AGENDA

Cumberland Town Council Meeting
Town Council Chambers
MONDAY, April 26, 2010
6:00 p.m. Call to Order

I. **6:00 P.M. EXECUTIVE SESSION** pursuant to 1 M.R.S.A., § 405 (6)(C) re: real property acquisition, and pursuant to Title 36 M.R.S.A., § 841 re: Poverty Abatement Application.

II. **APPROVAL OF MINUTES**
April 12, 2010 JP/WS 6-0

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III. **MANAGER'S REPORT**

IV. **PUBLIC DISCUSSION**

V. **LEGISLATION AND POLICY**

10 – 045 To hear a report from the Cool Cities Committee re: street light project and grants.

10 – 046 To hear a report from the Rines Forest Committee and hold a Public Hearing to consider and act on the acceptance of a Forest Management Plan for the Rines Forest.

10 – 047 To hear a presentation from Library Director, Thomas Bennett re: the history of Main Street.

10 – 048 To hold a Public Hearing to consider and act on a Mass Gathering Permit for a Boys Youth Lacrosse Jamboree to be held at Twin Brook on May 8, 2010 from 8:00 a.m. to 6:00 p.m.

10 – 049 To hold a Public Hearing to consider and act on a Mass Gathering Permit for a Girls Youth Lacrosse Round Robin to be held at Twin Brook on June 5, 2010 from 8:00 a.m. to 5:00 p.m. **ITEM TABLED**

10 – 050 To hold a Public Hearing to consider and act on a Mass Gathering Permit for the Penobscot Valley Dog Show to be held at the Cumberland Fairgrounds from June 24 – June 27, 2010.

10 – 051 To hold a Public Hearing to consider and act on sending a recommendation to the Planning Board re: the addition of Section 402A Domesticated Chickens (to allow no more than six chickens in a penned area on properties less than 2 acres) to the Cumberland Zoning Ordinance.

10 – 052 To hold a Public Hearing to consider and act on sending a recommendation to the Planning Board re: the addition of Section 402.6 (prohibiting the feeding of deer) to the Cumberland Zoning Ordinance.

10 – 053 To hear a report from the Finance Committee Chair re: FY'10 3rd quarter financials.

10 – 054 To set a Public Hearing date (May 10th) to authorize the Town Manager to request from MDOT a reduction of the speed limit on Blackstrap Road from 40 to 35 mph and on Route 100 from 50 to 45 mph.

10 – 055 To consider and act on a poverty abatement request for property identified as Map R05/Lot 13A.

VI. **NEW BUSINESS**

VII. **EXECUTIVE SESSION** pursuant to 1 M.R.S.A., § 405(6)(A) re: Town Manager evaluation.

VIII. **ADJOURNMENT**

MOTIONS

MOTIONS

10 – 045 **No action necessary.**

10 – 046 **I move to accept** the Forest Management Plan for the Rines Forest as presented. 6-0 JP/SM

10 – 047 **No action necessary.**

10 – 048 **I move to approve** a Mass Gathering Permit with list of conditions as prescribed in the Town Clerk memorandum dated April 22, 2010, for a Boys Youth Lacrosse Jamboree to be held at Twin Brook on May 8, 2010 from 8:00 a.m. to 6:00 p.m. SM/GT prov that the prmt fee on field use permit meets day no later than 6 mos

10 – 049 **I move to table** this item to May 24, 2010. WS/SSK

10 – 050 **I move to approve** a Mass Gathering Permit for the Penobscot Valley Dog Show to be held at the Cumberland Fairgrounds from June 24 – June 27, 2010. WS/GT

10 – 051 **I move to forward** to the Planning Board for review and recommendation the addition of Section 402A (Domesticated Chickens) to the Cumberland Zoning Ordinance, allowing no more than six chickens in a penned area on properties less than 2 acres. WS/SM 6-0 delete noise sentence

10 – 052 **I move to forward** to the Planning Board for review and recommendation, the addition of Section 402.6 of the Cumberland Zoning Ordinance, prohibiting the feeding of deer. JP/SSK 6-0

10 – 053 **No action necessary.**

10 – 054 **I move to set** a Public Hearing date of May 10th to consider and act on authorizing the Town Manager to request from MDOT a reduction of the speed limit on Blackstrap Road from 40 to 35 mph and on Route 100 from 50 to 45 mph. SSK/WS 6-0

10 – 055 **I move to (approve or deny)** a poverty abatement request in the amount of $4,618.17 for property identified as Map R05/Lot 13A. JP/SM 6-0

SSK
GT/GT
move to ES
time: 9:43 pm

Oct

10:35 GT SM | SSK GT

MINUTES
04/12/10

MINUTES

Cumberland Town Council Meeting
Town Council Chambers
MONDAY, April 12, 2010

6:00 WORKSHOP re: changes to Zoning Ordinance § 402.3, 402.4 and 402.5 (chickens) and to add § 402.6 (deer feeding).

