

Town of Fishkill
807 Route 52
Fishkill, NEW YORK 12524

APPLICATION FOR THE USE OF FACILITIES
(Submit the completed form at least thirty days prior to the event)

Name of Organization: (Please print) _____

Contact Person: (Please print) _____

Mailing Address: _____

Telephone Information: (Day) _____ (Night) _____ (Cell) _____

Description and Purpose of Activity:

Estimated Number of Persons in Attendance: _____

Person in Attendance & Responsible for Supervision: _____

Address: _____ Phone: _____

DATES BUILDING OR GROUNDS ARE TO BE USED
(If the use is for an extended period, indicate **start** and **end** dates)

Name of Building: _____ Rooms(s) desired: _____

Day(s) of the week requested	Date(s) requested	Arrival/Departure Time Requested

Please note use of town facilities when not otherwise in use may include custodial/police overtime fees, set up and clean up fees.

FOR TOWN USE ONLY

Custodial Overtime Hourly Rate: _____ Facility Use Fee(s): _____

Estimated Personnel Needed for Event: _____ Total Estimated Overtime Hours: _____

Facilities Manager Signature: _____ Date: _____

Recommended by: _____ Date: _____

Department Head

Approved by: _____ Date: _____

Supervisor

Please read and sign the Facility Use Requirements and Applicant Agreement and return it with the Application and Insurance Certificate for the Use of Town Facilities. Thank you.

Hold Harmless Agreement for Facilities Use

Date

(Name of Organization)

does hereby covenant and agree to defund, indemnify and hold harmless the **Town of Fishkill** from and against any and all liability, loss, damages, claims, or actions (including costs and attorney's fees) for bodily injury and/or property damage, to the extent permissible by law, arising out of or in connection with the actual or proposed use of the **Town of Fishkill** property, facilities and/or services.

Town Supervisor

Facility User

FACILITY USE REQUIREMENTS & APPLICANT AGREEMENT
Please read, sign, and return with the Application for the Use of Town Facilities

The use of all Town facilities shall be subject to the approval and rules of the Town Board administered by the Town Supervisor and Town Board designee.

The Town does not discriminate on the basis of race, color, national origin, physical impairment or sex in its programs or employment services.

1. Please see the Town's insurance requirements and provide all the necessary documents requested. **FAILURE TO DO SO PRIOR TO USE WILL RESULT IN REVOCATION OF YOUR PERMIT.**
2. Facilities are not available if in conflict with Town use. No unauthorized vehicles are allowed on Town property. No field or building alterations (lining of fields or gymnasiums, erecting permanent goal posts, or structures, etc.) are allowed.
3. Organizations wishing to use Town facilities shall first apply to the Recreation Director or Facilities Manager if use of the Town's gymnasium or fields is requested, on the prescribed form.
4. The fee for use of the Town's facilities is payable before use begins.
5. Permits may be revoked at any time.
6. In the event of inclement weather, the Town Supervisor or the Town Board designee has the final authority on whether facilities are usable.
7. Any organization with youths under 18 years old requires the presence of adequate adult supervision at all times.
8. All posted rules and buildings Codes of Conduct must be adhered to. Profanity, objectionable language, disorderly acts or illegal activities of any kind are absolutely prohibited, and those violating this prohibition will be ejected from the premises.
9. Smoking or other use of tobacco products is not allowed on Town property.
10. Intoxicants shall not be brought onto Town facilities at any time.
11. Any damage to Town facilities shall be promptly repaired at the user's expense. No exceptions.
12. Prior to the start of the event, an announcement should be made to your group regarding emergency evacuation procedures, for example pointing out posted procedures, directions for exiting, how to respond to a fire alarm, etc.

The undersigned is over 21 years of age and has read this form and attached regulations and agrees to comply with them. He/she agrees to be responsible to the Town for the use and care of the facilities. He/she, on behalf of _____

does hereby covenant and agree to defend, indemnify, and hold harmless the Town from and against any and all liability, loss, damages, claims, or actions (including costs and attorneys' fees) for bodily injury and/or property damage, to the extent permissible by law, arising out of or in connection with the actual or proposed use of Town's property, facilities and/or services by _____.

