

Town of Yarmouth

Per M.G.L.: All town and school boards, committees, commissions, and authorities shall post a notice of every meeting at least 48 hours prior to such meeting, excluding Saturdays, Sundays, and legal holidays. Notice shall contain a listing of topics/agenda that the chair reasonably anticipates will be discussed at the meeting.

Notice of Meeting

Name of committee, board, etc:	Community & Economic Development Committee (CEDC)
Date of Meeting:	January 14, 2018
Time:	4:30 p.m.
Place:	Hearing Room Yarmouth Town Hall 1146 Route 28 South Yarmouth, MA 02664

Agenda

1. Chamber of Commerce Presentation
2. TRPF Budget Update/Votes
3. Committee Member Updates
4. Staff Updates
 - o PACE
 - o Short Term Rental Bill
 - o Physical Improvements
 - o Water Resource Advisory Committee
5. Minutes for Review
 - o December 13, 2018
 - o December 14, 2018
6. Upcoming Meetings
 - o Tuesday, January 15, 2019: Board of Selectmen meeting (PACE agenda item)
 - o Monday, January 28, 2019
7. Adjourn

YARMOUTH TOWN CLERK

19 JAN 10 PM 2:40 REC

Posted By (Name):	Kyle Pedicini
Signature:	<i>Kyle Pedicini</i>

Copies of documents and other exhibits listed here may be found in the Department of Community Development at Yarmouth Town Hall.

Town of Yarmouth
 Tourism Revenue Preservation Fund
 Spending - FY16 to FY19 (As of 1/14/19)

DRAFT

Description	FY18 Available	2019 Allocation	2019 Revised Budget	2019 Actual (as of 1/14/19)	2019 Encumbrance	2019 Available	2020 Estimate*	FY20 Total Available
TRANSFERS OUT	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
LEGAL ADS - TRFP	296.10	0.00	296.10	0.00	0.00	296.10	296.10	296.10
SUPPLIES - TRFP	591.88	500.00	1,091.88	0.00	0.00	1,091.88	1,091.88	1,091.88
PERSONAL SERVICES	16,937.03	25,000.00	41,937.03	7,326.93	0.00	34,610.10	34,610.10	34,610.10
PROJECTS & EVENTS	69,924.62	100,000.00	174,924.62	67,761.60	0.00	107,163.02	107,163.02	107,163.02
MARKETING & PROMOTION	253.93	150,000.00	150,253.93	48,087.08	101,912.92	253.93	253.93	253.93
UNALLOCATED FUNDING	164,584.19	0.00	159,601.71	0.00	0.00	159,601.71	310,273.60	469,875.31
PUBLIC IMPROVEMENTS EXPENSE	184,938.16	122,811.00	307,749.16	82,174.06	4,000.00	221,575.10	77,568.40	299,143.50
TOTAL	437,525.91	398,311.00	835,836.91	205,349.67	105,912.92	524,591.84	387,842.00	387,842.00

<https://www.cciaor.com/shorttermrentals/>

Details on the New Massachusetts Short-Term Rental Law

Governor Baker signed into law a bill regulating and taxing short-term rentals. The timeline for implementation of the law will pose significant challenges for Realtors® conducting short-term rentals in 2019.

We have assembled a detailed chart highlighting the components of the law as well as some Frequently Asked Questions. In addition, we have added new forms and updated the Massachusetts Association of REALTORS' Short-Term Rental Lease. CCIAOR will discontinue the use of their short-term rental lease and all real estate brokerages that were using that are encouraged to move to the MAR lease.

New documents to use with Short-Term Rentals:

MAR Short-Term Rental Lease (replaces the CCIAOR short-term lease)

Insurance Disclosure to Homeowners

14-Day Exemption Form

Community Impact Disclosure

We will be working as quickly as possible to integrate these forms in to the online forms libraries on Zipforms, DotLoop, Transaction Desk, etc.

Your Association of REALTORS worked for more than a decade successfully advocating for the defeat of these new taxes. It is only after the shift to the “sharing economy” and the impact of online portals that legislation was passed. Throughout the debate, the Cape Cod & Islands Association of REALTORS and the Massachusetts Association of REALTORS saw wins influencing and shaping the legislation.

The table below explains the new law in detail. Contact CCIAOR CEO Ryan Castle at rcastle@cciaor.com or (508) 957-4300 with any questions.

CCIAOR will provide additional education opportunities to learn about the new law and tax collection and remittance when regulations are finalized from the Department of Revenue.