7:00 p.m. – CALL TO ORDER: Chairman Copp, Councilors Turner, Perfetti, Storey-King, Stiles and Moriarty. Councilor Porter arrived at 7:30 p.m.

I. APPROVAL OF MINUTES

March 22, 2010

Motion by Councilor Stiles and seconded by Councilor Perfetti to approve the minutes with a spelling correction.
VOTE: UNANIMOUS PASSAGE 5-1 (Councilor Porter out and Councilor Turner abstaining)

II. MANAGER'S REPORT

- Cumberland/North Yarmouth Youth Lacrosse Spring Events at Twin Brook (2 events, expecting over 500 people)

The Town Manager requested the council to add two Mass Gathering Permit applications to the next council agenda and move this evening to set a public hearing for April 26.

Motion by Councilor and seconded by Councilor to set an April 26th public hearing date to consider and act on the Youth Lacrosse Spring events at Twin Brook.
VOTE:

- Val Halla opening day, April 7th Opened on Wednesday, April 7

It was a "huge opening day." The weather has cooperated nicely.

- Cumberland Farmer's Market begins on May 1st, 8:30 a.m. – 12:30 p.m. @ Mabel I. Wilson School

The Farmer's Market will begin for the season in on May 1, from 8:30 am – 12:30 pm at its new location at Mabel Wilson School. Extended hours will also begin on May 1st at the town's compost pad facility. To date, the town has collected over $12,500 in donations from 134 families for the Veterans Monument which will be dedicated on Memorial Day. 134 families have contributed thus far. The CMBA will hold its first quarterly meeting on April 29th. Over 90 attendees attended the CMBA kick-off meeting at Val Halla. This follow-up meeting will begin the "growth of businesses in our community."

III. PUBLIC DISCUSSION

None

IV. LEGISLATION AND POLICY

10 – 035 To appoint Brian Bickford as Director of Community Education and Recreation.

Town Manager Shane joked that he expected Val Halla opposition "in jest" to this appointment. Brian Bickford is "A class act that I am proud to work with side by side." Dick Campbell and Heather Giandrea, and John Stroud served on the selection committee with the Human Resources Director.

Dick Campbell spoke on behalf of the committee sharing that a two and one-half hour interview was held with Brian, and it was "a joy." Speaking to Bill Landis' departure, Mr. Campbell noted, "You don't replace the man who has defined the position" but, "You work to find an individual" who will grow the position. The interview "was a wonderful conversation. I learned a lot about" Val Halla and Brian Bickford. Brian has increased the Junior Golf and Women's Golf programs in Val Halla. "His vision and commitment to the community is second to none." A noteworthy bonus is the accompanying $15,000 in position savings with this appointment as well. Mr. Campbell heard from a number of community members who expressed their pleasure with Brian's selection. "I think that speaks to Brian and what he is going to bring to the position. He is an overachiever. It's my pleasure to tell you we have a wonderful nominee who is heavily supported throughout the community." Ms. Giandrea will introduce Brian at the next North Yarmouth selectmen's meeting as well.
No public comments.

Councilor Moriarty moved and Councilor Stiles seconded the appointment of Brian Bickford as Director of Community Education and Recreation.
VOTE: UNANIMOUS PASSAGE 6-0 (Councilor Porter out)

10 – 036 To hold a Public Hearing to consider and act on a Mass Gathering Permit and Victualer's Licenses for the Cumberland Farmers Club for Maine's Ultimate Spring Yard Sale to be held at the Cumberland Fairgrounds on Saturday, June 12, 2010 from 9:00 a.m. to 2:00 p.m.