The Certificate of Insurance and Hold Harmless Agreement have been provided.

I HAVE READ AND AGREE TO THE TERMS AND CONDITIONS

Applicant's Signature

Town of Fishkill
807 Route 52
Fishkill, NEW YORK 12524

Certificate of Insurance Requirements

Dear Prospective Applicants,

Please be advised that use of facilities in the Town of Fishkill is contingent upon compliance with the following insurance requirements and receipt of the following documents.

Failure to do so prior to use will result in revocation of your permit.

- A. The user hereby agrees to name the Town of Fishkill an additional insured on the user's General Liability policy.
- B. The policy naming the Town of Fishkill as an additional insured shall:
 - 1. be an insurance policy from an A.M. Best-rated "secured" New York State insurer, permitted to do business in New York State;
 - 2. contain a 30-day notice of cancellation;
 - 3. state that the organization's coverage shall be primary coverage for the Town, its Board, employees, and volunteers;
 - 4. additional insured status shall be provided with ISO endorsement CG 20 26 11 85 or its equivalent;
- C. The user agrees to indemnify the Town of Fishkill for any applicable deductibles;
- D. Required Insurance: Commercial General Liability Insurance - \$1,000,000 per occurrence/\$2,000,000 aggregate;
- E. User acknowledges that failure to obtain such insurance on behalf of the Town constitutes a material breach of contract and subjects it to liability for damages, indemnification and all other legal remedies available to the Town. The user is to provide the Town with a certificate of insurance, evidencing the above requirements have been met. The failure of the Town to object to the contents of the certificate or the absence of same shall not be deemed a waiver of any and all rights held by the Town.
- F. Proof of Workers Compensation coverage on form C105.2

Please complete the Hold Harmless Agreement and return it with your Certificate of Insurance to:

Darlene Bellis
Town Clerk
Telephone: (845) 831-7800
Fax: (845) 831-6040
E-mail address: dbellis@fishkill-ny.gov

FISHKILL POLICY ON THE USE OF TOWN FACILITIES

While the Town's buildings are maintained primarily for administrative use and scheduled programs for taxpayers living within the Town, the Town Board recognizes that the buildings and grounds are a valuable community resource and believes that this resource should be available to the community for specific uses that will not interfere with town activities. This policy is intended to identify the uses that community groups may make of those facilities.

I. Permitted Uses by Outside Organizations

Town facilities may be used for the purposes listed below, subject to the conditions and restrictions set forth in this policy.

- A. Instruction in any branch of education, learning or the arts.
- B. Social, civic and recreational meetings and entertainments, or other uses pertaining to the welfare of the community so long as such uses are open to the general public.
- C. Meetings, entertainment and occasions where admission fees are charged, when the proceeds are to be spent for an educational or charitable purpose.
- D. Polling places for holding primaries, elections, and for the registration of voters.
- E. Civic forums and community centers.
- F. Recreation, physical training and athletics, including competitive athletic contests of children.
- G. Meetings sponsored by political organizations.

II. Prohibited Uses

Any use of Town facilities, services, or equipment not specifically permitted by this policy is prohibited. Notwithstanding any potential conflict with the list of Permitted Uses, the following uses are specifically prohibited:

- A. Use of facilities to conduct private business, unless in the judgment of the Town Board, such private business serves as a valid town purpose.
- B. Meetings, entertainments and occasions that are under the exclusive control of and the proceeds are to be applied for the benefit of a society, association, or organization or a religious sect or denomination or of a fraternal, secret or exclusive society or organization, other than veterans' organizations or volunteer fire fighters or volunteer ambulance workers.
- C. In any instance where alcoholic beverages or unlawful drugs are sold, distributed, consumed, promoted or possessed;
- D. For any use by an applicant who has previously misused or abused Town facilities or property or who has violated this policy;
- E. For any use which, in the estimation of the Town, could reasonably be expected to or actually does represent a clear and present danger of public disorder or damage to Town property;
- F. For any use prohibited by law.
- G. For any use which the Town deems inconsistent with this policy.