EFFECTIVE DATE	For stays starting July 1, 2019 that are booked January 1, 2019 or later. If a lease was signed prior to January 1st, no tax is due.
REGISTRATION	Each rental unit will need to be listed with the state short-term rental registry. Additionally, each city and town is permitted to create a registration requirement for short term rentals. Check with your municipal government office for details.
DURATION OF STAY	For any stays of 31 days or less *Tenancy at will exempted
TAX RATE	<p>State Tax: 5.7% Local Tax: up to 6% (Click HERE for a list of the current tax rate in each town)</p> <p>Cape Cod & Islands Water Protection Fund: 2.75% *Every town in Barnstable County are automatically opted in; their legislative body can opt out with a 2/3rds vote. Towns in both Dukes and Nantucket counties are NOT automatically opted in to this fee.*</p> <p>Community Impact Fee: up to 3% This is an optional tax a town can add via their legislative body for those who own multiple properties; to date, no town has adopted this tax in Barnstable, Dukes, and Nantucket counties. The Massachusetts Association of REALTORS has produced a Short-Term Rental Community Impact Form for the homeowner to sign that certifies that they only one unit for rent in a given town.</p>

TAX COLLECTION & REMITTANCE	<p>The law requires whoever collects payment for the rental to collect the tax and remit it to the Commonwealth. The Department of Revenue will issue regulations to clarify how often the tax should be remitted to the Department. The law requires regulations to minimize the administrative burden on tax filings for those who only rent their unit five (5) months or less each year. This will be addressed in subsequent Department of Revenue regulations.</p>
INSURANCE	<p>Every home owner that rents out their property must carry not less than \$1 million of liability coverage for each stay unless the hosting platform provides equal or greater coverage. Coverage shall defend and indemnify the operator and any tenants or owners in the building for bodily injury and property damage arising from the short-term rental. However, if the hosting platform (the real estate brokerage, HomeAway, Airbnb, etc.) can elect to provide the coverage for their properties on behalf of the owner.</p> <p>Real estate brokerages, acting as hosting platforms and intermediaries, have to provide notice to the owner of the insurance requirement. The Massachusetts Association of REALTORS has created an Insurance Disclosure form for REALTORS to use with the owners of properties they handle short-term rentals for to disclose the insurance requirement. The best practice is to get every homeowner to sign this disclosure.</p>

Exemptions	<p>The tax imposed by the new law does not apply to properties rented for fewer than fourteen (14) days per calendar year. It is important to note that these properties are still subject to the other requirements of the law, such as insurance and registration and these properties must file a notice with the Department of Regulation saying they will only rent for less than 14 days and will be responsible for paying the taxes themselves if rented for more than 14 days and did not collect it for the first 14 days. A real estate brokerage can use this 14-day Disclosure Form for any owner intending to rent their property for less than 14 days per year.</p>
INSPECTIONS & ADDITIONAL REGULATIONS	<p>Cities and towns may implement a health and safety inspection requirement and set the frequency of inspections. Short-term rental operators are required to cover the cost of inspections and will likely face a fee to cover registration costs as well.</p>

Current Rooms Tax Rates for Short-Term Rentals per Town:

AS OF 01/06/2019					
Town	State Rooms Tax Rate	Local Rooms Tax Rate	Cape & Islands Water Tax	Total Rooms Tax	
Aquinnah	5.70%	4.00%	-	9.70%	
Barnstable	5.70%	6.00%	2.75%	14.45%	
Bourne	5.70%	4.00%	2.75%	12.45%	
Brewster	5.70%	6.00%	2.75%	14.45%	
Chatham	5.70%	4.00%	2.75%	12.45%	
Chilmark	5.70%	4.00%	-	9.70%	
Dennis	5.70%	4.00%	2.75%	12.45%	
Eastham	5.70%	4.00%	2.75%	12.45%	
Edgartown	5.70%	4.00%	-	9.70%	
Falmouth	5.70%	4.00%	2.75%	12.45%	
Harwich	5.70%	4.00%	2.75%	12.45%	
Mashpee	5.70%	4.00%	2.75%	12.45%	
Nantucket	5.70%	6.00%	-	11.70%	
Oak Bluffs	5.70%	6.00%	-	11.70%	
Orleans	5.70%	4.00%	2.75%	12.45%	
Provincetown	5.70%	6.00%	2.75%	14.45%	
Sandwich	5.70%	4.00%	2.75%	12.45%	
Tisbury	5.70%	6.00%	-	11.70%	
Truro	5.70%	4.00%	2.75%	12.45%	
Wellfleet	5.70%	4.00%	2.75%	12.45%	
West Tisbury	5.70%	-	-	5.70%	
Yarmouth	5.70%	6.00%	2.75%	14.45%	

*If a town increases its local rooms tax rate through their legislative body (i.e. Town Meeting except in Barnstable which is Town Council then it will take effect the first of the next quarter. This is why the new MAR short-term rental lease says tax rates are subject to change and will be finalized at the time of the stay.

Frequently Asked Questions:

When will this law take effect?

For all stays that start July 1, 2019 if a lease is entered into after January 1, 2019.

What do I collect taxes on, i.e. cleaning fees, booking fees, etc?

The tax is imposed on the total amount of rent. 'Rent' is defined as the 'total consideration paid by or on behalf of an occupant, including any service, cleaning or other charge.' Refundable fees are not considered consideration and would not be taxed. If the charge is for outside of consideration of rent, i.e. Steamship Authority tickets, whale watching tours, etc., that would not be considered part of consideration for the stay and not taxed.

How do I register as an operator for short-term rentals to remit the taxes I collect?