Farmers Club representatives Bruce Flanigan and Don Doyle and Nassau Broadcasting event sponsor, Patrick Collins, were present to respond to questions. Mr. Flanigan explained the club is "excited" about this new event. The town clerk conducted a meeting between Mr. Collins and the town's public safety officials to review the requirements of the Mass Gathering Ordinance. The organizers anticipate between 10-15,000 attendees. "I think this will be a pretty big event and we're pretty excited about it."

In response to her question, Councilor Storey-King was informed that the rain date was moved from Sunday June 13 to Saturday June 19. Councilor Stiles asked about the parking plan, and Mr. Flanigan stated the parking area with be within the Gate One area and the parking schematic will be handled as it has for past large events. No public comments.

Councilor Stiles moved and Councilor Moriarty seconded to approve the Victualer's Licenses and Mass Gathering Permit for the Cumberland Farmers Club for Maine's Ultimate Spring Yard Sale to be held at the Cumberland Fairgrounds on Saturday, June 12, 2010 from 9:00 a.m. to 2:00 p.m., with a rain date of June 19 at the same time.
VOTE: UNANIMOUS PASSAGE 6-0 (Councilor Porter out)

10 – 037 To hold a Public Hearing to consider and act on amendments to the fee ordinance to add a $10.00 all day pass to the Brush/Compost Facility effective immediately, and to increase small trash bag fees from $1.00 to $1.50 and large trash bag fees from $1.50 to $2.50, effective June 1, 2010.

The Town Manager explained this issue was discussed during the finance committee budget process. The newly proposed $10 "All Day" pass allows a resident to use the facility for one day at one cost and is meant to assist those residents who tend to use the facility only a couple of times per year or who wish to bring yard brush throughout one day in several trips.

Ms. Yavinsky raised her previously stated remarks regarding reducing personnel costs spent updating signage throughout town to make "extra hours available" to cover the Saturday hours spent by town personnel at the compost facility. Councilor Moriarty expressed his belief that the informational signs are "useful, helpful" and keep residents informed. "The amount of time is minimal" and would not likely reduce labor hours. Ms. Yavinsky replied, "I certainly don't support the abolition of the signs." But does support reducing the signage program to offset the personnel costs associated with the brush

dump. Councilor Perfetti added, "I'm comfortable with the way this area of the town is managed and run" and requested the conversation return to the issue of trash bag fees. "I'm confident that we're in line with surrounding communities;" however, he recommended a fee increase to $2.00 for the 33 gallon bag and $1.50 for the 20 gallon bag. Councilor Stiles felt the trash bag costs of other communities makes our proposal "in line" with those communities. He also supported a $10 Day Pass as reasonable, noting that it also prevents the $5 per load cost. Councilor Moriarty received confirmation that the daily pass and annual fees are remaining at their current costs.

Motion by Councilor Stiles and seconded by Councilor Turner to amend the Cumberland Fee Ordinance to add a $10.00 all day pass to the Brush/Compost Facility effective immediately, and to increase small trash bag fees from $1.00 to $1.50 and large trash bags from $1.50 to $2.50, effective June 1, 2010.
VOTE: PASSAGE 5-1 (Councilor Perfetti opposed and Councilor Porter out)

10 – 038 To authorize a bond in the amount of $4,100,000.00 for the Route 88 reconstruction, drainage, and pedestrian safety improvement project.

The Manager reported the project cost has been reduced to $4.1 million. The bid's "base price" is $3.1 million and alternates are as follows: Alternate 1 – finish paving $237,015; Alternate 2 – Tuttle to bridge paving $186,917; Alternate 3 – Tuttle surface paving $12,905; Alternate 4 – tree box filtration $18,336; Alternate 5 – asphalt membrane $194,375; and Alternate 6 – gate boxes $6,500, for a total of $3,791,934.90. Storey Brothers provided the lowest bid at $3.79 million. An additional construction administration and inspection fee of $95,000 is needed, as well as a 25% paving and 10% construction contingency equaling $262,480. These components bring the total project cost to $4,149,414.90. The highest alternate expense is the asphalt membrane at nearly $195,000. The Manager explained this alternate is designed to "bridge the cracks to prevent further cracking" and covers an area of seven miles; however, he feels this amount may not be necessary. He therefore recommended a bid and bond amount of $4.1 million dollars.