III. Conditions of Use for Town Facilities

Users of Town facilities shall be subject to the rules, regulations, and conditions determined by the Superintendent. Such conditions include but are not limited to the following:

**FISHKILL POLICY ON THE USE OF TOWN FACILITIES
(continued)**

- A. Town facilities may be unavailable for use if such facilities are in use for Town purposes, or during educational programs. The Town reserves exclusive and non-reviewable judgment to determine if a requested use would interfere with or disturb the Town's educational programs.
- B. To ensure that Town facilities are preserved for the benefit of the greater Town community, priority will be given to community based groups and organizations located within the geographic area covered by the Town.
- C. Use of Town facilities, services, or equipment, will be permitted only where the applicant agrees to reimburse the Town for the direct costs and expense of providing for such uses, including but not limited to the costs and expense of providing heat, electricity, and/or custodial services associated with the use of the Town facilities according to a schedule adopted by the Town. Notwithstanding the foregoing, for use of the facilities to conduct private business, where such private business serves a valid Town purpose as determined by the Town Board, the applicant shall pay the Town a fair market value fee for use of the facilities. The Town retains the right to waive user fees for groups that are associated with or sponsored by the Town or for governmental municipalities that the Town shares a reciprocal no fee arrangement with.
- D. Where, in the judgment of the Town, the requested use of Town facilities requires special equipment or supervision, the Town reserves the right to deny such use, or in the alternative, to condition such use upon the applicant's payment of additional fees in accordance with paragraph C above. Only authorized personnel shall operate Town equipment.
- E. Use of Town facilities will only be permitted where the organization provides the Town timely evidence of adequate insurance coverage as determined by the Town to save the Town harmless from all liability, property damage, personal injuries and/or medical expenses. The Town will exercise complete discretion regarding what constitutes adequate insurance coverage for each proposed use.
- F. In the case of an accident resulting in injury to any person or damage to personal or Town property, the incident must be reported to the Superintendent within one Town day.
- G. Users of Town facilities or services shall be required to remain within areas designated by the approved use permit. In addition, under no circumstances may a Town student be allowed outside of areas designated by the permit without appropriate supervision by Town personnel.

IV. Application Procedure for Use of Town Facilities

Outside organizations requesting use of Town facilities shall be required to review this policy and submit an application to the office of the Superintendent of Towns. Applicants will need to follow the guidelines and restrictions below:

- A. All applications for use of Town facilities shall be made in writing and submitted to the Superintendent of Towns at least 30 days prior to the date of the requested use. Permit applications are available in the Superintendent's office and in individual Town buildings.
- B. All applicants must clearly describe the intended use of the Town facilities or services and identify the individuals responsible for supervising the use of facilities. An authorized agent of the group or organization requesting use of the facilities must sign the application and the applicant's signature on the application shall attest to the group or organization's intent to comply with all Board policies and regulations.
- C. All applicants must agree to and to use Town facilities strictly in accordance with the use described in the application and assume responsibility for all damages resulting from its use of Town facilities. The applicant must provide proof of adequate insurance at least 10 days before the date of the requested use.

**FISHKILL POLICY ON THE USE OF TOWN FACILITIES
(continued)**

- D. Applicants shall be required to remit payment for use of Town facilities with the application. The Town retains the right to condition use upon an applicant depositing with the Town a sum equaling the estimated costs and fees associated with the proposed use 10 days in advance of the requested use. Failure to pay the Town in a timely manner may result in the suspension or revocation of applicant's privileges to use Town facilities in the future.
- E. If the Supervisor or the Supervisor's designee issues a permit, the permit shall be valid only for the facility, use, dates and time specified in the permit. Permits shall not be transferable and no modification to a permit is allowed except with the prior written approval of the Supervisor. In addition, the Supervisor may alter or cancel any permit if it becomes necessary to use the facility for Town purposes or for any other justifiable reason. Issuance of a permit shall not limit the right of access to the facility by Town staff.

Citations: