions of the Brewster Zoning Bylaw, including Section 179-2, Section 179-42.2, Section 179 Use Regulation Tables 1 and Section 179 Area Regulation Table 2, with new text as follows*:

Please note that a redlined copy of this bylaw, with text to be deleted noted by ~~strikethrough~~ and text to be inserted shown in **bold and underlined, is included as an addendum at the end of the warrant book for your reference.*

Section 179-2 Definitions.

B. As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY SINGLE-FAMILY DWELLING UNIT (ADU)

A dwelling unit located on the same lot as the principal single-family dwelling to which it is accessory. An ADU shall be considered an accessory use.

DWELLING, ONE FAMILY DETACHED

A building containing a single, separate dwelling unit, designed for use and occupancy by one family, which shall be considered a principal use and principal structure under this Chapter. Also referred to herein as a “single-family dwelling” or “single-family residence.”

FLOOR AREA, NET

The sum of the living areas on all floors within the perimeter of a building or portion thereof measured from the outside faces of the exterior walls, or dividing walls as applicable, without

deduction for interior partitions and the like. It does not include unenclosed decks, porches, entries, or unconditioned storage, cellar, mechanical, garage, or utility areas, or spaces similar to the foregoing, not designed, intended or capable of being used for human habitation or occupancy.

Section 179-42.2 Accessory single-family dwelling units (ADUs).

The purposes of this ADU Section are to promote the creation of year-round rental dwelling units in the Town; to increase housing choice and the diversity of housing types in the Town; and to preserve the community, especially by facilitating housing that allows seniors, working people and young adults to remain and live in Brewster; all while supporting the existing desirable character of Brewster's residential neighborhoods and districts.

Accessory single-family dwelling units shall be permitted subject to the following standards:

- A. An ADU may be located within, connected to or adjoining a single-family dwelling, or in a detached, accessory residential building to a single-family dwelling, subject to all standards of this Section. An ADU shall maintain a separate entrance(s), either directly from the outside or through an entry or shared corridor sufficient to meet the requirements of the State Building Code for safe egress. Also see the Definitions section of this Chapter, § 179-2.
- B. There shall be no more than one ADU per lot.
- C. An ADU shall have no more than two bedrooms and no more than one thousand (1000) square feet of net floor area.
- D. A minimum of one parking space for the ADU shall be provided in addition to the parking spaces for the principal dwelling.
- E. A detached, accessory residential building in which an ADU is located shall not otherwise contain bedrooms not associated with the ADU.
- F. An ADU shall be subject to and comply with all other provisions of this Chapter, as applicable, including without limitation the building height, coverage and setback requirements for the underlying lot, either as set out in Table 2, Area Regulations, Table 3, Height and Bulk Regulations, or as otherwise may be permitted in Article VIII of this Chapter. To the extent there is conflict between the provisions in this Section and other provisions in this Chapter, the provisions in this Section shall control.
- G. There shall be no minimum lot size required to construct and maintain an ADU. However, a Special Permit, pursuant to the applicable standards in Section 179-51 herein, and Table 1, Use Regulations, shall be required from the Planning Board for an ADU on a lot less than 15,000 sq. ft.

H. Either the principal dwelling or the ADU shall be occupied by the owner of the property on a year-round basis, except for bona fide temporary absences, and the other dwelling unit shall be used for year-round dwelling purposes, leased or occupied for continuous periods of not less than twelve (12) months at a time. Notwithstanding the foregoing, an owner who does not so occupy the property on a year-round basis may apply for a Special Permit from the Planning Board, pursuant to the applicable standards in Section 179-51 herein, to authorize an ADU on the property and the use of whichever dwelling unit(s) said owner does not intend to occupy, either the principal dwelling, the ADU, or both, for year-round dwelling purposes, to be leased or occupied for continuous periods of not less than twelve (12) months at a time. Pursuant to its Special Permit authority under Section 179-51 of this Chapter, the Planning Board may consider and require, among other things, safeguards to ensure that privacy to abutting properties is reasonably maintained and that there are appropriate management and facilities in place to serve the dwelling units.

I. An ADU shall be used and designed consistent with the single-family residential nature of the underlying property. An ADU shall not be used as an accommodations-type use, such as a lodging house. There shall be no subletting, renting of rooms, or boarding of lodgers in an ADU on a short-term basis, and no Short-Term Rental use shall be permitted on a lot containing an ADU.

J. An ADU shall be subject to all applicable State and local laws and regulations, including without limitation the State Building Code and related Certificate of Occupancy requirements; State plumbing, electrical, and fire codes; Title 5, 310 CMR 15.00, and the State Sanitary Code, 105 CMR 410.00, and corresponding local Board of Health regulations; and State and local Wetlands laws and regulations.

K. An ADU shall not be severed in use or ownership from the principal dwelling to which it is accessory, including but not limited to subjecting the underlying lot or any portion thereof to the condominium form of ownership.

L. The owner of a property with an ADU shall be required to file a written affidavit with the Building Department certifying compliance with the standards of this Section, including the use and occupancy standards. The Building Department shall establish, administer, and maintain, and may amend from time to time, the affidavit process and forms referenced herein.

M. The Building Commissioner is authorized to establish an administrative permitting and/or registration process for ADUs, in addition to other permits or approvals that might be required, to assist in documenting ADUs in the Town for informational or zoning compliance purposes.

N. Without limiting other enforcement remedies or actions available under this Chapter, including fines, the Building Commissioner is authorized to order that the cooking facilities and supporting utilities and fixtures within an ADU be removed in order to abate a violation of this Section.

(Select Board)

(2/3 Vote Required)

COMMENT

Brewster first adopted zoning for accessory dwelling units (ADUs) in 2018. The proposed amendments to Zoning Bylaw Sections 179-2B & 179.42.2; Table 1; and Table 2 are the first time that ADU zoning will have been updated since that time. The purpose of the amendments is to encourage the creation of ADUs to help address year-round housing supply concerns in the town while at the same time preserving residential neighborhoods. Along these same lines, the proposed amendments also clarify that ADUs are not commercial or accommodations-type uses, and cannot be used for short term rentals. In several cases, requirements were removed or liberalized where other state or local laws rendered the existing requirements duplicative or unnecessary.

Select Board: Yes 4, No 0, Abs 0 Finance Committee: Yes 7, No 1, Abs 0

TOWN BYLAW AMENDMENT/PRIVATE ROAD REPAIR AND BETTERMENT

ARTICLE NO. 5: To see if the Town will vote to replace the General Bylaws, Section 157-20, with new text as follows:

Please note that a redlined copy of this bylaw, with text to be deleted noted by strikethrough and text to be inserted shown in **bold and underlined, is included as an addendum at the end of the warrant book for your reference.*

Section 157-20

- A. In the event that a group of property owners each of whom own property abutting and having rights on a private road, which has been open for public use continuously for at least the last five years, wish the Town of Brewster to finance the repair of their private road, they shall engage a professional engineer licensed to practice in Massachusetts and experienced in road construction and repair who shall develop a proposal for the repair of the private road, including a certified survey plan of the private road to be repaired, or relevant portion thereof. Eligible repairs include, without limitation, any or all of the following: new or additional drainage and stormwater facilities; new berms; driveway aprons; striping; the filling of existing cracks; patching; road-bed repair; and the application of one or more layers of bituminous concrete. As used herein, a private road 'open for public use' includes a road open to public invitees whose access is not actively and openly restricted with gates, signage or the like. Further, a private road, which includes a private street or private way within its meaning, is a road that has not been laid out, dedicated, or adjudicated by a Massachusetts court as a public way but has either been laid out under the subdivision control law or is otherwise a matter of record with the Barnstable Registry of Deeds or the Town Clerk. The official record of

public roads in the Town of Brewster is kept at the Town Clerk's office, and shall be amended from time to time.

B. The proposal shall specify the projected useful life of the repaired private way, and in no event shall the projected useful life be less than the financing term, which may be allowed up to 15 years. All costs of preparing the plan, obtaining cost estimates and preparing the petition described below shall be the exclusive responsibility of the petitioners.

C. The proposal shall include at least three bids from licensed and insured contractors experienced in road construction and repair to complete the work outlined in the survey plan and other proposal documents. Other objective sources to establish costs may be used instead at the discretion of the Town, including current construction costs recognized and maintained by Massachusetts Department of Transportation. After receipt of the bids, or otherwise substantiating estimated costs to the satisfaction of the Town, the property owners shall prepare a petition to the Select Board for the Town of Brewster to finance the work in an amount certain, including a ten-percent contingency amount. The petition shall list the properties subject to the petition by tax map and parcel number together with the owners' names of record from the most recent tax list with a space for each owner to place his or her signature. The petition must state that each signature represents an irrevocable agreement by each signatory to repay to the Town of Brewster, through the mechanism of a betterment added to each owner's real estate tax bill, his or her pro-rata share of the total amount to be financed plus interest and administrative costs, which administrative costs shall not exceed 4% of the project. The petition shall not be presented to the Select Board, nor shall the Select Board recognize such a petition, unless a majority of the owners shall have agreed to the proposal and its financial commitment by having signed the petition.

D. The petition, accompanied by the proposal documents, including the cost estimates and survey plan, shall be submitted to the Select Board's Office. The Select Board shall refer every such petition to the Assessor's Office for verification that signatories are the owners of record of the subject properties, and confirmation that a majority of such owners have signed. The Select Board shall consider all submitted petitions that are passed by the Assessor's Office, and will hold a public hearing on the proposed project, inviting abutters on the private road. If the Select Board determines that the proposed repairs are in the public interest and are within the financial capability of the Town, the Select Board may place the petition on the Warrant for any special or annual Town Meeting. The Select Board shall thereafter send out proxies to the owners noting scope and cost changes, if any. The proxies must be returned at least 45 days prior to the Town Meeting at which they are to be considered. If the proxies are returned within such time, the Select Board may place the petition on the Town Meeting Warrant, provided that a majority of owners have signed said proxy.

E. Long-term financing may be issued for said project by the Town for up to a 15-year term. If the Town Meeting votes to authorize financing for the project, an engineer representing the owners, and preferably the engineer who prepared the original plan and proposal, shall be named "Project Manager." He shall prepare a new request for quotations

with the bids to be directed to the Town Manager. The Project Manager and the Town Manager shall select the best bid to do the work. The Project Manager shall advise the Director of Public Works 48 hours in advance of each phase of the project and certify, in writing, to the Director of Public Works that each phase of the work has been completed to the Project Manager's satisfaction. The Director of Public Works shall inspect the completed work and advise the Town Finance Director that the work has been completed according to the endorsed petition, including the survey plan therein, so that payment can be made. After completion of the project, residents can choose to apportion their assessment into equal portions to be paid yearly over a period of up to 15 years.

F. The petition procedure set out herein shall apply equally to a petition involving a group of private roads within a subdivision provided that where a lot has frontage on, and derives access from, more than one road, the owner of such lot shall be entitled to only one vote. Owners of lots that are assessed as unbuildable and lots that may not be built upon pursuant to a conservation restriction or the equivalent shall not be entitled to vote, and such lots shall not be subject to betterment assessments hereunder.

G. The Town of Brewster shall incur no liability for any damages of any nature whatsoever arising from the project by virtue of the Town's agreeing to carry out any repair of a private way. The owners who benefit from the repair and are assessed betterments shall be deemed to have indemnified and held the Town harmless against any and all claims. The Town makes no warranty or guarantee concerning the completed betterment project.

H. Any private way improved under the provisions of this Article need not be brought up to full Town road standards. Any private way improved under the provisions of this Article shall continue to remain a private way but nonetheless open for public use.

I. Except as otherwise provided in this Article, private road betterments shall be assessed and committed according to MGL Chapter 80 and Chapter 373 of the Acts of 2006. Betterments shall be recorded and serve as record liens against the subject properties.

J. Authorization of the private road betterment petition does not relieve the private owners from obtaining all necessary permits and approvals for the road work.