Ms. Yavinsky asked about the unspent contingency funds. The Manager replied it comes back to the town council who can authorize additional paving in the project area or apply it to the bond payment in the next fiscal year. Councilor Moriarty also noted that the project area refers only to the streets designated in the ballot question. Councilor Moriarty asked what impact this lesser bid figure will this have on the recently adopted FY '11 budget. The budget will be reduced by another approximate $30-35K. The exact number will be known when the bond is opened. The Town Manager will come before the council in June prior to setting the mil rate. "Right now we're at zero."
Councilor Porter arrived at 7:30 p.m.

Motion by Councilor Turner "with great pleasure" and seconded by Councilor Storey-King to adopt the order below (which was read aloud for the record by Councilor Turner).
VOTE: UNANIMOUS PASSAGE 7-0

TOWN OF CUMBERLAND
SUPPLEMENTAL ORDERS OF TOWN COUNCIL

WHEREAS, the Town Council on December 14, 2009 authorized the issuance of General Obligation Bonds of the Town to finance the costs of improvements to Route 88, including paving and repaving and improvements to drainage (the "Project"); and

WHEREAS, the Town and the Maine Municipal Bond Bank want to ensure that the Bonds may be issued as tax exempt Bonds and/or Build America Bonds and/or Recovery Zone Economic Development Bonds or a combination thereof in order to obtain more favorable interest rates;

NOW, THEREFORE, be it voted and resolved by the Town Council of the Town as follows:

ORDERED: That the Town is authorized to issue all or any portion of any of the Bonds authorized by the December 14, 2009 Bond Orders as taxable governmental bonds, in accordance with the applicable requirements for Build America Bonds and/or for Recovery Zone Economic Development Bonds, if applicable, if the Chair of the Town Council and Treasurer determine, in consultation with the Maine Municipal Bond Bank, that issuing such Bonds as taxable Build America Bonds or as taxable Recovery Zone Economic Development Bonds will result in a lower cost of funds to the Town, such determination to be conclusively evidenced by the execution of the Bonds by the Chair of the Town Council and the Treasurer, designating the same as "Build America Bonds" or as "Recovery Zone Economic Development Bonds", as applicable. "Build America Bonds" mean Bonds issued as governmental bonds or notes bearing interest that is taxable for federal income tax purposes but with Federal subsidies in the form of either tax credits to holders or refundable tax credits payable to the Town as issuer, authorized under the American Recovery and Reinvestment Act of 2009, and Section 54AA of the Code, and any amendments of or successor provision to the foregoing. "Recovery Zone Economic Development Bonds" mean Bonds issued as governmental bonds or notes bearing interest that is taxable for federal income tax purposes but with Federal subsidies in the form of either tax credits to holders or refundable tax credits payable to the Town as issuer, authorized under the American Recovery and Reinvestment Act of 2009, and Sections 54AA and 1400U-2 of the Code, and any amendments of or successor provision to the foregoing. The Town Treasurer and the Chair of the Town Council are authorized to determine the form(s), terms, provisions and details of the Bonds, including: (a) the terms for any redemption of such Build America Bonds or Recovery Zone Economic Development Bonds prior to maturity; (b) the terms for any investment of up to 10% of the Bond proceeds in a debt service reserve fund; and (c) the decision whether to issue and sell to the Maine Municipal Bond Bank, one or more Bonds, in any combination of tax exempt Bonds, taxable Build America Bonds, and/or taxable Recovery Zone Economic Development Bonds, in the aggregate principal amount of the loan, or to allocate and designate one or more of the Bonds, in whole or partial maturities, in varying principal amounts, as any of tax exempt Bonds, Build America Bonds and/or Recovery Zone Economic Development Bonds; and

The Treasurer and the Chair of the Town Council are further authorized: (a) to take such actions as may be required under applicable Federal law to cause such Bonds to qualify for treatment as Build America Bonds or Recovery Zone Economic Development Bonds, as applicable, (b) to designate all or a portion of the Bonds as Build America Bonds or Recovery Zone Economic Development Bonds, as applicable, (c) to obtain refundable tax credit payments and (d) to assign such refundable tax credit payments to the Maine Municipal Bond Bank.

10 – 039 To authorize the award of bid to Storey Brothers, Inc. of Cumberland, Maine for the Route 88 reconstruction, drainage, and pedestrian safety improvement project.

The Town Manager explained that Gorrill-Palmer Consulting Engineers have reviewed the bids received on March 26, 2010 and recommend the project be awarded to Storey Brothers of Cumberland, Maine. He thanked Tom Gorrill and Al Palmer for their diligent work on this project. They led us "through a difficult and arduous process." The Manager also took time to extend thanks to contractor Ben Grover for his assistance to the town in the past and his outstanding work quality. He believes Mr. Grover's work "has created a competitive environment" and produced favorable bid results for the town. The Manager expressed his confidence that the town will receive quality work and outstanding effort from Storey Bros.

No public comment.

Councilor Porter is "one hundred percent supportive of this. I just hope we're bonding enough money" to which Councilor Stiles responded "If something unforeseen should happen" the council is authorized to go to $4.5 million, meaning we could request additional bonding funds. Councilor Porter replied, "There's also a fee for that. If $4.1 is going to do it, we're all very happy about that."

Councilor Stiles suggested the public should know that the bids could have come in a bit lower if the town had been able to maintain our original schedule.

Motion by Councilor Moriarty and seconded by Councilor Stiles to authorize the award of bid to Storey Brothers, Inc. of Cumberland, Maine for the Route 88 reconstruction, drainage, and pedestrian safety improvement project. Be it Further Ordered, that the Town Manager is authorized to expend up to $4,100,000.00 to cover construction, contingencies, and engineering /inspection.
VOTE: PASSAGE 6-1 (Councilor Storey-King abstained)

10 – 040 To authorize the Town Manager to accept delinquent taxes in the amount of $2,333.73 and issue a quit-claim deed for property identified as Map U17/Lot 09.

The Manager explained that once a property moves to foreclosure, the Town Council must authorize the Tax Collector to accept delinquent taxes before a quitclaim deed may be issued. In this case, all delinquent taxes and fees will be paid upon council authorization.

Councilor Porter suggested the council review "how we want to handle this because this is an unimproved property. There is a delineation here." The Murray Policy is clear. "The only piece I want to look at is raw land. I'd like us to be a little bit further up the ladder" when we are dealing with land only. The Manager explained this property owner did receive a three-month extension as provided by the Murray Policy. After the expiration of the three months, it must come before the council before the property can be returned to the owner. Councilor Storey questioned the fees and interest figures. Councilor Porter added, "If this was in the private sector, I'd own the property. From a public stand point…we need to look at it. This could be another affordable housing lot for somebody in our community." The Manager reiterated that once the property is in foreclosure the "whole amount" must be paid "not just pieces."

Motion by Councilor Perfetti, seconded by Councilor Turner, to authorize the Town Manager to accept delinquent taxes in the amount of $2,333.73 and issue a quit-claim deed for property identified as Map U17/Lot 09.
VOTE: PASSAGE 6-1 (Councilor Storey opposed)

10 – 041 To set a Public Hearing date (April 26th) to consider and act on a Mass Gathering Permit for the Penobscot Valley Dog Show to be held at the Cumberland Fairgrounds from June 24 – June 27, 2010.

Motion by Councilor Turner, seconded by Councilor Perfetti, to set a Public Hearing date of April 26th to consider and act on a Mass Gathering Permit for the Penobscot Valley Dog Show to be held at the Cumberland Fairgrounds from June 24 – June 27, 2010.
VOTE: UNANIMOUS PASSAGE 7-0

10 – 042 To set a Public Hearing date (April 26th) to hear a report from the Rines Forest Committee and to consider and act on the acceptance of a Forest Management Plan for the Rines Forest.

Motion by Councilor Perfetti, seconded by Councilor Stiles, to set a Public Hearing date of April 26th to hear a report from the Rines Forest Committee and to consider and act on the acceptance of a Forest Management Plan for the Rines Forest.
VOTE: UNANIMOUS PASSAGE 7-0

10 – 043 To set a Public Hearing date (April 26th) to consider and act on sending a recommendation to the Planning Board re: amendments to Sections 402.3, 402.4, and 402.5 (chickens) and to add Section 402.6 (feeding deer) to the Cumberland Zoning Ordinance.

Chairman Copp noted this item was discussed in workshop prior to this evening's meeting.

Motion by Councilor Perfetti, seconded by Councilor Stiles, to set a Public Hearing date of April 26th to consider and act on sending a recommendation to the Planning Board re: amendments to Sections 402.3, 402.4, and 402.5 (chickens) and to add Section 402.6 to the Cumberland Zoning Ordinance.
VOTE: UNANIMOUS PASSAGE 7-0

10 – 044 To set a date (April 26th) to hear a report from the Finance Committee Chair re: FY'10 3rd quarter financials.

Motion by Councilor Stiles, seconded by Councilor Perfetti, to set a date of April 26th to hear a report from the Finance Committee Chair re: FY '10 third quarter financials.
VOTE: UNANIMOUS PASSAGE 7-0

At this time, a motion was offered by Councilor Storey-King, and seconded by Councilor Moriarty, to set a public hearing date of April 26th to consider and act on the Mass Gathering Permit for the Boys Lacrosse Jamboree on May 8th.
VOTE: UNANIMOUS PASSAGE 7-0

Motion by Councilor Storey-King, seconded by Councilor Perfetti, to set a public hearing date of April 26th to consider and act on the Mass Gathering Permit for the Girls Youth Lacrosse Round Robin on June 5th.
VOTE: UNANIMOUS PASSAGE 7-0

V. NEW BUSINESS:

Councilor Turner – received a phone call from Bob Robinson who served town for 35 years in various town capacities – Bob offered to donate to the town his copies of annual reports from the 1960's; Bob served as the Chair of the ZBA in 1980; we are fortunate to have citizens like that; he and those like him are a tribute to the town;

Councilor Perfetti – none

Councilor Porter – council is "triple booked" with meetings on 4/29; Cumberland/NY Lions Club awarded the Citizen of the Year Award to Bill Landis earlier this evening; we were honored to make the award to Bill; he thanked Bill for all he has done for the community; we're gong to miss you; Bill Landis was present and informed the council his daughter has been accepted at a school in Santa Cruz, California; they intend to "have fun in the summer in Maine" and make the trip across country in the fall.

Councilor Storey-King – asked for an update on the status of the next recipient of the Boston Cane; 700 canes were originally issued and only 100 remain in existence and Cumberland has an original; reminder regarding the Veterans Monument; much excitement that this is happening; a contribution form is on the town website.

Chairman Copp – the brush dump is open – extended hours begin May 1st; bulky waste pick up.

Councilor Stiles - he has received a request to reduce the speed on Blackstrap to the same speed as the Falmouth portion of the road and would like this placed on a future agenda; Manager said the state traffic engineer has been contacted; Gorrill/Palmer sent a letter to Range Road residents for water testing from Idlewood to Bruce Hill Road intersection; encouraged residents to get their water quality and quantity checked to determine a baseline; asked about the master summary of permits and how it compared to last year and Manager stated tracking is almost identical to two years ago and ahead of last year.

Councilor Moriarty – the town's informational signs remind are effective reminders for citizens; examples include informing voters of the Route 88 referendum election; they do work and are being read by a number of people; last Saturday there was a three hour training session for the second annual vernal pool inventory; 30-35 volunteers participated; each assigned a number of pools to inventory; he and his inventory partner surveyed areas yesterday and found a "genuine" pool with egg clusters in an area of Twin Brook not serviced by a trail.

Manager Shane – has tried two times to locate a Boston Cane recipient and both were very reluctant; Veterans Monument Committee has a form on the webpage now; letters have been mailed to all residents in town; extremely high radon levels have been found during the second phase two of Range Road Phase; this may be the time to seriously consider connecting to public water; Cemetery Association held annual meeting yesterday; looking to create an electronic format of all cemeteries and plots; 4/26th meeting will most likely require a workshop with Rines Forest Committee; Thomas Bennett will be here on 4/26 to present the history of Main Street.

VI. ADJOURNMENT

Motion by Councilor Storey-King and seconded by Councilor Perfetti to adjourn.
TIME: 8:27 p.m.
VOTE: UNANIMOUS PASSAGE 7-0