You will pay the taxes using MassTaxConnect. DOR is currently working on making changes to the registration process due to the new law. Check this page for more information in the near future.

How do you register a short-term rental with the Department of Revenue?

The Department of Revenue is currently working on the registration process due to the new law. You can check their page [HERE](#) for updates on the registration process.

Where do I remit the taxes to?

The state portion, the local option, and the Cape & Islands Water Protection Fund will be remitted through MassTaxConnect. Room occupancy returns currently are due monthly, on or before the 20th day of the month reporting tax collected for the previous month; however, the law requires the Department of Revenue to minimize the administrative burden on tax filings for those who only rent their unit five (5) months or less each year. The Department of Revenue is currently working on making changes to the forms due to the new law.

What does this new law require?

The new law expands the state's hotel and motel tax to include the short-term rental of homes (condominiums, single family, multifamily, etc.). Massachusetts is one of the last states to adopt this type of tax. The tax applies to all rentals for a period of 31 days or less, regardless of whether the rental is for recreational, personal, or business use. At the insistence of MAR, the new law only applies to short-term rentals, meaning ordinary tenancies, such as an annual lease or a tenancy-at-will, are not covered by this bill.

Are there any exemptions in the law?

The tax imposed by the new law does not apply to properties rented for fewer than fourteen (14) days per calendar year. It is important to note that these properties are still

subject to the other requirements of the law, such as insurance and registration and must file paperwork with the state that says the property is not rented out for more than 14 days and if it is, the owner is responsible for the taxes.

What about the 2019 rentals I already booked?

The law exempts from tax any 2019 rental that is booked on or before December 31, 2018. Rentals booked on or after January 1, 2019 for stays on or after July 1, 2019 will be subject to the tax. We anticipate that the Department of Revenue will issue guidance on how to handle the tax on bookings made on or after January 1, 2019.

Do I need to collect the tax?

Most likely, yes. The law requires intermediaries (which includes Realtors® who post the property for rent online) who enter into a written agreement with the owner or operator to collect rent or facilitate the collection or payment of rent on behalf of the operator to collect and remit the tax. The Department of Revenue will issue regulations to clarify how often the tax should be remitted to the Department. This also means that a Realtor® who does not collect or facilitate the collection of rent on behalf of the owner or operator does not need to collect and remit the tax.

Do I need to carry insurance for the listed properties?

No. Although part of earlier versions of the legislation, the final law does not include a requirement that Realtors® provide any liability insurance for listed properties. This requirement was removed due to the advocacy of MAR. Owners, however, are required to maintain \$1 million dollars in liability insurance to cover each short-term rental. Realtors® should be sure to confirm that any property they list for rent is properly insured by the owner. The coverage is required to defend and indemnify the owner or operator and any tenants in the building for bodily injury and property damage. Realtors® may elect to offer insurance coverage as part of their services but are not required to.

Before offering a property for short-term rentals, a hosting platform (including Realtors®) must provide notice to the owner or operator that standard homeowners or renters insurance may not cover property damage or bodily injury to a third-party arising from the short-term rental.

Do the properties need to be registered with the state or city/town?

Each rental unit will need to be listed with the state short-term rental registry. Additionally, each city and town is permitted to create a registration requirement for short term rentals. Check with your municipal government office for details.

Are there any inspections required?

Cities and towns may implement a health and safety inspection requirement and set the

frequency of inspections. Short-term rental operators are required to cover the cost of inspections and will likely face a fee to cover registration costs as well.

When and how could the Nantucket and the towns in Dukes County opt into the 2.75% Cape Cod & Islands Water Protection Fund (CCIWP)?

According to Senator Julian Cyr's staff, there is no select board or legislative body vote required in the law by a Nantucket or Dukes County municipality to opt in and start the 2.75% excise tax for their town. The key piece is the suitable equivalent plan approved by Department of Environmental Protection (DEP). DEP will determine what that suitable equivalent is for membership in the CCIWPF, and criteria for what will need to be in a plan in order to meet their approval. So towns/town managers will have to actively seek approval from DEP and submit a new plan to them in order to join the CCIWPF board and activate the excise within their town. It is thought that a Select Board for such a town seeking that would take a vote to approve sending such a plan to DEP for approval.

It is important to note, that whatever existing wastewater related DEP plans some of the Dukes County towns have, no town within Dukes County or Nantucket county is part of the CCIWPF yet, because DEP has not yet announced guidelines for what they're looking for for a suitable equivalent plan, according to Senator Cyr's staff.

What are some best practices I can apply as the new law gets implemented?

Realtors® would be wise to disclose to prospective renters that any booking made on or after January 1, 2019 may be subject to a tax and that the tax rate may change before the rental period. Realtors® may want to postpone the collection of rent until the community tax rates are finalized.

Develop a policy to verify the number of units owned by each client in a municipality and that those units are properly insured.

<https://www.mass.gov/info-details/short-term-rentals-frequently-asked-questions>

Overview

Legislation was recently signed into law which subjects short-term rentals of property to the room occupancy excise, G.L. c. 64G, as of July 1, 2019. You can find the new law on the [General Court Website](#). DOR anticipates issuing detailed guidance to explain the administration of the new law.