K. The repairs allowed hereunder shall be considered and are permissible within the meaning of GL c. 40, Section 6N.

L. The Director of Public Works may, at their discretion, direct Town employees to make minor or temporary repairs on private roads under the purview of maintenance activities or unusual circumstances. These repairs shall not include construction, reconstruction and/or resurfacing of the ways.

(Select Board)

(Majority Vote Required)

COMMENT

The Town proposes deleting the language currently in Article VII and replacing it with an amended version of Article VIII. Both articles pertain to private road betterment. Additionally, certain areas of Article VIII as currently written are either inconsistent with practice, contradictory, or duplicative. The proposed changes make clear the definition of a private road, as well as the distinction between permanent and temporary repairs. The Planning Board will no longer be involved in the review and approval process since their role is duplicative.

Select Board: Yes 4, No 0, Abs 0

Finance Committee:

Yes 0, No 0, Abs 0

FIRE UNION CONTRACT

ARTICLE NO. 7: To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to be used to fund the cost items of the first fiscal year of the proposed Collective Bargaining Agreement between the Town of Brewster and International Association of Firefighters Local 3763, or to take any other action relative thereto.

(Select Board)

(Majority Vote Required)

COMMENT

This article will fund the costs associated with the contract settlement expenses between the International Association of Firefighters Local 3763 and the Town. The current contract expired on June 30, 2023. The new contract is effective from July 1, 2023 through June 30, 2025.

Select Board: Yes 4, No 0, Abs 0

Finance Committee:

Yes 8, No 0, Abs 0

LOCAL COMPREHENSIVE PLAN

ARTICLE NO. 8: To see if the Town will vote to adopt an updated Master Plan for Brewster which has been developed by the Vision Planning Committee, a copy of which plan is on file at the Town Clerk's office and posted on the Town's website, and which plan if adopted by the Town Meeting would constitute Brewster's Local Comprehensive Plan as defined in Section 9 of the Cape Cod Commission Act (Chapter 716 of the Acts of 1989).

Or take any other action relative thereto.

(Select Board & Planning Board)

(Majority Vote Required)

COMMENT

After more than three years of public meetings and input from residents and stakeholders, the Vision Planning Committee (VPC) completed and released a revised Local Comprehensive Plan (LCP) in August 2023. This version reflects input from residents expressed at Town Meetings

and other opportunities for public feedback this past year. Upon the recommendation of the VPC, the updated LCP was approved by the Select Board and Planning Board following a public hearing on September 27, 2023, and has been placed on the Fall 2023 Town Meeting Warrant to consider its adoption.

Brewster's LCP is intended to help guide land use decisions and policies in the Town for the next 10+ years. It describes how Brewster looks today and where it wants to go in the future. The Plan addresses many important issues like providing housing opportunities for our aging citizens and young families, protecting our drinking water supply, preserving our historic and small-town character, improving water quality in our ponds, and supporting our local small businesses.

The 2018 Brewster Vision Plan serves as a foundation for this LCP. Similar to the Vision Plan's structure, the LCP includes a Vision Statement and is organized by "Building Blocks": Community Character; Water Resources; Open Space; Housing; Coastal Management; Local Economy; Governance; Community Infrastructure; Solid Waste Management; and Climate Mitigation and Adaptation. The heart of the LCP is the Action Plan, which includes goals, purposes and an ambitious list of recommended actions associated with each Building Block.

The LCP also includes a summary of conditions for each building block and a Capital Facilities Plan which aligns capital projects recommended in the Action Plan with the Town's ongoing budgeting and planning processes. The LCP will be implemented, and its actions prioritized, primarily through the Select Board's annual strategic planning process. This process will also include monitoring and reporting to the community, which are crucial to the successful implementation of the LCP. Resident feedback on specific recommended projects and initiatives will continue to be critical as the Town considers and works through implementation details.

The LCP has been developed with general guidance from Cape Cod Commission (CCC) staff according to its regulations, adapted to Brewster's specific needs and circumstances. After its local adoption, the Town may elect to forward the LCP to the CCC for review to certify its consistency with the Cape Cod Regional Policy Plan. CCC certification entails some continuing obligations but also affords the Town certain planning and regulatory benefits.

The Town has developed an LCP project page on our website, <https://www.brewster-ma.gov/local-comprehensive-plan>, which includes more information.

Select Board: Yes 5, No 0, Abs 0

Finance Committee:

Yes 0, No 0, Abs 0

CREATION OF OPIOID SETTLEMENT STABILIZATION FUND & APPROPRIATION OF FUNDS

ARTICLE NO. 9: To see if the Town will vote to create a new opioid settlement stabilization fund, to appropriate from any available source of funds, and to dedicate 100% of the opioid settlement proceeds received by the Town to the Opioid Settlement Stabilization Fund established under Massachusetts General Laws Chapter 40 Section 5B, effective for fiscal year 2025, effective July 1, 2024, or to take any other action relative thereto.

(Select Board)

(Majority Vote Required)

COMMENT

Select Board: Yes 0, No 0, Abs 0

Finance Committee:

Yes 0, No 0, Abs 0

SPECIAL REVENUE FUND: CABLE FRANCHISE FEE ACCOUNT

ARTICLE NO. 10: To see if the Town will vote to appropriate from the Cable Franchise Fee Special Revenue Fund the sum of **SEVENTY-FIVE THOUSAND DOLLARS (\$75,000)**, for the purpose of offsetting costs associated with providing local cable television related purposes, including, but not limited to the general public purpose of supporting and promoting public access to the Brewster cable television system; training in the use of local access equipment and facilities; access to community, municipal and educational meeting coverage; use and development of an institutional network and/or municipal information facilities; cable related personnel expenses; contracting with local cable programming services providers and/or any other appropriate cable related purposes, and including all incidental and related expenses, or to take any other action relative thereto.

(Select Board)

(Majority Vote Required)

COMMENT

Each resident's cable bill includes a line item to provide for the costs of local cable television services. These monies are retained in a special revenue account and are used to enhance local cable programming for the Town's public, education, and government channels. These funds will be used to continue these informational and educational services, and may include equipment purchases, contracted services, construction services, and labor expenses.

Select Board: Yes 4, No 0, Abs 0

Finance Committee:

Yes 0, No 0, Abs 0

COMMUNITY PRESERVATION ACT SURCHARGE EXEMPTION

ARTICLE NO. 11: To see if the Town will vote, in accordance General Laws Chapter 44B, Section 16(a), to amend its acceptance of the Community Preservation Act, General Laws Chapter 44B, Sections 3-7 inclusive, by accepting the optional exemption set forth in Section 3(e)(1) of said Act, for property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the Town, said exemption to commence with taxes assessed for the fiscal year beginning on July 1, 2024; provided, however, that in order for said exemption to take effect, the exemption must also be accepted by the voters of the Town at the next regular municipal or state election, or take any other action relative thereto.

(Select Board)

(Majority Vote Required)

COMMENT

Select Board: Yes 4, No 0, Abs 0

Finance Committee:

Yes 8, No 0, Abs 0

POLICE LITIGATION SETTLEMENT APPROPRIATION

ARTICLE NO. 12: To see if the Town will vote to raise and appropriate, or appropriate by transfer from any available source of funds a sum of money for negotiation, mediation, litigation, and/or settlement of Lanctot, et. al. v. Town of Brewster, Docket No.: 1772CV00140, Barnstable County Superior Court, concerning the rate of pay for police officers attending the police academy, including any incidental or related costs, or to take any other action relative thereto.

(Select Board)

(Majority Vote Required)

COMMENT

Select Board: Yes 0, No 0, Abs 0

Finance Committee:

Yes 0, No 0, Abs 0

GOLF COMMISSION BYLAW

ARTICLE NO. 13: To see if the Town will vote to amend Article V (“Golf Commission”) of Chapter 6 of the Town’s General Bylaws by inserting the **bold** language, and deleting the ~~strike through~~ language, as indicated below, or to take any other action relative thereto:

Section 6-5. Appointment; terms.

The Select Board shall appoint a Golf Commission of seven members to serve as the policy-making board of the Captains Golf Course. Each member shall be appointed for a staggered term of three years. Reappointment at the end of a term shall be determined by the ~~Selectmen~~ **Select Board**. All vacancies shall be filled by the Select Board. The Select Board may appoint a member to serve the unexpired term of a former member. **All appointments will be made in accordance with the Town Charter and relevant Select Board policies.**

Section 6-6. Purpose.

- A. In fulfilling its responsibility to the Town of Brewster, the Select Board, **and the Town Administrator Manager, and the Golf Commission** shall be guided by ~~two basic the following~~ **the following** principles; ~~as follows:~~
 - (1) ~~The golf course shall be operated and maintained so as to pay its expenses and return a reasonable profit to the Town.~~ **The Captains Golf Course facility shall be operated as an Enterprise Fund in accordance with MGL Chapter 44, Section 53F1/2.**
 - (2) The golf course shall be operated and maintained as a **recreational** facility available to the residents of the Town **as well as to the general public.**
- B. The Golf Commission, **in coordination with the Town Manager, the Golf Operations Director, and the Course Superintendent,** shall be responsible for ~~the preparation of establishing~~ near and long-term plans, policies and strategies **for the golf course,** including, but not limited to, eligibility for use, fees, hours of operation, block time approval and liaison with various golf associations and other golf course users. ~~Any changes in policies, regulations, procedures or operations that would alter these principles or change their stated priority shall be approved by the Select Board.~~ **The Golf Commission may provide recommendations on financial matters to the Town Manager and Select Board as appropriate. The Select Board shall vote to approve any proposed changes to fees, limitations on membership, and/or allocation of tee times. The Town Manager may consult with the Golf Commission in the preparation and development of the Golf Department’s budget and capital plan.**

Section 6-7. ~~Removal.~~ **(Reserved)**

~~Members of the Golf Commission may be removed by the Select Board for reasonable and good cause.~~

Section 6-8. ~~Required reports.~~ **(Reserved)**

~~The Golf Commission shall, within 30 days after the end of the fiscal year, make a report to the citizens of the Town.~~

~~Section 6-9. **Audit. (Reserved)**~~

~~The Golf Department will be subject to an audit in the same manner as other boards, committees, commissions and departments and shall respond appropriately to its recommendations.~~

~~Section 6-10. **Appointment. (Reserved)**~~

~~The Director of Operations of the golf course, appointed by the Select Board pursuant to the provisions of Chapter 5, Art. I, § 5-3C of the Brewster Town Code, may enter into an employment contract for a period of up to three years.~~

(Golf Commission)

(Majority Vote Required)

COMMENT

Select Board: Yes 4, No 0, Abs 0

Finance Committee:

Yes 8, No 0, Abs 0

**CITIZENS PETITION: NEW GENERAL BYLAW – REGISTRATION OF SHORT-TERM RENTALS
WITHIN BREWSTER**

ARTICLE NO. 14: To see if the Town will vote to create a registration system for short-terms rentals...

(Citizens Petition)

(Majority Vote Required)

COMMENT

Select Board: Yes 0, No 0, Abs 0

Finance Committee:

Yes 0, No 0, Abs 0

**CITIZENS PETITION: NEW GENERAL BYLAW – RESTRICTION OF SHORT-TERM RENTALS WITHIN
BREWSTER**

ARTICLE NO. 15: To see if the Town will vote to limit the number of short-term rentals that a property owner can operate within the town of Brewster to one per property owner unless the property owner is a full-time resident of the town of Brewster, in which event they may then operate two properties as short-term rentals...

(Citizens Petition)

(Majority Vote Required)

COMMENT

Select Board: Yes 0, No 0, Abs 0

Finance Committee: Yes 0, No 0, Abs 0

And you are hereby directed to serve this Warrant with your doings thereon to the Town Clerk at the time and place of said meeting as aforesaid.

Given under our hand and Seal of the **Town of Brewster** affixed this ___th **day of October 2023**.

Ned Chatelain, Chair

Mary Chaffee, Vice-Chair

Kari Hoffman, Clerk

Cynthia A. Bingham

David Whitney

I, Roland W. Bassett Jr, duly qualified Constable for the Town of Brewster, hereby certify that I served the Warrant for the Special Town Meeting of November 13, 2023 by posting attested copies thereof, in the following locations in the Town on the ___th day of October, 2023.