MANAGER'S REPORT

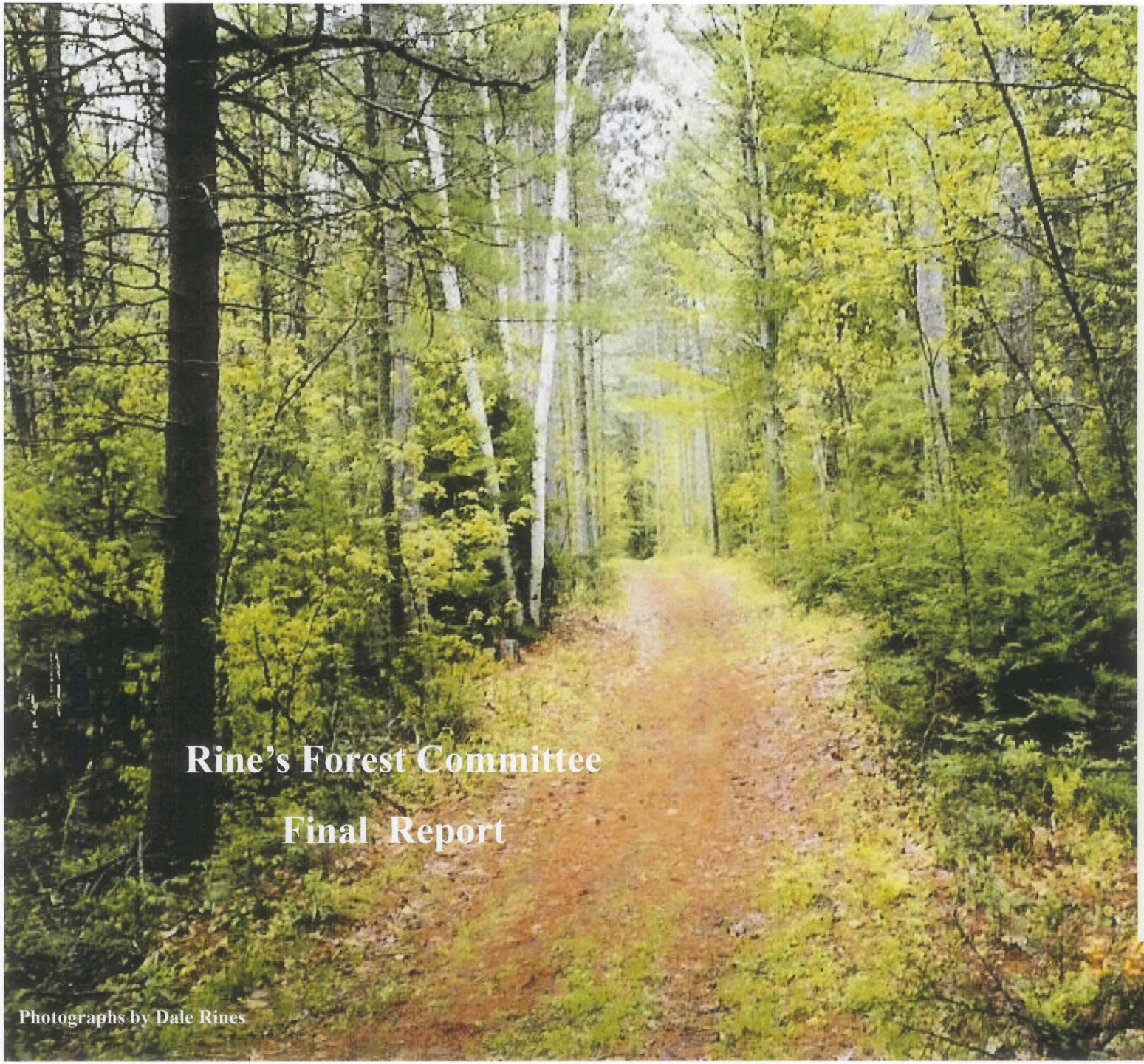
ITEM
10-045

To hear a report from the Cool Cities Committee
re: street light project and grants.

No materials for this item

ITEM
10-046

To hear a report from the Rines Forest Committee and hold a Public Hearing to consider and act on the acceptance of a Forest Management Plan for the Rines Forest.



Rine's Forest Committee

Final Report

Photographs by Dale Rines

Committee Members

*** Current**

Mitch Elliott*
Warren Graumann*
Tom Hinman
Bob Heyner*
Lisa Judd*
Henry Milburn*
Victor Otley
Joe Reynolds
Bill Richards
Jeff Steinman
Sally Stockwell*
John Stroud
Dick Sweetser*
Bob Waterhouse*
Jennifer West*
Bruce Wildes*