In the meantime, the following provides important information about the new law for those currently participating in the short-term rental economy.

The new law imposes state and local excises on short-term rentals of property for more than 14 days in a calendar year, starting July 1, 2019 for which a rental contract was entered into on or after January 1, 2019.

All short-term rental operators will be required to register with DOR. Operators may choose to allow an intermediary or other agent to handle the rental of their property and register with and submit returns and tax due to DOR on their behalf.

What is subject to the excise FAQs

What is a short-term rental?

A short-term rental is an occupied property that is not a hotel, motel, lodging house or bed and breakfast establishment, where at least 1 room or unit is rented out by an operator through the use of advance reservations. A short-term rental includes an apartment, house, cottage, and condominium. It does not include property that is rented out through tenancies at will or month-to-month leases. It also does not include time-share property. A short-term rental is a rental that is not for more than 31 consecutive calendar days.

Who is a short-term rental operator?

A short-term rental operator can be an owner, lessee, sublessee, the holder of a mortgage, licensee, or anyone else operating a short-term rental. An operator does not have to be a resident of Massachusetts or a Massachusetts-based business for the short-term rental rules to apply.

Who is an intermediary or operator's agent?

An intermediary is anyone besides an operator that helps arrange a short-term rental and who also charges rent on behalf of the operator. An intermediary includes a broker, hosting platform, or operator's agent.

An operator's agent is anyone who manages a property for rent or books reservations of a property for rent on behalf of an operator. An operator's agent includes a property manager, property management company, or real estate agent.

What is "rent" that is subject to tax?

The total amount of rent that is subject to tax includes all amounts paid by an occupant to an operator or intermediary, even if not required for occupancy. Rent includes all optional charges, including but not limited to the following: security deposits, insurance, linen fees, cleaning fees, service charges. If the total amount of rent is less than \$15 per day, no tax is required to be collected.

Registration FAQs

How do I register as an operator?

All operators must register with DOR using MassTaxConnect. DOR is currently working on making changes to the registration process due to the new law. Check this page for more information in the near future.

How do I register as an intermediary or operator's agent?

An intermediary or operator's agent must register in the name of the operator with DOR using MassTaxConnect. DOR is currently working on making changes to the registration process due to the new law. Check this page for more information in the near future.

I am an intermediary or operator's agent. Do I have to register under each operator's name?

No, you will only need to register one time, but you may need to provide DOR with information about each operator you are working with. DOR is currently working on making changes to the registration process due to the new law. Check this page for more information in the near future.

What should I do until I can register with DOR?

Operators, intermediaries or operator's agents may continue to enter into rental contracts until the registration process is up and running. Such contracts should contain provisions stating that all state and local taxes are due to the operator, intermediary or operator's agent.

I only rent my property a few days a year. Do I have to register or collect the tax?

No matter how many days you rent out your property each year, you must register with DOR using MassTaxConnect. However, if you rent out your property for 14 days or less in a calendar year, you are not required to collect any tax. If that exception applies to you, you must let us

know at the time of registration that you will not be renting out your property for more than 14 days. DOR is currently working on the registration process due to the new law. Check this page for more information in the near future.

Return and payment FAQs

How do I file returns and pay the taxes due?

Room occupancy returns are due monthly, on or before the 20th day of the month reporting tax collected for the previous month. The state excise and any local option excise, including the new Cape Cod and Islands Water Protection Fund excise are to be paid with the return. DOR is currently working on making changes to the forms due to the new law. Check this page for more information in the near future.

When is the first return and payment due for short-term rentals after July 1, 2019?

Starting July 1, 2019, the first return and payment is due on August 20, 2019. After that date, returns are due on the 20th day of each month.

How much tax am I required to collect?

The total amount of tax required to be collected will depend on where the short-term rental is located. The following is a breakdown of the various state and local excises that may apply:

- State excise 5.7% (Note that while the statute provides for a 5% rate, an uncodified surtax adds .7% to the rate)
- Local option excise 0-6.5% (the rate varies depending on the city or town) Visit the Division of Local Service's [Municipal Databank](#).
- Convention Center Finance fee 2.75% (only for Boston, Worcester, Cambridge, Springfield, West Springfield, and Chicopee)
- Cape Cod and Islands Water Protection Fund excise 2.75% (only for those cities and towns in those localities that are currently a member of the Fund)
- Community Impact fee 0-3% (the rate will vary depending on whether a city or town votes to adopt this fee)

My rental begins in June 2019 but ends after July 1, 2019. Is my rental subject to tax?

No, the new law imposes tax on short-term rentals that begin on or after July 1, 2019. If your rental begins before July 1, 2019, it is not subject to tax.

I only rent my property at certain times of the year. Do I have to file a return even if I have no rental every month?

The new law requires DOR to issue regulations to minimize the administrative burden for certain operators who do not rent their property every month. DOR is currently working on the return filing process. Check this page for more information in the near future.

What is a rental contract?

A rental contract is an agreement by an operator, intermediary or operator's agent to rent a property to an occupant for a certain time period. The rental contract must create a binding obligation between the operator, intermediary or operator's agent and the occupant.

What records do I need to keep as an operator?

An operator is required to keep records relating to charges and receipts for all transfers of occupancy, as well as copies of returns filed. You can find more information on specific records to be kept by clicking on the Record Retention Regulation link at the bottom of this page.

Local Municipal FAQs

How do I know if a local option excise applies to my short-term rental?

If a city or town currently has already adopted a local option room occupancy excise, the local option automatically applies to a short-term rental starting July 1, 2019 for which a rental contract was entered into on or after January 1, 2019. No further action is required by these cities or towns to impose the local option on short-term rentals. You can find a listing of municipalities that have a local option by visiting the Division of Local Service's [Municipal Data Bank](#).

Where can I find information about other rules or regulations imposed by cities and towns?

For information about local rules, including whether a city or town is a member of the Cape Cod and Islands Water Protection Fund or has adopted a community impact fee and how to pay that fee directly to the city or town, you should check with local officials in the city or town in which the rental property is located.

On xx, on a motion by xx, seconded by xx, the committee voted xx to approve these minutes.

Town of Yarmouth

DRAFT MINUTES OF THE COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE MEETING OF December 13, 2018

The Yarmouth Community & Economic Development Committee held a Business Meeting at 4:30 p.m. on Thursday, December 13, 2018 at the Yarmouth Town Hall, Room A, located at 1146 Route 28, South Yarmouth, MA.

Committee Members Present: Peter Q. Smith, Stephen O'Neil, Norm Weare, Ken Smith, Ryan Castle, Jack McCormack, Mary Vilbon

Staff: Karen Greene, Director of Community Development; Kyle Pedicini, Economic Development Coordinator

Guests: Jenn Werner, Joe Gibbs, Jan Butler, Mary-Ann Agresti, Matthew Scinto, Gregory Hischak, Bob Clark, Marty Murphy, Tom Nickinello

The meeting was opened by Peter Smith at 4:30 pm.

1. Tourism Revenue Preservation Fund

Applicants presented their applications and responded to questions from the Committee.

The Cape Cod Chamber Orchestra is requesting \$5,000 and the application was presented by Mary-Ann Agresti and Matthew Scinto. Ms. Agresti explained that the Yarmouth New Church is planning on having the Cape Cod Chamber orchestra play a concert inside the building on September 22, 2019. The concert is designed to have an impact on all ages of the population and bring visitors to Yarmouth. Committee members asked the applicant about their marketing plan and Ms. Agresti responded that their marketing plan could be reduced. The Committee urged the applicant to work with the Chamber of Commerce on marketing of the event.

The Seaside Festival is requesting \$40,000 and the application was presented by Jan Butler and Joe Gibbs. There are no major changes proposed to the event from past years. Ms. Butler expressed her frustrations regarding the uncertain and rising costs of town fees. She explained that every year Festival organizers are unsure of what the Festival will be charged for town fees such as police and fire details. She urged the Town to develop a clearer and more consistent process for determining fees. The Committee shared Ms. Butler's frustration and agreed to address the town fee topic at a later meeting.

On xx, on a motion by xx, seconded by xx, the committee voted xx to approve these minutes.

The Halloween Haunt is requesting \$1,000 and the application was presented by Gregory Hischak. Mr. Hischak explained that the Halloween event will feature three historic properties in Yarmouth Port and will be a family friendly event which is free to attend. If awarded, the grant would be used to purchase lighting equipment in order to make this event sustainable years to come.

The Taylor Bray Farm is requesting \$4,500 and the application was presented by Bob Clark and Marty Murphy. Mr. Clark explained that the Farm puts on two fundraising events every year: a Sheep Festival in the Spring and Fall Festival in the Fall. The Sheep Festival brings in about 1200-1400 people every year while the Fall Festival usually has 600-800. There is a silent auction during the Sheep Festival which involves participation from local businesses. Mr. Clark explained that marketing for the festivals are primarily done by producing posters and programs.

The Ragnar Relay Race is requesting \$30,000 and the application was presented by Amber Sadlier. Ms. Sadlier explained that the race, which finishes at Smuggler's Beach, will involve 5,000 runners and will be marketed as a weekend event. If awarded, the grant would be used to improve the Finish Line at Smuggler's Beach and will also be used to reserve trolleys which will take people around Yarmouth. The applicant also noted that a portion of the proceeds from the event will benefit local nonprofits.

Ken Smith left the meeting at 6:45 pm

The St. Patrick's Day Parade is requesting \$30,000 and the application was presented by Tom Nickinello. Mr. Nickinello explained that this will be the 14th year of having the Cape Cod St. Patrick's Day Parade in Yarmouth. He explained that the theme for this year's parade is community spirit, and parade organizers expect increased attendance from last year. One of the goals of the parade is to fill Yarmouth hotels and restaurants in March.

2. **Minutes**

The Committee reviewed Draft Minutes from their meeting on December 6, 2018.