Brewster Town Offices
Brewster Ladies Library
The Brewster General Store

Café Alfresco
Brewster Pizza House
Millstone Liquors

U. S. Post Office

Roland W. Bassett, Jr. Constable



Town of Brewster

2198 Main Street
Brewster, MA 02631-1898
Phone: (508) 896-3701
Fax: (508) 896-8089

Office of:
Select Board
Town Manager

MEMORANDUM

TO: Select Board, Finance Committee
FROM: Conor Kenny, Project Manager
RE: Proposed Revisions to Private Road Betterment Bylaw
DATE: September 7, 2023

Article VII and Article VIII of Chapter 157 of the Town code are duplicative. Article VIII, as currently written, also contains a number of outdated steps in the private road betterment process. Conversations with Town Counsel have confirmed that the current Private Road Betterment Bylaw is in need of several revisions. Certain provisions are conflicting or ambiguous. The first proposed change is to remove Article VII in its entirety and replace it with an amended version of the language from Article VIII.

The proposed changes to the language in Article VIII have been drafted by Town Management in conjunction with Town Counsel, the Planning Department, the Department of Public Works, and the Assessing Department. These departments were all consulted through the redrafting process as the bylaw in its current iteration involves all the departments.

Notable changes in this revised draft include:

- Updating titles – i.e., Town Administrator to Town Manager, Town Accountant to Finance Director.
- Clearly defining a private road.
- Changing the role of Assessing Department from being a verifier of the accuracy of signatures to instead verifying that the signatories are the current owners of record.
- Removing the Planning Board hearing as a step in the process, as the current role of the Planning Board is duplicative with that of the Select Board.
- Clearly stating that betterments are recorded as a lien on properties.
- Defining the circumstances in which the Department of Public Works can make certain minor or temporary repairs to private roads.

Article VII Private Road Repair and Betterment

§ 157-11

A.

In the event that a group of property owners each of whom own property abutting and having rights on a private road, which has been open for public use continuously for at least the last five years, wish the Town of Brewster to finance the repair of their private road, they shall engage a professional engineer licensed to practice in Massachusetts and experienced in road construction and repair who shall develop a proposal for the repair of the private road, or relevant portion thereof. Eligible repairs include, without limitation, any or all of the following: new or additional drainage and stormwater facilities; new berms; driveway aprons; striping; the filling of existing cracks; patching; road-bed repair; and the application of one or more layers of bituminous concrete.

B.

As used in this Article, the following terms shall have the following meanings:

A private road, which includes a private street or private way, is a road that has not been laid out, dedicated, or adjudicated by a Massachusetts court as a public way but has either been laid out under the subdivision control law or is otherwise a matter of record with the Barnstable Registry of Deeds or the Town Clerk. The official record of public roads in the Town of Brewster is kept at the Town Clerk's office, which list may be amended from time to time.

A private road 'open for public use' includes a road open to public invitees whose access is not actively and openly restricted with gates, signage or the like.

C.

The proposal shall specify the projected useful life of the repaired private way, and in no event shall the projected useful life be less than fifteen (15) years, which is the maximum term allowed hereunder. All costs of preparing the plan, obtaining cost estimates and preparing the petition described below shall be the exclusive responsibility of the petitioners.

D.

The proposal shall include at least three bids from licensed and insured contractors experienced in road construction and repair to complete the work outlined in the survey plan and other proposal documents. Other objective sources to establish costs may be used instead at the discretion of the Town, including current construction costs recognized and maintained by Massachusetts Department of Transportation. After receipt of the bids, or otherwise substantiating estimated costs to the satisfaction of the Town, the property owners shall

prepare a petition to the Select Board for the Town of Brewster to finance the work in an amount certain, including a ten-percent contingency amount. The petition shall list the properties subject to the petition by tax map and parcel number together with the owners' names of record for each property from the most recent tax list and a space for each owner to place his or her signature. The petition must state that each signature represents a vote to request financing from the Town for the repair work and an irrevocable agreement by each owner to repay to the Town of Brewster, through the mechanism of a betterment added to each owner's real estate tax bill, his or her pro-rata share of the total amount to be financed plus interest and administrative costs, which administrative costs shall not exceed 4% of the project. Each property shall only be entitled to a single vote. The Town will not accept the petition for review unless so signed by the owners of a majority of the properties.

The signed petition, accompanied by the proposal documents including the cost estimates and survey plan, shall be submitted to the Select Board's Office. The Select Board shall refer every such petition to the Assessor's Office for verification that the signatories are the owners of record of the subject properties, and confirmation that a majority of said owners have signed. The Select Board shall consider all submitted petitions that are passed by the Assessor's Office, and will hold a public hearing thereon. After the hearing, if the Select Board determines that the proposed repairs are in the public interest and within the financial capability of the Town, the Select Board shall thereafter send out proxies to each of the property owners for signature evidencing the owner's ratification to moving forward with the petition at a Town Meeting and its irrevocable agreement to repay the Town through the betterment process, as outlined in Section D of this Article. Each property shall only be entitled to a single vote. The proxy document shall note changes to the scope or cost of the proposed repairs from the initial petition, as applicable. If the proxies are returned and signed by the owners of a majority of the properties at least 45 days prior to the Town Meeting at which the matter is to be considered, the Select Board may place the petition on the Town Meeting Warrant.

E.

Financing may be authorized and issued for said project by the Town for up to a 15-year term. If the Town Meeting votes to authorize financing for the project, an engineer representing the owners, and preferably the engineer who prepared the original plan and proposal, shall be named "Project Manager." The Project Manager shall prepare a new request for quotations with the bids to be directed to the Town Manager. The Project Manager and the Town Manager shall select the best bid to do the work. The Project Manager shall advise the Director of Public Works 48 hours in advance of each phase of the project and certify, in writing, to the Director of Public Works that each phase of the work has been completed to the Project Manager's satisfaction. The Director of Public Works shall inspect the completed work and advise the Town Finance Director that the work has been completed according to the endorsed petition, including the survey plan therein, so that payment for the work can be made. After completion of the project, each owner can choose to apportion their assessment into equal portions to be paid yearly over a period of up to 15 years.

F.

The petition procedure set out herein shall apply equally to a petition involving a group of private roads provided that where a property has frontage on, and derives access from, more than one group of roads, the owner of such property shall still be entitled to only one vote. Owners of lots that are assessed as unbuildable and lots that may not be built upon pursuant to a deed restriction, conservation restriction or the equivalent shall not be entitled to vote, and such lots shall not be subject to betterment assessments hereunder.

G.

The Town of Brewster shall incur no liability for any damages of any nature whatsoever arising from the project by virtue of the Town's agreeing to carry out any repair of a private way. The owners who benefit from the repair and are assessed betterments shall be deemed to have indemnified and held the Town harmless against any and all such claims. The Town makes no warranty or guarantee concerning the quality or fitness of the work.

H.

Any private way improved under the provisions of this Article need not be brought up to full Town road standards. Any private way improved under the provisions of this Article shall continue to remain a private way but nonetheless open for public use.

I.

Except as otherwise provided in this Article, private road betterments shall be assessed and committed according to MGL Chapter 80 and Chapter 373 of the Acts of 2006. Betterments shall be recorded and serve as record liens against the subject properties.

J.

Authorization of the private road betterment petition does not relieve the private owners from obtaining all necessary permits and approvals for the work.

K.

The repairs allowed hereunder shall be considered and are permissible within the meaning of GL c. 40, Section 6N.

L.

Notwithstanding the foregoing, the Director of Public Works may, at their discretion, direct Town employees to make minor or temporary repairs on private roads under the purview of maintenance activities or unusual circumstances. These repairs shall not include construction, reconstruction and/or resurfacing of the ways.

Revised – Strike Outs

Article VII Private Road Repair

§ 157-11 Filing of petitions and recommendation of engineer.

~~A.~~

~~A petition signed by at least 51% of the private way abutters must be filed no later than August 1 of any given fiscal year with the Administrative Assistant to the Select Board for verification of property owners by the Deputy Assessor. Petitions received after August 1, 1985, will be considered in the following fiscal year.~~

~~B.~~

~~The petition and recommendation of the engineer must be filed with the Select Board by September 1, 1985, of the same fiscal year.~~

~~C.~~

~~No petition will be entertained without meeting the criteria of Subsections A and B.~~

§ 157-12 Types of repairs to be made.

~~A.~~

~~Repairs shall be minor or temporary in nature and shall be limited in scope to the annual policy established by vote of the Board of Public Works. They shall be considered maintenance activities and shall not include construction, reconstruction and/or resurfacing of the ways.~~

~~B. Repairs shall be necessitated by public need.~~

§ 157-13 Betterment charges.

~~No betterment charges shall be levied.~~

§ 157-14 Liability of Town.

~~The Town does not accept liability for damages caused by any activity herein provided.~~

§ 157-15 Minimum time road to be open.

~~The way must have been open to the public use for a term of not less than seven years, this date to be determined by the date of definitive approval by the Planning Board.~~

§ 157-16 Cash deposits.

No cash deposit shall be required for repairs.

§ 157-17 Decisions to be final.

All decisions by the Select Board are final.

§ 157-18 Amendment of guidelines.

These guidelines may be amended by vote of the Board of Public Works.

§ 157-19 Cost not to exceed budget.

The total dollar amount is not to exceed the budget and/or appropriation for any given fiscal year.

Article VIII VII Temporary Private Road Repair and Betterment

§ 157-2011 Repair by Town.

A.

In the event that a group of property owners each of whom own property abutting and having rights on a private road, which has been open for public use continuously for at least the last five years, wish the Town of Brewster to finance the repair of their private way road, they shall engage a professional engineer licensed to practice in Massachusetts and experienced in road construction and repair who shall develop a proposal for ~~survey the road in question to develop a plan for the repair of that~~ the private road, or relevant portion thereof. Eligible repairs include, without limitation, any or all of the following: ~~which shall take into consideration the need for~~ new or additional drainage and stormwater facilities; new berms; driveway aprons; striping; ~~to protect the edges of the repaired road,~~ the filling of existing cracks; patching; road-bed repair; and the application of one or more layers of bituminous concrete.

B.

As used in this Article, the following terms shall have the following meanings:

A private road, which includes a private street or private way, is a road that has not been laid out, dedicated, or adjudicated by a Massachusetts court as a public way but has either been laid out under the subdivision control law or is otherwise a matter of record with the

Barnstable Registry of Deeds or the Town Clerk. The official record of public roads in the Town of Brewster is kept at the Town Clerk's office, which list may be amended from time to time.

A private road 'open for public use' includes a road open to public invitees whose access is not actively and openly restricted with gates, signage or the like.

B.

C.

The ~~plan~~ **proposal** shall specify the projected useful life of the repaired private way, and in no event shall the projected useful life be less than ~~15~~ **fifteen (15) years, which is the maximum term allowed hereunder.** All costs of preparing the plan, obtaining cost estimates and preparing the petition described below shall be the exclusive responsibility of the petitioners.

E.

D.

~~After the plan has been prepared, the property owners' engineer shall secure at least three bids from established contractors to complete the work outlined in the engineer's plan. The proposal shall include at least three bids from licensed and insured contractors experienced in road construction and repair to complete the work outlined in the survey plan and other proposal documents. Other objective sources to establish costs may be used instead at the discretion of the Town, including current construction costs recognized and maintained by Massachusetts Department of Transportation.~~ After receipt of the bids, or otherwise substantiating estimated costs to the satisfaction of the Town, the property owners shall prepare a petition to the Select Board for the Town of Brewster to finance the work in an amount certain, including a ten-percent contingency amount. The petition shall list the ~~parcels~~ **properties subject to the petition by tax map and parcel** by lot number and ~~map number~~ together with the owners' names of record for each property from the most recent tax list and with a space for each owner to place his or her signature. The petition must state that each signature represents a vote to request financing from the Town for the repair work and an irrevocable agreement by each ~~signatory~~ **owner** to repay to the Town of Brewster, through the mechanism of a betterment added to each owner's real estate tax bill, his or her pro-rata share of the total amount to be financed plus interest and administrative costs, which ~~Town~~ administrative costs shall not exceed 4% of the project. Each property shall only be entitled to a single vote. The Town will not accept the petition for review ~~shall not be presented to the Selectmen unless~~ so signed by 50% of all the ~~abutters~~ **owners of a majority of the properties to the road plus one more abutter shall have agreed to the project and its financial commitment by having signed it.**

D.

The signed petition, accompanied by the ~~engineer's plan~~ **proposal documents,** ~~a map of the private way to be repaired and backup for the cost estimates~~ including the cost estimates and

survey plan, shall be submitted to the ~~Selectmen's~~ Board's Office. The ~~Selectmen~~ Board shall refer every such petition to the Assessor's Office for verification ~~of signatures~~ that the signatories are the owners of record of the subject properties, and confirmation that ~~more than 50%~~ a majority of abutters said owners have signed. The ~~Selectmen~~ Board shall consider all submitted petitions that are passed by the Assessor's examination Office, and will hold a public hearing thereon. After the hearing, if the ~~Selectmen~~ Board determines that the proposed repairs are in the public interest and ~~if the Selectmen determine that these repairs are within the financial capability of the Town,~~ ~~the Select Board shall refer each petition so determined to the Planning Board which shall conduct a public hearing on each petition to evaluate the plan, examine the cost estimates and hear from both the abutters and the general public. The Planning Board shall either endorse the plan by a simple majority vote and return it to the Selectmen, recommend changes in costs or scope of the plan or disapprove the plan by a simple majority vote.~~

~~E.~~

~~If the Planning Board approves any such plan, the Select Board may place the plan on the warrant for any special or annual Town Meeting. The Select Board shall thereafter send out proxies to each of the abutters—~~ property owners for signature evidencing the owner's ratification to moving forward with the petition at a Town Meeting and its irrevocable agreement to repay the Town through the betterment process, as outlined in Section D of this Article. Each property shall only be entitled to a single vote. The proxy document shall note changes to the scope and or cost changes, of the proposed repairs from the initial petition, as applicable if any. If the proxies must be are returned and signed by the owners of a majority of the properties at least 45 days prior to the Town Meeting at which ~~they the matter~~ are is to be considered, ~~if the proxies are returned within such time,~~ the ~~Selectmen Board~~ may place the project petition on the Town Meeting Warrant. ~~provided that more than 50% of the abutters approve the plan as approved by the Planning Board. Long term financing may be issued for said project by the Town for up to a fifteen year period.~~

~~F.~~

~~E.~~

~~Long term~~ Financing may be authorized and issued for said project by the Town for up to a 15-year term. If the Town Meeting votes to ~~endorse and finance~~ authorize financing for the project, ~~the an~~ engineer representing the owners, and preferably the engineer who did prepared the original plan and proposal, shall be named "Project Manager." ~~He~~ The Project Manager shall prepare a new request for quotations with the bids to be directed to the Town ~~Administrator~~ Manager. The Project Manager and the Town ~~Administrator~~ Manager shall select the best bid to do the work. The Project Manager shall advise the ~~Superintendent~~ Director of Public Works 48 hours in advance of each phase of the project and certify, in writing, to the ~~Superintendent~~ Director of Public Works that each phase of the work has been completed to the Project Manager's satisfaction. The ~~Superintendent~~ Director of Public Works shall inspect the completed work and ~~certify to~~ advise the Town ~~Accountant~~ Finance Director that the work is has been completed according to the endorsed petition, including the survey plan therein,

so that payment for the work can be made. After completion of the project, each owner can choose to apportion their assessment into equal portions to be paid yearly over a period of up to 15 years.

~~G.~~

F.

~~For a group of private roads within a subdivision, the same procedure shall be used for any petition filed on or after July 1, 2019, provided that a majority of the owners of the lots abutting the group of private ways to be repaired signs the petition required by Subsection B above. The petition procedure set out herein shall apply equally to a petition involving a group of private roads provided that where a ~~lot~~ property has frontage on, and derives access from, more than one group of roads, the owner of such ~~lot~~ property shall still be entitled to only one vote. Owners of lots that are assessed as unbuildable and lots that may not be built upon pursuant to a deed restriction, conservation restriction ~~or other recorded instrument~~ or the equivalent shall not be entitled to vote, and such lots shall not be subject to betterment assessments hereunder.~~

~~H.~~

G.

The Town of Brewster shall incur no liability for any damages of any nature whatsoever arising from the project by virtue of the Town's agreeing to ~~finance~~ carry out any repair of a private subdivision way. The ~~abutters~~ owners who ~~accept Town financing~~ benefit from the repair and are assessed betterments shall be deemed to have indemnified and held the Town harmless against any and all such claims. The Town makes no warranty or guarantee concerning the quality or fitness of the work.

~~I.~~

H.

Any private way improved under the provisions of this ~~bylaw~~ Article need not be brought up to full Town road standards. Any private way improved under the provisions of this ~~bylaw~~ Article shall continue to remain a private way but nonetheless open for public use.

I.

Except as otherwise provided in this Article, private road betterments shall be assessed and committed according to MGL Chapter 80 and Chapter 373 of the Acts of 2006. Betterments shall be recorded and serve as record liens against the subject properties.

J.

Authorization of the private road betterment petition does not relieve the private owners from obtaining all necessary permits and approvals for the work.

K.

The repairs allowed hereunder shall be considered and are permissible within the meaning of GL c. 40, Section 6N.

L.

Notwithstanding the foregoing, the Director of Public Works may, at their discretion, direct Town employees to make minor or temporary repairs on private roads under the purview of maintenance activities or unusual circumstances. These repairs shall not include construction, reconstruction and/or resurfacing of the ways.

COMMUNITY PRESERVATION ACT FUNDING (Special Town Meeting)

ARTICLE NO.X: To see if the Town will vote to act upon the recommendations of the Community Preservation Committee; to appropriate from Fund Balances Reserved for future expenditure, the amounts shown below, for the purpose of future expenditures, operating and administration expenses, and reserve funds related to Community Preservation, Historic Preservation, Open Space, Community Housing and/or Recreation; and to authorize the Town Administrator to enter into contracts for operating and administration related to Community Preservation, Historic Preservation, Community Housing and Open Space and/or Recreation, all as follows:

	<i>Purpose</i>	<i>Item</i>	<i>Funding Source(s)</i>	<i>Amount</i>
1	Community Housing			
	a. Brewster Affordable Housing Trust	Affordable Buydown Program	Undesignated Fund Balance	\$255,000
	b. Preservation of Affordable Housing (POAH) and Housing Assistance Corporation (HAC)	Development of affordable housing units at Spring Rock Village on Millstone Road	Undesignated Fund Balance	\$507,500
		Sub-total		\$762,500
		Grand Total		\$762,500

For Fiscal Year 2024 Community Preservation purposes, each item is considered a separate appropriation to be spent by the Community Preservation Committee; provided however, that the above expenditures may be conditional on the grant or acceptance of appropriate historic preservation restrictions for historic resources, open space restrictions for open space reserves, and housing restrictions for community housing, running in favor of an entity authorized by the Commonwealth to hold such restrictions for such expenditures, meeting the requirements of G.L. c.184 and G.L. c.44B, Section 12, and to authorize the Board of Selectmen to convey or accept such restrictions;

And further, any revenues received in excess of the estimated receipts are transferred to their respective reserve fund balance(s) for future appropriation using the allocation formula of 10% Open Space and Recreation, 10% Housing, 10% Historical and 70% for Budgeted Reserve for CPA.

Or to take any other action relative thereto.

(Community Preservation Committee)

(Majority Vote Required)

COMMENT

In May of 2005, Brewster voters approved a ballot question which allowed for the adoption of the modified Community Preservation Act (CPA). The act appropriates a 3% surcharge on the town's real estate tax revenues, which are reserved in a special fund in order to finance projects and programs for the purposes of preservation of open space, recreation, community housing, and historic preservation. Brewster is also eligible to receive up to 100% in matching funds from the State, although we anticipate a reduced reimbursement rate from the State for Fiscal Year 2024, which is projected at 25%. In Fall 2022 Brewster adopted, through a local bylaw, a distribution schedule for the annual CPA funds beginning in FY24 as follows: 10% of the funds for open space and recreation, 10% for community housing, 10% for historic preservation, and the 70% undesignated reserve balance is available for any CPA eligible project. The 2022 bylaw also established a non-binding 2023-2027 Target Allocation Policy as follows: 30% for Open Space, 30% for community housing, 10% historic preservation, 10% recreation, and 20% for any CPA eligible project.

1. Community Housing:

a. Brewster Affordable Housing Trust – Brewster Affordable Buydown Program –

Brewster Affordable Housing Trust's (BAHT) Affordable Buydown Program is a continuation of the Brewster Affordable Homebuyers Buy Down Program which began in 2007 and, over the past 16 years, expended \$360,000 to assist 12 households in purchasing affordable homes in Brewster. Funding is now exhausted. When the Buy Down program was first developed by the Community Preservation Committee (CPC), Brewster did not have a municipal housing trust. Going forward, the BAHT will manage the Buydown Program which may provide up to \$50,000 of grant assistance¹ to first-time affordable homebuyers purchasing a home in Brewster. Eligible households may make up to 80% of the Area Median Income (AMI) and must agree to place a permanent deed restriction on the home. The grant funds reduce, buy down, the purchase price of the home to make the home affordable and are provided as an interest-free loan, forgivable after 30 years. The program is targeted to preserve affordable homes already on the Town's Subsidized Housing Inventory (SHI). These monies will fund buydown awards and administrative expenses for the program. The Brewster Housing Partnership recommended approval of this request to the Community Preservation Committee.

Total Project Cost: \$255,000

CPC Request: \$255,000

CPC Vote: 9-0-0

b. Preservation of Affordable Housing (POAH) and Housing Assistance Corporation (HAC) – Development of affordable housing units at Spring Rock Village on Millstone Road

Spring Rock Village is the proposed development of 45 affordable housing units located on Millstone Road in Brewster. The community will provide apartments for a range of household types – with affordable rents that working Brewster households can support. The site design creates a sociable neighborhood that preserves the existing 16-acre woodland

habitat and minimizes building footprints by centering several four-unit apartment buildings around a town center. The development prioritizes sustainability with its town-center-focused site layout and commitment to Passive House energy efficiency. The apartments will include 15 one-bedrooms, 25 two-bedroom, and 5 three-bedrooms scattered across the buildings featuring traditional Cape Cod architecture. The project is close to Nickerson State Park, the Cape Cod Rail Trail, and public transportation provided by Cape Cod Regional Transit Authority. Preservation of Affordable Housing (POAH) and Housing Assistance Corporation (HAC) were selected by the Brewster Affordable Housing Trust to develop this project through a Request for Proposals process. (RFP) The Town of Brewster, through the Affordable Housing Trust, Select Board and town staff crafted the vision for this project prior to releasing a Request for Proposals from developers. The project is scheduled for completion in June 2026. The initial lease up for tenants will include a 55% local preference (24 units) and a 15% regional preference (7 units). \$500,000 of the award will be used for construction costs of the project. \$7,500 will be used to pay CPC legal and administrative expenses related to the award. The Brewster Housing Partnership recommended approval of this request to the Community Preservation Committee.

Total Project Cost: \$27,128,227

CPC Request: \$507,500

CPC Vote: 8-0-0

DRAFT

ⁱ Question for Legal – Will this wording preclude BAHT from the option of providing a buydown in excess of \$50,000? If so, we recommend removing the phrase “up to \$50,000” – the committee preference is to leave it in the summary.