Vote: On a motion from Ryan Castle, seconded by Stephen O'Neil, the Committee approved the minutes for December 6, 2018 by a vote of 6-0-0.

3. **Committee Member Updates**

Jack McCormack explained to the Committee that the Cape Cod Commission has recently approved the draft of the Regional Policy Plan. He also explained that the comment period for the technical bulletins has been extended 15 days.

On xx, on a motion by xx, seconded by xx, the committee voted xx to approve these minutes.

4. **Staff Updates**

Karen Green, Director of Community Development, gave the Committee and update on the Tourism Revenue Preservation budget.

5. **Adjourn**

On a motion from Mary Vilbon, seconded by Jack McCormack, the Committee voted 6-0 to adjourn at 7:33 pm.

6. **Documents provided:**

- a. Agenda for the meeting
- b. Special Event Awards by Calendar Year
- c. Tourism Revenue Preservation budget update
- d. Email from Mary Vilbon regarding Sand Sculpture Trail
- e. Draft Minutes from CEDC meeting on December 6, 2018

Respectfully Submitted,
Kyle Pedicini, Community Development Office

On xx, on a motion by xx, seconded by xx, the committee voted xx to approve these minutes.

Town of Yarmouth

DRAFT MINUTES OF THE COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE MEETING OF December 14, 2018

The Yarmouth Community & Economic Development Committee held a Business Meeting at 10:00 a.m. on Friday, December 14, 2018 at the Yarmouth Town Hall, Hearing Room, located at 1146 Route 28, South Yarmouth, MA.

Committee Members Present: Peter Q. Smith, Stephen O’Neil, Norm Weare, Ken Smith, Ryan Castle, Jack McCormack, Mary Vilbon

Staff: Karen Greene, Director of Community Development; Kyle Pedicini, Economic Development Coordinator

Guests: Jenn Werner, Joe Gibbs, Tom Nickinello

The meeting was opened by Peter Smith at 10:00 am

1. **Tourism Revenue Preservation Fund**

Karen Greene, Director of Community Development, gave the Committee a Tourism Revenue Preservation Fund budget update. Before any potential reallocation of money, the Committee has \$107,163.02 available to fund special events.

The Chairman asked Committee members if there were any grant requests they would like to see eliminated from the process.

A motion was made by Norm Weare, seconded by Ken Smith, to not make an award to the Irish Festival.

Discussion on the Irish Festival ensued. Mr. Smith stated that it was a great event, but with so many requests for funding before the Committee, tough decisions have to be made. It was also noted that another event on the same day (the St. Patrick’s Parade) already draws visitors to town. Mr. Castle stated that he believed the Irish Festival added to the draw of the Parade, and asked that the Committee wait to decide on Irish Festival funding until all the applications had been reviewed. Mr. Smith agreed to wait until all applications were heard before making a decision on whether or not to fund the event’s request and **tabled his motion.**

The Chairman asked Committee members if there were any grant requests they would like to see fully funded.

A motion was made by Mary Vilbon, seconded by Stephen O’Neil, to award \$1,000 to the Halloween Haunt.

On xx, on a motion by xx, seconded by xx, the committee voted xx to approve these minutes.

Mr. Castle suggested that a condition be added to the approval of the request so that the funds will be used to purchase equipment that can be re-used in future events.

Ryan Castle amended the motion to add a condition to the approval which was seconded by Ken Smith. The condition is that the applicant cannot return to the Committee in 2019 for a funding request.

After discussion regarding how the event will be run in the future Mr. Castle and Ms. Vilbon **tabled their motions.**

The Committee reviewed all the applications and graded them according to their scoring criteria. The following applications were graded a 'High Advantageous': the Seaside Festival, the St. Patrick's Day Parade, The Cultural Center of Cape Cod, and the Ragnar Relay Race. The remaining applications were graded as 'Advantageous'.

The Committee discussed the Taylor Bray Farm applications. Members felt the events were a good draw for the town and it was noted that the events are the Farm's two main fundraisers.

VOTE: A motion was made by Ken Smith, seconded by Mary Vilbon, to award \$4,500 to the Taylor Bray Farm festivals. The motion carried unanimously, 7-0.

The Committee discussed the Cape Cod Chamber Orchestra application. Members felt that the marketing budget for the event was too high and should be reduced.

VOTE: A motion was made by Ryan Castle, seconded by Mary Vilbon, to award \$1,500 to the Cape Cod Chamber Orchestra. The motion carried, 6-0-1 (Peter Smith abstained).

The Country Festival application was discussed by the Committee. Mr. Castle expressed his belief that the event was highly advantageous to the town and would draw a lot of visitors. Other members noted that the event takes place in the summer (when there are already visitors in town) and that the event has some uncertainty (in terms of how successful it will be) as it is essentially a first year event. The Committee expressed that they would favor the event more if it took place on the weekend after the 4th of July weekend, as more visitors are needed during that time. It was also noted that the event would be a good way to measure the viability of having events on the Drive-In site.

A motion was made by Ryan Castle, seconded by Stephen O'Neil, to award \$25,000 to the Country Festival if the event takes place on 7/13/2019 and \$20,000 if the event takes place on 7/20/2019.