DRAFT



Spring Rock Village

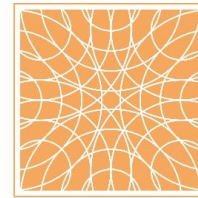
Community Preservation Committee

September 27, 2023





Freeman Law Group LLC



UNION STUDIO
ARCHITECTURE & COMMUNITY DESIGN



Development Team



Ocean's
Edge

Site Location

Millstone
Road

Captain's
Village



Project Overview



- ✓ Offer range of household sizes:
45 rental apartments

15 x 1BR
25 x 2BR
5 x 3BR

- ✓ Create sociable neighborhood
- ✓ Minimize building footprints
- ✓ Preserve existing woodland habitat
- ✓ Use traditional Cape Cod architecture
- ✓ Prioritize sustainability (site layout, energy efficiency)
- ✓ Respect buffers

Building	1BR	2BR	3BR	TOTAL
1				0
2	9	3	1	13
3	2	2		4
4		4		4
5		4		4
6		4		4
7	2	2		4
8			2	2
9		4		4
10	2	2		4
11			2	2
TOTAL	15	25	5	45

Proposed
Program and
Unit Mix

Unit Mix - Affordability Program

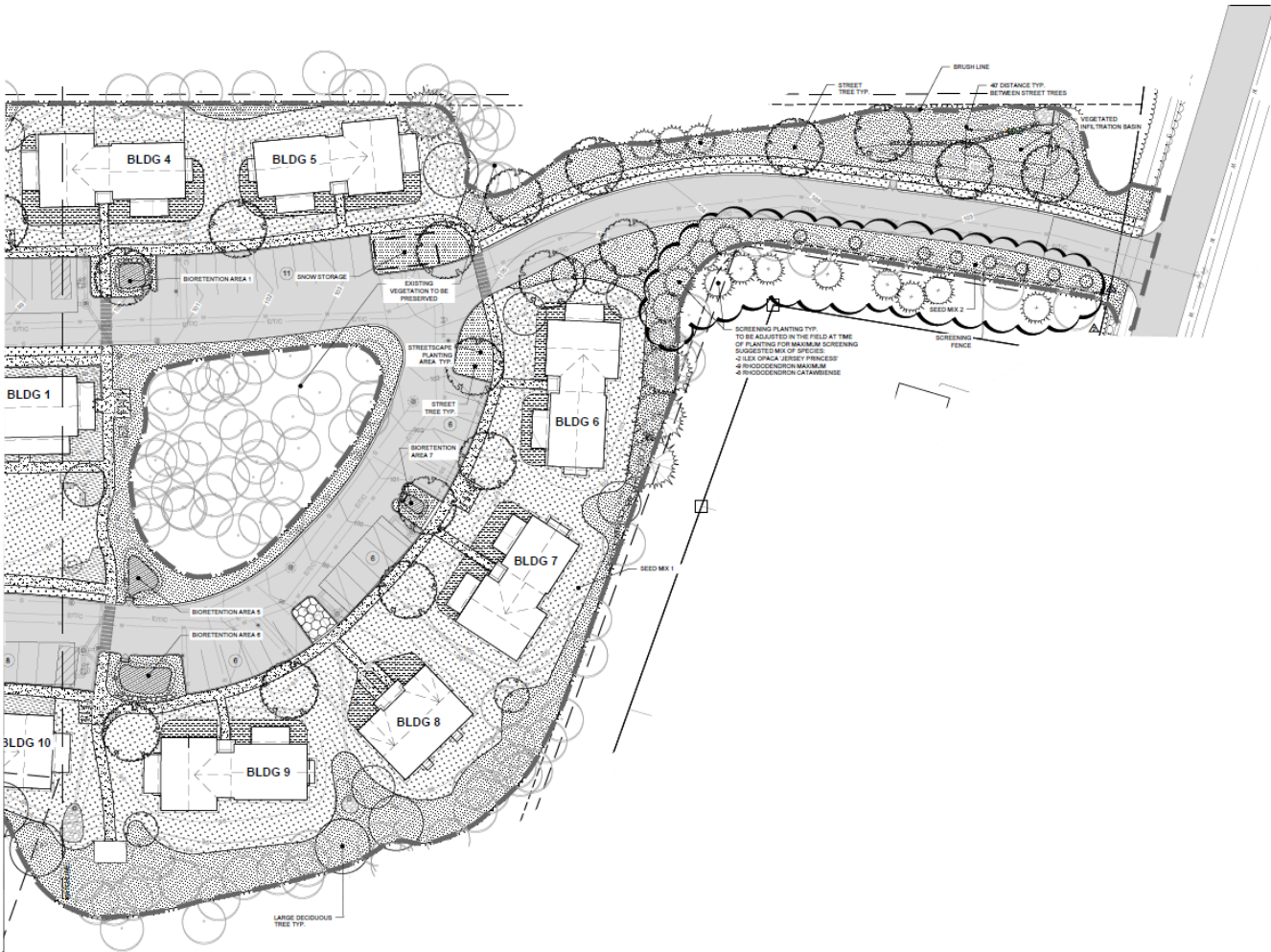
Size	30% AMI	60% AMI	80% AMI	Total
1BR		10	5	15
2BR	4	16	5	25
3BR	4	1		5
Total	8	27	10	45

This affordability program is subject to change before construction start.

Size	Rent Range
1BR	\$591 - \$1,739
2BR	\$821 - \$1,957
3BR	\$1,252 - \$2,173

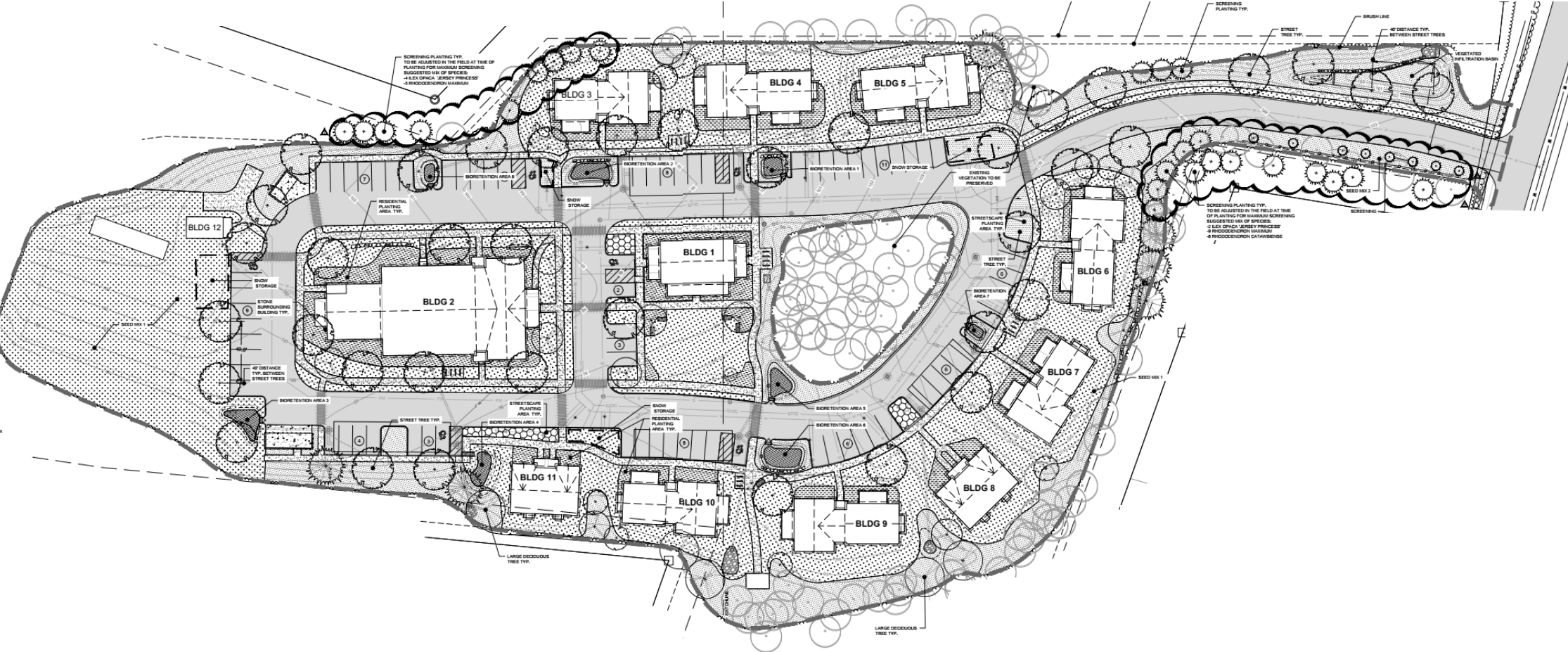
These representative rent ranges are posted by HUD and updated annually; again, subject to change.

Updates since we last met:



- ✓ ZBA Comprehensive Permit Approved in July
 - Some changes to buffer plantings and parking, but largely the project design is the same as originally proposed.
- ✓ Budget updates based on conceptual plans
- ✓ Design Team is advancing the plans from conceptual to a higher level of detail (70% set)
- ✓ Updated pricing this fall based on 70% set
- ✓ Preparing a pre-application to the Executive Office of Housing and Livable Communities (HLC), formerly DHCD. Application due in October
- ✓ Local support is essential to leverage state funds

Site Plan



Landscape Details



0 Millstone Road | Brewster, MA
45 Units
New Construction

	2023	2023
	Underwritten	Underwritten per unit
Revenue		
<i>Economic Occupancy</i>	95%	
Rental Income		
Tenant Rent	958,416	21,298
Rent Assistance Payments	-	-
Total Rental Income	958,416	21,298
Adjustments to Potential		
Vacancy	(47,921)	(1,065)
Commercial Vacancy	-	-
Bad Debts	-	-
Gain/Loss on Leases	-	-
Tenant Concessions	-	-
Total Vacancy	(47,921)	(1,065)
Net Rental Income	910,495	20,233
Other Income		
Laundry & Vending Income	5,400	120
Tenant Charges	-	-
Total Other Income	5,400	120
Total Income	915,895	20,353
Expenses		
Administrative		
Education & Training	700	16
Advertising & Marketing	900	20
Other Renting Expense	-	-
Office Supplies	1,800	40
Postage	1,100	24
Computer Expense	6,300	140
Compliance "Program Support"	1,500	33
Consultant/Professional Fees	900	20
Compliance Fees	1,000	22
Technical Support	-	-
Legal Expense	9,700	216
Audit Expense	12,500	278
Bookkeeping/Accounting Expense	4,100	91
Central Office Expense	-	-
Telephone	3,600	80
Applicant Credit & Background	1,200	27
Travel & Mileage	3,900	87
Miscellaneous Admin. Expense	3,100	69
Total Administrative Expenses	52,300	1,162

Payroll		
Office Salaries	-	-
Manager Salary	39,000	867
Maintenance Payroll	-	-
Maintenance Super Salary	37,800	840
Cleaning & Janitorial Payroll	-	-
Payroll Taxes	4,172	93
Workers' Compensation Insurance	2,608	58
Health Insurance & Other Employee Ben	9,120	203
Retirement Benefits	3,129	70
Total Payroll Expenses	95,829	2,130
Management Fee		
Management Fee	30,780	684
Total Management Fee	30,780	684
Resident Services		
Resident Services Programs	14,000	311
Resident Services Mileage	-	-
Resident Services Computer Expense	-	-
Resident Services Telephone	-	-
Resident Services Payroll	27,500	611
Total Resident Services/Community Impa	41,500	922

Maintenance		
Repair Supplies - General	-	-
Exterminating Supplies	100	2
Grounds & Rec Supplies	500	11
Cleaning/Janitorial Supplies	1,300	29
Plumbing Repairs/Maint Supplies	-	-
Hardware Supplies	1,800	40
Decorating Supplies	3,100	69
Miscellaneous Repair Contract	-	-
Exterminating Contract	2,400	53
Asphalt & Parking Repairs	-	-
Grounds & Rec Contract	40,000	889
Cleaning/Janitorial Contract	13,600	302
Electrical Repairs & Maint Contract	-	-
Plumbing Repairs & Maint Contract	11,300	251
Appliance Repairs & Maintenance	300	7
Decorating Contract	13,400	298
Swim Pool Maintenance/Contract	-	-
Carpet & Floor Repairs	1,400	31
Elevator Maintenance	-	-
Uniforms	200	4
Trash Removal	13,500	300
Security Payroll/Contract	-	-
Security Rent Free Unit	-	-
Security Agency & Alarm	2,900	64
Security Camera - Hardware & Monitoring	800	18
Heating/Cooling Repairs & Maintenance	15,600	347
Snow Removal	19,500	433
Fire/Life Safety Equipment Maintenance	7,600	169
Vehicle & Maintenance Equipment Rep	200	4
Maintenance Tools & Equipment	900	20
Total Maintenance Expense	150,400	3,342

Total Controllable Expenses	370,809	8,240
Utilities		
Fuel Oil	-	-
Electricity	37,485	833
Water	12,015	267
Gas	-	-
Sewer	12,015	267
Utility Fees	-	-
Cable TV/Internet Access	1,373	31
Total Utility Expense	62,888	1,398
Taxes & Insurance		
Real Estate Taxes	30,015	667
Property & Liability Insurance	37,867	841
Total Taxes & Insurance	67,882	1,508
Total Expenses (Before RRs)	501,578	11,146
Total Expenses per unit (before RRs)		
Replacement Reserve Deposits	15,750	350
Total Operating Expenses	517,328	11,496
Net Operating Income	398,567	8,857
Principal & Interest Payment	346,580	
MIP / Bond Fees	-	
Annual Hard Debt Service	346,580	7,702
Cash Flow After Hard Debt Service	51,987	1,155
DSCR	1.15	

0 Millstone Road | Brewster, MA
 45 Units
 New Construction

Rent Schedule

Residential Unit Rent Inputs

Unit Type	Units	Bedrooms	Rent Program	AMI sed for LIHTC Constraint	LIHTC	Unit Size (SF)	Current Gross Rent 2022	Utility Allowance 2022	MRVP Rent 2023	PBV Rent 2023	U/W Rent Dev Year 2023	Max LIHTC Rent 95%
1BR - 60% - LIHTC Unassisted	10	1	LIHTC Unassisted	60%	Yes	591	1,598	45	1,553	1,663	1,250	1,295
2BR - 60% - LIHTC Unassisted	8	2	LIHTC Unassisted	60%	Yes	821	2,107	63	2,044	2,185	1,491	1,554
3BR - 60% - LIHTC Unassisted	1	3	LIHTC Unassisted	60%	Yes	1,252	2,582	81	2,501	2,670	1,715	1,796
1BR - 30% - PBV	-	1	PBV	30%	Yes	591	1,598	45	1,553	1,663	1,663	
2BR - 30% - PBV	4	2	PBV	30%	Yes	821	2,107	63	2,044	2,185	2,185	
3BR - 30% - PBV	4	3	PBV	30%	Yes	1,252	2,582	81	2,501	2,670	2,670	
1BR - 80% - Workforce	5	1	Workforce	80%	No	591	1,598	45	1,553	1,663	1,682	1,727
2BR - 80% - Workforce	5	2	Workforce	80%	No	821	2,107	63	2,044	2,185	2,009	2,072
3BR - 80% - Workforce	-	3	Workforce	80%	No	1,252	2,582	81	2,501	2,670	2,314	2,395
1BR - 50% - MRVP	-	1	MRVP	50%	Yes	591	1,598	45	1,553	1,508	1,508	
2BR - 50% - MRVP	8	2	MRVP	50%	Yes	821	2,107	63	2,044	1,981	1,981	
3BR - 30% - MRVP	-	3	MRVP	30%	Yes	1,252	2,582	81	2,501	2,420	2,420	
Total / Average	45	80		50.9%	35	35,650	1,990	59	1,931	2,029	1,775	
Gross					78%	41,941	1,074,660		1,042,800	1,095,598	958,416	

Sources and Uses of Funds

Sources of Funds	
1st Mortgage	\$5,249,177
DHCD Soft Subsidy	\$4,500,000
Barnstable County HOME	\$300,000
Brewster CPC	\$500,000
Brewster AHT	\$500,000
Other Cape Cod CPC	\$200,000
Energy Grant - Cape Light	\$500,000
Workforce Housing - MassHousing	\$1,000,000
Equity - Federal 9% LIHTC	\$9,499,050
Equity - State LIHTC	\$4,000,000
Equity - Solar Tax Credits	\$180,000
Deferred Developer Fee	\$750,000
Total Sources	\$27,178,227

Uses of Funds	
Acquisition	0
Construction	\$18,650,000
Hard Cost Contingency	\$932,500
Soft Costs	\$4,657,399
Reserves	\$549,836
Paid Developer Fee	\$1,638,492
Deferred Developer Fee	\$750,000
Total Uses	\$27,178,227

Recent Cape Cod Affordable Housing Development Costs and HOME Consortium Status

Project	Total Development Cost /Unit	Construction Cost/ Sq. Foot	HOME Consortium Funding	Status
Little Pond, Falmouth	\$368,762	\$265	Funded & built	Completed
Yarmouth Gardens, Yarmouth	\$406,367	\$249	Funded (\$250,000 + \$100,000) & built	Completed 9/2022
Terrapin Ridge, Sandwich	\$533,972	\$379	Funded (\$250,000) & built	Completed
Brewster Woods, Brewster	\$452,676	\$238	Funded (\$250,000) & built	Completed 4/2023
LeClair Village, Mashpee	\$611,141	\$391	Funded (\$300,000)	Under construction
Scranton Main, Falmouth	\$548,787	\$323	Funded (\$300,000)	Under construction
Cape View Way, Bourne	\$609,937	\$361	Conditional funding (\$300,000)	In process
Cloverleaf, Truro	\$616,387	\$345	Conditional funding (\$300,000)	In process
Jerome Smith, Provincetown	\$614,517	\$417	Funding application approved (\$300,000) at 9/2023 meeting	In process
Henry Wing, Sandwich	\$627,591	\$292 (rehab & community space)	Funding application approved (\$300,000) at 9/2023 meeting	In process, LIHTC funding approved
Juniper Hill, Wellfleet	\$733,935	\$384	Application filed	Application filed
Spring Rock Village, Brewster	\$603,961	\$404	Application anticipated	Application anticipated

Please note, these are estimates listed in the chart, not necessarily actual costs. There may be slightly different amounts found in different materials. This information is based on HOME Consortium reports and the CPC application.

Prepared for the Brewster Community Preservation Committee by Jill Scalise, Brewster Housing Coordinator, September 27, 2023

Fall Town Meeting Capital & Special Projects (STM 11.13.23; Article 2)

<u>Department Name</u>	<u>Project Name</u>	<u>Amount Requested</u>	<u>Funding Source</u>
Select Board/Town Admin.			\$50,000 Free Cash, \$50,000 Water Quality Stabilization
	Pond Management Plan	100,000.00	Stabilization
	Herring River Watershed Permit	<u>50,000.00</u>	Water Quality Stabilization Fund
	Total	150,000.00	
Assessor			
	Valuation Services	80,000.00	Overlay
Facilities			
	Townwide Building Maintenance & Security	30,000.00	Free Cash
Information Technology			
	Technology Upgrades/ Replacement	40,000.00	Free Cash
Police			
	Vehicle Replacement (3 hybrid)	140,000.00	Free Cash
	Mobile Data Terminal Replacement	<u>45,000.00</u>	Cell Tower Lease Funds
	Total	185,000.00	
Fire			
	Misc. Fire Equipment	30,000.00	Free Cash
	Additional Funding for Ambulance Leases	15,000.00	Ambulance Fund
	Chest Compression Devices	65,000.00	Ambulance Fund
	Mobile Computer Equipment	<u>35,000.00</u>	Ambulance Fund
	Total	145,000.00	
Building/Inspections			
	Hybrid Vehicle (new)	60,000.00	Free Cash
Recreation			
	Replace Town Hall Field Benches (6)	10,000.00	Free Cash
Brewster Elementary Schools			
	Stony Brook Generator Design	75,000.00	Free Cash
Public Works			
	Drainage/Road Maintenance	250,000.00	Free Cash
	One Ton Dump Truck Replacement	220,000.00	Free Cash
	Mower Replacement	25,000.00	Free Cash
	Pick-up Truck	80,000.00	Free Cash
	Mobile Digital Sign Board	20,000.00	Cable RRFA Fund
	DPW Building Maintenance	50,000.00	Reappropriate Existing Articles
	Electric Mower	17,000.00	Free Cash
			\$2,150,000 Free Cash, \$150,000 from re-appropriations, \$250,000 Private Road Betterment Fund
	Millstone Road Construction	<u>2,550,000.00</u>	Fund
	Total	3,212,000.00	
Council on Aging			
	50th Anniversary Celebration	15,000.00	Free Cash
Water Enterprise			
	Red Top Rd. Water Main Installation	75,000.00	Retained Earnings
Brewster Ladies Library			
	Elevator	100,000.00	Free Cash
Golf Enterprise Fund			
	Maintenance Building Design	400,000.00	Retained Earnings
	Irrigation Pump Reconditioning	100,000.00	Retained Earnings
	Equipment Replacement	350,000.00	Retained Earnings
	Tee Box Renovations	20,000.00	Retained Earnings
			\$350,000 Retained Earnings, \$350,000 Golf Capital
	Windows & Doors (additional funding)	700,000.00	Stablization
	Restaurant Equip., Furnishings, Repairs	15,000.00	Retained Earnings
	Driving Range Improvements	15,000.00	Retained Earnings
	Irrigation Water Source & Supply Study	<u>100,000.00</u>	Retained Earnings
	Total	1,700,000.00	
Grand Total All Fall Capital & Special Projects		5,877,000.00	

<u>Funding Sources</u>	<u>Free Cash Appropriations</u>
Free Cash	Free Cash Certified for FY24
Ambulance Fund	Fall Free Cash Appropriations (Article 2)
Water Quality Stabilization Fund	Opioid Settlement Fund (Article 9)
Overlay	Anticipated Spring TM Free Cash Requests
Cell Tower Lease Fund	Remaining Available
Cable Receipt Reserved Fund	
Re-Appropriate Existing Articles	
Road Betterment Fund	
Golf Retained Earnings	
Water Retained Earnings	

3,292,000.00	5,130,085.00
115,000.00	(3,292,000.00)
100,000.00	(56,797.00)
80,000.00	<u>(650,000.00)</u>
45,000.00	1,131,288.00
20,000.00	
200,000.00	
250,000.00	
1,700,000.00	
<u>75,000.00</u>	
5,877,000.00	



Town of Brewster

2198 Main Street
Brewster, MA 02631-1898
Phone: (508) 896-3701
townmanager@brewster-ma.gov

Office of:
Select Board
Town Manager

MEMORANDUM

TO: Select Board
FROM: Peter Lombardi, Town Manager
RE: Update on Millstone Road Improvement Project Costs & Financing Options
DATE: September 8, 2023

Following the Select Board's vote last spring to proceed with the Millstone Road Improvement Project, we have been working to finalize the design. Last month, we secured the necessary state permitting approvals from EEA. We have a hearing before the Brewster Conservation Commission on September 12 regarding our Notice of Intent. We plan to seek a stormwater permit from the Planning Board next month and will hold a tree hearing then as well.

Per the attached cost estimate, which is based on recent relevant data, the total project cost is currently estimated at \$10.3M. We have \$5.75M in available road bonds. We have a \$2M balance in available Chapter 90 state aid for road construction. We can also ask Town Meeting approval to reappropriate \$50k from prior road capital articles, \$150k from the Sea Camps pool parking article, and \$300k from closed out private road betterments. This leaves us with a projected shortfall of approximately \$2M.

We are seeking your policy direction on the following questions:

1. Do you support bringing an article to Town Meeting seeking to approve \$2M in Free Cash to cover the balance of anticipated project costs? As we will discuss at your September 11 meeting, Free Cash has been certified at \$5.1M. Taking this approach would still leave a balance of \$2M to fund capital projects this year (which is our standard annual target amount) plus leave \$1M in unallocated reserves to roll over into FY25 (also consistent with past practice and the Select Board's policies on financial reserves). The other financing options are issuing more debt (2/3 Town Meeting vote), appropriating from capital stabilization (2/3 vote), or significantly reducing the scope of the project (which will be challenging and will undermine the overall public safety and access goals of this initiative). Absent this additional appropriation, it won't be feasible to proceed in putting the project out to bid.

2. Do you support paying the utilities (primarily Verizon & Eversource) about \$763k (plus another ~\$100k to Comcast) to move their equipment (poles, etc) now so they can begin that work next month or would you prefer to wait until after Town Meeting to do so? The utilities need to start their site work before we go out to bid to avoid delays in construction mobilization. If we pay them this month, we expect they will start work next month which would likely keep us on track to go out to bid this winter and begin construction next spring. If we wait until after Town Meeting approves the additional funding in November, the project may be set back by 6 months and would probably start next fall. We are worried that the project costs will increase beyond our current estimates if we wait. As you know, we have seen significant cost escalation on public works and facilities projects over the past few years.

As you know, in opening up the bay property to residents the past two years, to First Light Beach, the Brewster Community Pool, and numerous community events, the importance of improved, safer public access to the Sea Camps has become even critical than when we starting planning this project.

100% CONSTRUCTION COST ESTIMATE
Millstone Road
Brewster, Massachusetts
September 29, 2023

Participating

Item No	Qty	Unit	Description	Unit Price	Amount
101.	2.1	A	CLEARING AND GRUBBING	\$80,000.00	\$168,000.00
102.1	2,000	FT	TREE TRIMMING	\$13.00	\$26,000.00
* 102.511	68	EA	TREE PROTECTION - ARMORING & PRUNING	\$500.00	\$34,000.00
* 102.521	200	FT	TREE AND PLANT PROTECTION FENCE	\$10.00	\$2,000.00
103.	52	EA	TREE REMOVED - DIAMETER UNDER 24 INCHES	\$1,400.00	\$72,800.00
120.1	9,500	CY	UNCLASSIFIED EXCAVATION	\$50.00	\$475,000.00
141.1	250	CY	TEST PIT FOR EXPLORATION	\$80.00	\$20,000.00
142.	81	CY	CLASS B TRENCH EXCAVATION	\$40.00	\$3,240.00
144.	50	CY	CLASS B ROCK EXCAVATION	\$200.00	\$10,000.00
145.	2	EA	DRAINAGE STRUCTURE ABANDONED	\$2,000.00	\$4,000.00
146.	27	EA	DRAINAGE STRUCTURE REMOVED	\$1,000.00	\$27,000.00
151.	6,900	CY	GRAVEL BORROW	\$50.00	\$345,000.00
151.2	130	CY	GRAVEL BORROW FOR BACKFILLING STRUCTURES AND PIPES	\$60.00	\$7,800.00
153.	20	CY	CONTROL DENSITY FILL - EXCAVATABLE	\$180.00	\$3,600.00
156.	40	TON	CRUSHED STONE	\$60.00	\$2,400.00
170.	18,000	SY	FINE GRADING AND COMPACTING - SUBGRADE AREA	\$8.50	\$153,000.00
201.	105	EA	CATCH BASIN	\$3,500.00	\$367,500.00
202.	11	EA	MANHOLE	\$5,000.00	\$55,000.00
204.	24	EA	GUTTER INLET	\$2,800.00	\$67,200.00
205.	40	EA	LEACHING BASIN	\$11,000.00	\$440,000.00
* 205.1	143	EA	LEACHING GALLEY	\$2,000.00	\$286,000.00
220.	6	EA	DRAINAGE STRUCTURE ADJUSTED	\$600.00	\$3,600.00
220.2	5	EA	DRAINAGE STRUCTURE REBUILT	\$550.00	\$2,750.00
220.5	5	EA	DRAINAGE STRUCTURE REMODELED	\$800.00	\$4,000.00
* 222.3	190	EA	FRAME AND GRATE (OR COVER) MUNICIPAL STANDARD	\$900.00	\$171,000.00
223.2	41	EA	FRAME AND GRATE (OR COVER) REMOVED AND DISCARDED	\$150.00	\$6,150.00
227.3	47	CY	REMOVAL OF DRAINAGE STRUCTURE SEDIMENT	\$350.00	\$16,450.00
227.31	150	FT	REMOVAL OF DRAINAGE PIPE SEDIMENT	\$20.00	\$3,000.00
238.10	170	FT	10 INCH DUCTILE IRON PIPE	\$160.00	\$27,200.00
252.12	1,700	FT	12 INCH CORRUGATED PLASTIC PIPE	\$100.00	\$170,000.00
302.06	25	FT	6 INCH DUCTILE IRON WATER PIPE (RUBBER GASKET)	\$200.00	\$5,000.00
358.	15	EA	GATE BOX ADJUSTED	\$260.00	\$3,900.00
* 369.061	5	EA	6 X 6 INCH TAPPING SLEEVE	\$7,000.00	\$35,000.00
* 376.2	5	EA	HYDRANT - REMOVED AND RESET	\$4,000.00	\$20,000.00
* 381.3	39	EA	SERVICE BOX ADJUSTED	\$200.00	\$7,750.00
* 384.2	39	EA	CURB STOP ADJUSTED	\$200.00	\$7,750.00
402.	910	CY	DENSE GRADED CRUSHED STONE FOR SUB-BASE	\$50.00	\$45,500.00
415.1	32,000	SY	PAVEMENT STANDARD MILLING	\$5.00	\$160,000.00
431.	3,800	SY	HIGH EARLY STRENGTH CEMENT CONCRETE BASE COURSE	\$80.00	\$304,000.00
440.	52,400	LB	CALCIUM CHLORIDE FOR ROADWAY DUST CONTROL	\$0.50	\$26,200.00
443.	23	MGL	WATER FOR ROADWAY DUST CONTROL	\$80.00	\$1,840.00
450.23	4,050	TON	SUPERPAVE SURFACE COURSE - 12.5 (SSC - 12.5)	\$140.00	\$567,000.00
450.31	5,000	TON	SUPERPAVE INTERMEDIATE COURSE - 12.5 (SIC - 12.5)	\$140.00	\$700,000.00
450.41	850	TON	SUPERPAVE BASE COURSE - 25.0 (SBC - 25.0)	\$200.00	\$170,000.00
450.52	685	TON	SUPERPAVE LEVELING COURSE - 9.5 (SLC - 9.5)	\$200.00	\$137,000.00
450.53	255	TON	SUPERPAVE LEVELING COURSE - 12.5 (SLC - 12.5)	\$260.00	\$66,300.00
451.	1,670	TON	HMA FOR PATCHING	\$200.00	\$334,000.00
452.	3,680	GAL	ASPHALT EMULSION FOR TACK COAT	\$10.00	\$36,800.00
453.	40,900	FT	HMA JOINT ADHESIVE	\$1.00	\$40,900.00
* 470.2	17,350	FT	HOT MIX ASPHALT BERM - TYPE A MODIFIED	\$10.00	\$173,500.00
472.	470	TON	TEMPORARY ASPHALT PATCHING	\$275.00	\$129,250.00
482.5	24,100	FT	SAWCUTTING ASPHALT PAVEMENT FOR BOX WIDENING	\$4.00	\$96,400.00
504.	5,800	FT	GRANITE CURB TYPE VA4 - STRAIGHT	\$68.00	\$394,400.00
504.1	350	FT	GRANITE CURB TYPE VA4 - CURVED	\$80.00	\$28,000.00
509.	900	FT	GRANITE TRANSITION CURB FOR PEDESTRIAN CURB RAMPS - STRAIGHT	\$75.00	\$67,500.00
509.1	100	FT	GRANITE TRANSITION CURB FOR PEDESTRIAN CURB RAMPS - CURVED	\$90.00	\$9,000.00
580.	10	FT	CURB REMOVED AND RESET	\$70.00	\$700.00
* 590.	20	FT	CURB REMOVED AND STACKED	\$12.00	\$240.00
* 670.	850	FT	FENCE REMOVED AND RESET	\$70.00	\$59,500.00
691.	50	FT	BALANCE STONE WALL REMOVED AND REBUILT	\$230.00	\$11,500.00
* 697.1	150	EA	SILT SACK	\$200.00	\$30,000.00
701.2	305	SY	CEMENT CONCRETE PEDESTRIAN CURB RAMP	\$100.00	\$30,500.00
702.	1,400	TON	HOT MIX ASPHALT SIDEWALK OR DRIVEWAY	\$200.00	\$280,000.00
* 702.1	10	CY	SHELL DRIVEWAY	\$150.00	\$1,500.00
* 702.2	35	SY	COBBLESTONE DRIVEWAY	\$300.00	\$10,500.00
* 707.82	2	EA	POST REMOVED AND DISCARDED	\$100.00	\$200.00
711.	15	EA	BOUND REMOVED AND RESET	\$700.00	\$10,500.00
715.	58	EA	RURAL MAILBOX REMOVED AND RESET	\$230.00	\$13,340.00

Item No	Qty	Unit	Description	Unit Price	Amount
748.	1	LS	MOBILIZATION	\$225,000.00	\$225,000.00
751.	1,150	CY	LOAM FOR ROADSIDES	\$80.00	\$92,000.00
* 756.	1	LS	NPDES STORMWATER POLLUTION PREVENTION PLAN	\$15,000.00	\$15,000.00
765.	8,750	SY	SEEDING	\$3.50	\$30,625.00
767.7	15	SY	AGED PINE BARK MULCH	\$100.00	\$1,500.00
777.828	3	EA	SASSAFRAS - 1.5-2-INCH	\$300.00	\$900.00
787.716	4	EA	SPICEBUSH - 5-6 FEET	\$300.00	\$1,200.00
789.631	5	EA	BLUEBERRY - HIGHBUSH / #1	\$300.00	\$1,500.00
* 824.211	1	LS	RECTANGULAR RAPID FLASHING BEACON (SOLAR) LOCATION #1	\$25,000.00	\$25,000.00
* 824.212	1	LS	RECTANGULAR RAPID FLASHING BEACON (SOLAR) LOCATION #2	\$25,000.00	\$25,000.00
* 824.213	1	LS	RECTANGULAR RAPID FLASHING BEACON (SOLAR) LOCATION #3	\$25,000.00	\$25,000.00
* 824.501	1	LS	RECTANGULAR RAPID FLASHING BEACON (SOLAR) REMOVED AND RESET	\$5,000.00	\$5,000.00
	4	EA	Town would like to add speed feedback signs - final number is TBD		
832.	240	SF	WARNING-REGULATORY AND ROUTE MARKER - ALUM. PANEL (TYPE A)	\$15.00	\$3,600.00
847.1	54	EA	SIGN SUP (N/GUIDE)+RTE MKR W/1 BRKWAY POST ASSEMBLY - STEEL	\$220.00	\$11,880.00
851.1	100	DAY	TRAFFIC CONES FOR TRAFFIC MANAGEMENT	\$200.00	\$20,000.00
852.	700	SF	SAFETY SIGNING FOR TRAFFIC MANAGEMENT	\$20.00	\$14,000.00
* 852.11	75	FT	TEMPORARY PEDESTRIAN BARRICADE	\$40.00	\$3,000.00
853.1	5	EA	PORTABLE BREAKAWAY BARRICADE TYPE III	\$175.00	\$875.00
854.016	10,300	FT	TEMPORARY PAVING MARKINGS - 6 INCH (PAINTED)	\$1.00	\$10,300.00
854.036	10,300	FT	TEMPORARY PAVING MARKINGS - 6 INCH (TAPE)	\$1.50	\$15,450.00
854.1		SF	PAVEMENT MARKING REMOVAL	\$2.50	
* 854.6	45	DAY	TEMPORARY PORTABLE RUMBLE STRIP	\$30.00	\$1,350.00
856.12	340	DAY	PORTABLE CHANGEABLE MESSAGE SIGN	\$30.00	\$10,200.00
859.	3,900	DAY	REFLECTORIZED DRUM	\$0.25	\$975.00
* 859.1	25	DAY	REFLECTORIZED DRUMS WITH SEQUENTIAL FLASHING WARNING LIGHTS	\$5.00	\$125.00
* 868.104	24,300	FT	4 INCH REFLECTORIZED WHITE LINE (EPOXY)(RECESSED)	\$0.50	\$12,150.00
* 868.112	2,130	FT	12 INCH REFLECTORIZED WHITE LINE (EPOXY)(RECESSED)	\$3.00	\$6,390.00
* 869.104	24,800	FT	4 INCH REFLECTORIZED YELLOW LINE (EPOXY)(RECESSED)	\$0.50	\$12,400.00
* 874.01	76	EA	STREET NAME SIGN - TOWN STANDARD	\$150.00	\$11,400.00
* 874.2	13	EA	TRAFFIC SIGN REMOVED AND RESET	\$200.00	\$2,600.00
* 874.4	96	EA	TRAFFIC SIGN REMOVED AND STACKED	\$30.00	\$2,880.00
903.	2	CY	3000 PSI, 1.5 INCH, 470 CEMENT CONCRETE	\$800.00	\$1,600.00
* 999.	1	LS	CONSTRUCTION STAKING	\$50,000.00	\$50,000.00

SUBTOTAL: \$7,628,060.00

Utility relocations (Verizon & Eversource):	\$763,000
Utility relocations (Comcast estimate):	\$100,000
Construction contingency (5%):	\$381,403
ROW acquisition (temporary easements):	\$400,000
ROW acquisition (permanent utility easements):	\$200,000
Police details allowance:	\$523,000
Construction Administration Services (estimate):	\$200,000
Final Design Services (estimate):	\$100,000

TOTAL COST: \$10,295,463

FUNDING

Road Bond remaining:	\$5,750,000
Chapter 90 balance:	\$1,950,000
Private Road Betterment balance:	\$300,000

Cable Receipt Reserve For Appropriation Fund Activity

<u>Fiscal Year</u>	<u>Beginning Balance</u>	<u>Transfers to General Fund</u>	<u>Revenues</u>	<u>Ending Balance</u>	
FY20	289,315	237,200	340,674	392,789	
FY21	392,789	207,200	346,123	531,712	
FY22	531,712	257,200	366,257	640,769	372,405.72 3 year revenue average
FY23	640,769	207,200	404,837	838,406	for '21, '22, '23
FY24 (to date)	838,406	334,300	94,620	598,727	

Annual Expenses from Special Articles in the General Fund:

FY20	290,869.91	
FY21	277,804.18	
FY22	289,849.67	302,686.09 4 year average
FY23	352,220.59	for '20, '21, '22, '23
FY24 (to date)	93,673.91	

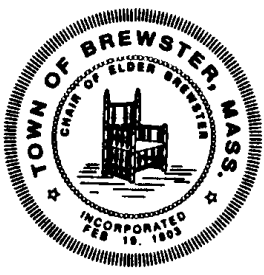
FY24 Pro Forma Budget

Original Budget	250,000.00
+ Budget Adjustment	75,000.00
- Wages	90,864.28
- LCAT	185,000.00
- BGTV Consultant	10,000.00
- Equipment	30,000.00
Balance	9,135.72

Other Information for Analysis:

FT Media Coordinator Wages 70 hrs X 36.43 X 26 = 66,302.60
 PT Media Tech Wages 38 hrs X 24.86 X 26 = 24,561.68

	<u>FY22</u>	<u>FY23</u>
Payments to BGTV Consultant	97,431.85	106,501.25
Payments to LCCAT	184,251.57	180,478.17
	281,683.42	286,979.42



Approved:
VOTE:

**TOWN OF BREWSTER
FINANCE COMMITTEE
Date: September 13, 2023 Time: 6:00 PM
MEETING MINUTES**

Present: Chair Pete Dahl, *Vice Chair Frank Bridges*, Clerk Bill Meehan, Alex Hopper, William Henchy, Bob Young, Patrick Buckley (*remote attendance*)

Also present: Peter Lombardi, Town Administrator; Donna Kalinick, Assistant Town Manager; Mimi Bernardo, Finance Director

Absent: Andy Evans, Robert Tobias

The Chair called the meeting to order at 6:05 pm, announced a quorum, and read the participation statement.

This meeting will be conducted in person at the time and location identified above. This means that at least a quorum of the members of the public body will attend the meeting in person and members of the public are welcome to attend in person as well. As a courtesy only, access to the meeting is also being provided via remote means in accordance with applicable law. Please note that while an option for remote attendance and/or participation is being provided as a courtesy to the public, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast or affect remote attendance or participation, unless otherwise required by law. Members of the public with particular interest in any specific item on this agenda, which includes an applicant and its representatives, should make plans for in-person vs. virtual attendance accordingly. **Additionally, the meeting may be viewed by: *Live broadcast*** (Brewster Government TV Channel 18), ***Livestream*** (livestream.brewster-ma.gov), or ***Video recording*** (tv.brewster-ma.gov).

1. Public Announcements and Comment- none

2. Introduction of new member Patrick Buckley

Patrick addressed the committee and introduced himself. His family recently moved to the Cape. He has a background in auditing, consulting, and finance. He is currently in a financial planning and analysis position. He looks forward to working with the members of the committee and serving the residents of Brewster in this position.

The committee welcomed Patrick and introduced themselves as well.

3. Town Manager/Finance Director Report

Peter Lombardi addressed the committee. The Select Board held their Annual Retreat in July and came out of that they adopted an updated two-year Strategic Plan which is down to 25 goals – most are multi-year goals the rest are focused on this year. It is more reliant on other planning processes the town has undertaken over the past several years. We are trying to have it in a more user-friendly format. We will send out the finalized version soon.

In July, DEP implemented their new amended Title 5 regulations and new Watershed regulations which have impacts across the Cape. We had our long-standing Water Planning Consultant come in to give a presentation to the Select Board and Board of Health to walk through what the practical implications are for the town. We are being held up as to what they would like to see other towns do with what we have done to Orleans, Chatham, Harwich, and Pleasant Bay Watershed. We have up to 5 years to develop a Watershed Permit. It is then a 20-year permit that the State allows to have adaptive management as technology changes. These new regulations from the State don't require us to significantly change our approach to water quality.

The Regional School agreement – the Select Board sent a letter to the School Committee in May and have not heard back yet. The School Committee will be discussing it at their next meeting. Union contracts for almost all the school employees are up at the end of the school year, under State regulation, regional school districts are required to have a representative from the 4 towns at the table for those negotiations and Peter Lombardi volunteered to do so. We got news from the State from the Executive Office of Housing and Livable Communities that Brewster is the lead community to receive the community block grant from \$1.3M to \$1.7M which is great news for our residents - childcare subsidies and housing rehab funding that makes a big difference in people's lives.

Bill Henchy asked if there was anything new to say regarding Provincetown and Truro and capital contributions. Peter Lombardi answered that he was told they have not yet begun those negotiations. The Select Boards in all three towns reviewed and endorsed the issues, concerns, and recommendations that were in the letter Brewster sent.

Donna Kalinick thanked the committee for their attendance and participation at the Local Preference Information Session. It was a good discussion. The Select Board voted to request 55% local preference and 15-20% regional preference. It was made to the State, and we will have an update on the Select Board agenda this Monday.

4. Report on FY23 Free Cash & FY24 Tax Rate

Mimi Bernardo addressed the committee to review the numbers. Free Cash was certified on August 23rd in the amount of \$5,130,085. The town uses Free Cash to fund one-time capital and special projects. In our calculation, excess revenues were the largest contributor to Brewster's FY24 Free Cash. Per Brewster's reserve policy, we leave a balance of \$1M of Free Cash from each fiscal year to become a good healthy starting balance for the following year – about 2% of our operating budget. Mimi Bernardo then went through all the information that jumped out at her as interesting from the Free Cash report included in the Packet. For the short-term rental tax, we projected in FY20, we didn't budget but took in just under \$200,000. In FY21 we picked \$100,000 for a revenue budget trying to be conservative because of the pandemic. We ended up taking in over \$1M. So, we bumped our budget up to \$500,000 the next year and took in \$1.3M. We keep exceeding our estimates and are unsure if it will begin to normalize. It is very unpredictable. Bill Meehan said that the traditional lodging (hotel/motel, inns) is becoming less traditional, and the short-term rentals are becoming more than tradition. He would be surprised if that trend did not continue. It is just too easy to do things online. Pete said the conservative approach is best with these funds because they are not permanent. Mimi Bernardo continued down the list explaining each as she went.

Peter Lombardi said the new tax rate will be \$6.81/1000, down 18 cents from FY23 due to the increase in median home values. In FY22 the single-family median home value was \$532,000 and in FY23 \$636,000 and this year it's \$711,000 – up almost 12% from last year. The median single family tax bill is a little over \$4800 up almost 9% or just under \$400. Of that \$400 in new tax, almost half is related to the first tranche of the debt for the High School, and another of equal size in FY25. Once that project is completed and the long-term debt is issued. About \$100 of the \$400 is the school operating override just under \$1M total. And the remaining \$100 is what would typically been the increase based on prop 2 ½ increase. The reasons the tax rate went up are that voters overwhelmingly voted to approve funding for overrides and debt inclusions.

5. Town Meeting Overview

Peter Lombardi said there is a memo in packet – the Select Board formerly voted Monday November 13th as the Fall Special Town Meeting date. Priority deadline for warrant articles is September 29th, the warrant is going to print right after the Select Board Meeting of October 16th, and right now we have a relatively short list of articles - 9 so far.

CPC has 3 applications for funding and Faythe will be coming to present them to the committee in the next couple of meetings.

Wednesday, Sept 27th 9-12 for the tour of capital improvements in the Town of Brewster.

The Select Board and Fire Union have come to agreement on a new 3-year contract, so approval will be sought at this town meeting. We already have funding to cover those costs in the budget, so no additional appropriations are needed.

Bylaw amendments – private road betterment, golf commission, planning board zoning bylaw amendment to accessory dwelling units, tax relief – exemption which would allow for residents to opt out of the CPA tax – which is straight tax relief for our residents.

Vision planning committee revising and developing a local comprehensive plan following Town Meeting vote last November.

No citizen's petitions yet.

6. Liaison Assignments

- Robert Tobias will stay with the School Committee.
- Andy Evans will stay with the Lady's Library.
- Bill Meehan will stay with the Golf Commission and the Bay Parcel Committee.

- Pete asked the committee to review and email him with any changes.

- Frank will raise his hand for the COA slot.

7. Liaison Reports on Bay Parcel and Pond Parcel Planning Committee

Bill Meehan said the 2nd public forum for the Bay Parcel Committee was well attended and we got a good education on where the planning process is currently. The survey got just under 900 responses – excellent numbers which will inform decision making going forward.

Bill Henchy – the Pond Parcel Committee has devoted time to developing a natural history of the property – a remarkable piece of land. The committee has commissioned detailed natural history and natural resources inventories – alternatives for planning are beginning to form.

8. Liaison Reports and Assignments - none

9. Approval of Minutes-

Aug 17th Joint Meeting on Local Preference –

Bill Meehan *MOVED* to accept the Minutes as presented. Alex Hopper second.

Roll Call Vote: Bill Meehan – abstain, Frank Bridges – yes, Alex Hopper – yes, Bob Young – abstain, Bill Henchy – yes, Patrick Buckley – abstain, Chair Pete Dahl– yes.

The Committee voted: 4-yes 0-no 3-abstain

10. Request for agenda items for future meetings – please email Pete

11. Matters Not Reasonably Anticipated by the Chair- defer

12. Next Finance Committee Meeting – 9/20/23

Pete will not be in person. Frank will be Chair in his absence.

13. Adjournment

Bill Meehan *MOVED* to adjourn the meeting at 7:55 PM. Bill Henchy second. 7-0-0

Roll Call Vote: Bill Meehan – yes, Frank Bridges – yes, Alex Hopper – yes, Bob Young – yes, Bill Henchy – yes, Patrick Buckley – yes, Chair Pete Dahl– yes.

The Committee voted: 7-yes 0-no

Respectfully submitted, Beth Devine

Packet of supporting materials on website for public review.