Ken Smith amended the motion to award \$15,000 to the Country Festival if the event takes place on 7/13/2019 and \$10,000 if the event takes place on 7/20/2019.

VOTE: The amended motion carried, 6-1 (Ryan Castle voted in opposition).

The Irish Festival application was discussed by the Committee. Mr. Weare stated that the Festival does not draw additional people to Yarmouth due to the fact that the St.

On xx, on a motion by xx, seconded by xx, the committee voted xx to approve these minutes.

Patrick's Day Parade already takes place that day and that the event should not be funded by the Committee.

A motion was made by Norm Weare, which was not seconded, to not make an award to the Irish Festival. The motion failed.

Other members felt that the Irish Festival did draw additional visitors to Yarmouth and wanted to encourage the event organizer to pursue future events in town.

A motion was made by Jack McCormack, seconded by Mary Vilbon, to award \$5,000 to the Irish Festival.

Ken Smith amended the motion to award \$10,000 to the Irish Festival which was seconded by Stephen O'Neil.

VOTE: The amended motion carried, 5-2 (Norm Weare and Mary Vilbon voted in opposition).

VOTE: The amended motion to award \$10,000 to the Irish Festival carried, 5-2 (Peter Smith and Mary Vilbon voted in opposition).

The Committee reviewed the Sand Sculpture Trail application. Mary Vilbon, Director of the Yarmouth Chamber of Commerce, explained that the increase in the funding request from last year is a result of additional staff time needed to coordinate the event. Mr. Castle stated that he believed the 'event' should be funded through marketing as opposed to special events.

A motion was made by Ryan Castle, which was not seconded, to not make an award to the Sand Sculpture Trail. The motion failed.

VOTE: A motion was made by Stephen O'Neil, seconded by Jack McCormack, to award \$30,000 to the Sand Sculpture Trail. The motion carried, 4-2-1 (Ken Smith and Ryan Castle voted in opposition and Mary Vilbon abstained).

The Ragnar Relay Race was discussed by the Committee. It was agreed that the event would be an excellent draw for visitors to Yarmouth.

A motion was made by Ryan Castle, which was not seconded, to award \$30,000 to the Ragnar Relay Race. The motion failed.

VOTE: A motion was made by Stephen O'Neil, seconded by Norm Weare, to award \$15,000 to the Ragnar Relay Race. The motion carried, 6-1 (Ryan Castle voted in opposition).

The Committee reviewed the Cultural Center of Cape Cod's application. It was noted that the Cultural Center received \$22,000 last year.

A motion was made by Jack McCormack, which was not seconded, to award \$30,000 to the Cultural Center of Cape Cod. The motion failed.

VOTE: A motion was made by Ken Smith, seconded by Ryan Castle, to award \$22,000 to the Cultural Center of Cape Cod. The motion carried, 6-1 (Jack McCormack voted in opposition).

The St. Patrick's Day Parade application was reviewed by the Committee. It was noted that the parade received \$25,000 last year.

On xx, on a motion by xx, seconded by xx, the committee voted xx to approve these minutes.

A motion was made by Stephen O'Neil, seconded by Jack McCormack, to award \$35,000 to the St. Patrick's Day Parade.

Ken Smith amended the motion, which was seconded by Norm Weare, to award \$25,000 to the St. Patrick's Day Parade.

VOTE: The amended motion carried, 6-0-1 (Ryan Castle abstained).

VOTE: The amended motion to award \$25,000 to the St. Patrick's Day Parade carried, 6-0-1 (Ryan Castle abstained).

The Committee reviewed the Seaside Festival's application. It was noted that the event received \$21,000 last year.

A motion was made by Stephen O'Neil, seconded by Jack McCormack, to award \$40,000 to the Seaside Festival.

Ken Smith amended the motion, which was seconded by Mary Vilbon, to award \$25,000 to the Seaside Festival.

VOTE: The amended motion carried, 4-2-1 (Jack McCormack and Stephen O'Neil voted in opposition and Ryan Castle abstained).

VOTE: The amended motion to award \$25,000 to the Seaside Festival carried, 4-2-1 (Jack McCormack and Stephen O'Neil voted in opposition and Ryan Castle abstained).

The Ancient Cemetery Tour application was reviewed by the Committee. It was noted that the grant would be used to purchase costumes which could be used in future years as well.

A motion was made by Stephen O'Neil, seconded by Ken Smith, to award \$2,525 to the Ancient Cemetery Tour.

Ryan Castle amended the motion, which was not seconded, to award \$1,500 to the Ancient Cemetery Tour. The amended motion failed.

VOTE: A motion was made by Stephen O'Neil, seconded by Ken Smith, to award \$2,525 to the Ancient Cemetery Tour. The motion carried, 5-2 (Ryan Castle and Peter Smith voted in opposition).

Chairman Smith reviewed the special events budget after all the applications had been voted on. He noted that there was a deficit \$39,361.98 that needed to be addressed either through reduction in grants or allocating money from the 'unallocated' portion of the Tourism Revenue Preservation Fund to the 'special events' portion (or a combination of both).

A motion was made by Ryan Castle, seconded by Norm Weare, to reduce the award to the Irish Festival to \$0.

VOTE: A motion was made by Ryan Castle, seconded by Norm Weare, to reduce the award to the Irish Festival to \$0. The motion carried, 6-1 (Jack McCormack voted in opposition).

On xx, on a motion by xx, seconded by xx, the committee voted xx to approve these minutes.

A motion was made by Ryan Castle, which was not seconded, to reduce the award to the Ancient Cemetery Tours to \$0. The motion failed.

VOTE: A motion was made by Ken Smith, seconded by Ryan Castle, to reduce the award to the Sand Sculpture Trail to \$25,000. The motion failed, 3-3-1 (Peter Smith, Norm Weare, and Ryan Castle voted in opposition and Mary Vilbon abstained).

A motion was made by Ryan Castle to move \$30,000 from the 'Unallocated' portion of the Tourism Revenue Preservation Fund to the 'Special Events' portion, fund the Sand Sculpture Trail outside of the grant process, and reduce the grant award to the Sand Sculpture Trail to \$0. The motion was seconded by Ken Smith. The Chairman Peter Smith stated that he could not accept the motion because it would move the Sand Sculpture Trail out of the event process. He further explained that an event cannot be moved out of the event process and funded when the event process is already underway. Mr. Castle tabled his motion.

VOTE: A motion was made by Ryan Castle, seconded by Norm Weare, to move \$34,361.98, from the 'Unallocated' portion of the Tourism Revenue Preservation Fund to the 'Special Events' portion. The motion carried unanimously, 7-0.

The Committee discussed the possibility of imposing conditions on applications. The St. Patrick's Day Parade was given a condition that they cannot spend any of the grant on TV marketing. The Ragnar Relay Race was imposed a condition that the grant money must be spent on the finish line at Smuggler's Beach and to rent trolleys that take people around Yarmouth. The Cape Cod Chamber Orchestra and the Halloween Haunt were given conditions that event organizers must work with the Yarmouth Chamber of Commerce on marketing. The Ancient Cemetery Tour was imposed the condition that the grant award be spent on buying costumes only.

The Committee took one final look at the grant awards and discussed if any awards should be changed.

VOTE: A motion was made by Jack McCormack, seconded by Ken Smith, to award \$5,000 to the Irish Festival. The motion carried, 5-2 (Ryan Castle and Norm Weare voted in opposition).

A motion was made by Jack McCormack, which was not seconded, to reduce the award to \$5,000 for the Country Festival. The motion failed.

VOTE: A motion was made by Ken Smith, seconded by Stephen O'Neil, to reduce the award to \$10,000 for the Country Festival. The motion carried, 4-3 (Ryan Castle, Mary Vilbon, and Peter Smith voted in opposition).

VOTE: A motion was made by Ryan Castle, seconded by Stephen O'Neil, to impose a condition on the Irish Festival that all, or a portion of, the \$5,000 grant may be transferred by the event organizer (Mac Nation Events LLC) to use for the Country Festival. The motion carried unanimously, 7-0.

On xx, on a motion by xx, seconded by xx, the committee voted xx to approve these minutes.

VOTE: A motion was made by Ryan Castle, seconded by Ken Smith, to remove the previously imposed condition on the Country Festival that \$15,000 will be granted to the Country Festival if the event takes place on 7/13/2019 and \$10,000 will be granted if the event takes place on 7/20/2019. The motion carried unanimously, 7-0, and the condition was removed.

VOTE: A motion was made by Ryan Castle, seconded by Ken Smith, to allocate grant funds as presented. The motion carried unanimously, 7-0. The final awards were as follows:

Event	Request	CEDC Grant	%
Seaside Festival	\$ 40,000.00	\$ 25,000.00	62.5%
St. Patrick's Parade	\$ 35,000.00	\$ 25,000.00	71.4%
Cultural Center	\$ 30,000.00	\$ 22,000.00	73.3%
Ragnar	\$ 30,000.00	\$ 15,000.00	50.0%
Sand Sculpture	\$ 30,000.00	\$ 30,000.00	100.0%
Irish Festival	\$ 25,000.00	\$ 5,000.00	20.0%
Country Festival	\$ 25,000.00	\$ 10,000.00	40.0%
CC Chamber Orchestra	\$ 5,000.00	\$ 1,500.00	30.0%
TB Farm	\$ 4,500.00	\$ 4,500.00	100.0%
Ancient Cemetery	\$ 2,525.56	\$ 2,525.00	100.0%
Halloween Haunt	\$ 1,000.00	\$ 1,000.00	100.0%
Total	\$ 228,025.56	\$ 141,525.00	62.1%

2. **Adjourn**

On a motion from Mary Vilbon, seconded by Stephen O'Neil, the Committee voted 7-0 to adjourn at 12:00 pm

3. **Documents provided:**

- a. Agenda for the meeting
- b. CEDC PACE Memo
- c. CEDC Annual Report

Respectfully Submitted,
Kyle Pedicini, Community Development Office