Town Council Liaisons

Steve Moriarty*
Jeff Porter*
Bill Stiles

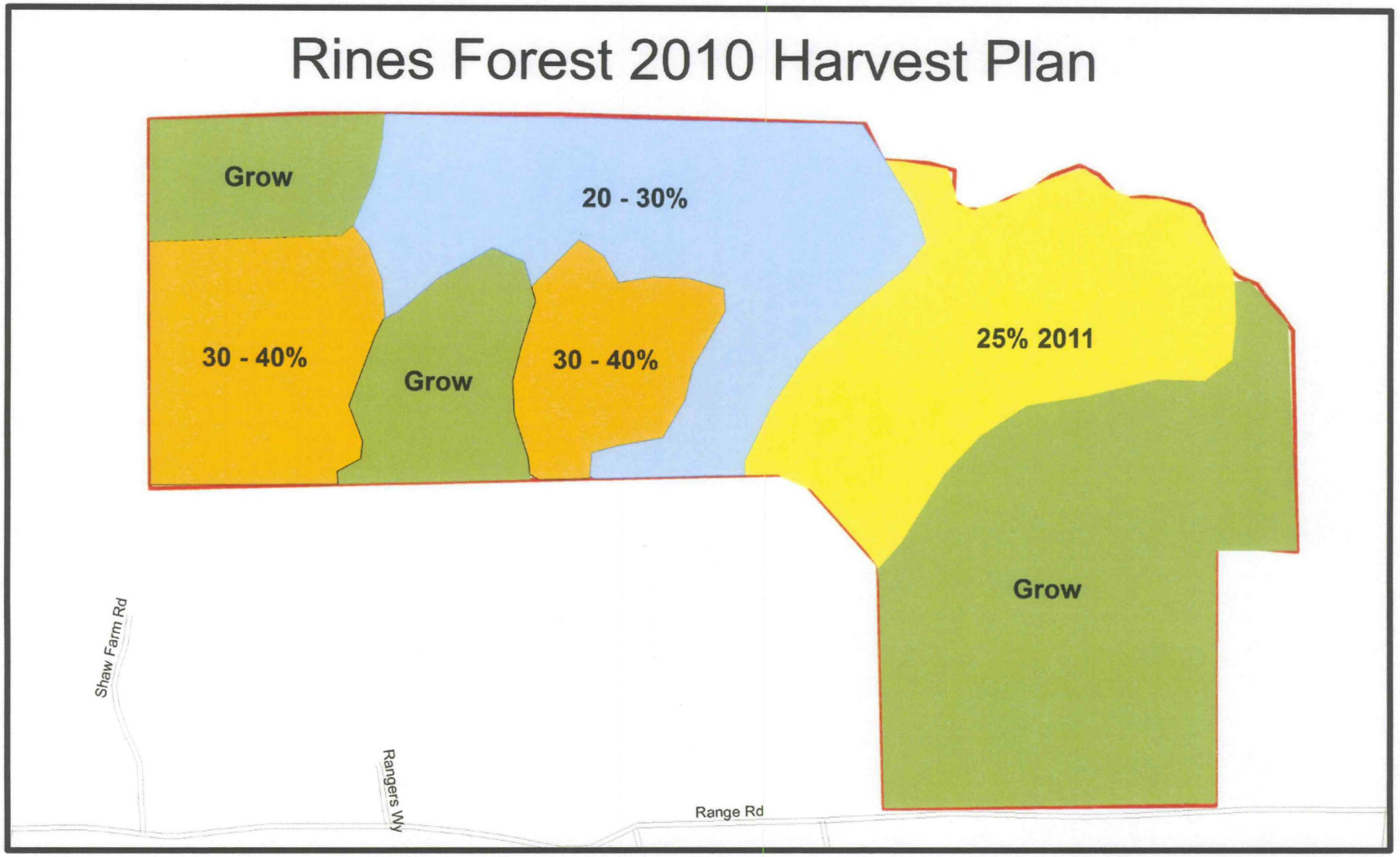
Rines Forest Mission Statement

The Cumberland Town Council holds that the Rines Forest property is a unique tract of land that shall remain forever in its undeveloped forested state. To this end, it is the collective responsibility of the community to protect the Forest's natural beauty, wildlife and varied ecosystems. Citizens and friends are encouraged to passively recreate within the property's boundaries while conserving its natural environment.

Overview of Management Plan

- Town Council Charge
- Facility Use Policy
- Third Party Conservation Easement
- Forest Management Plan
- Appendices

Rines Forest 2010 Harvest Plan



NAD83_State Plane_Maine West

0 660 1,320 2,640 Feet

Legend

Rines Prescriptions Simplified

- 20 - 30%
- 25% 2011
- 30 - 40%
- Grow

Jay Braunscheidel 207 632 5854

Future Committee Work

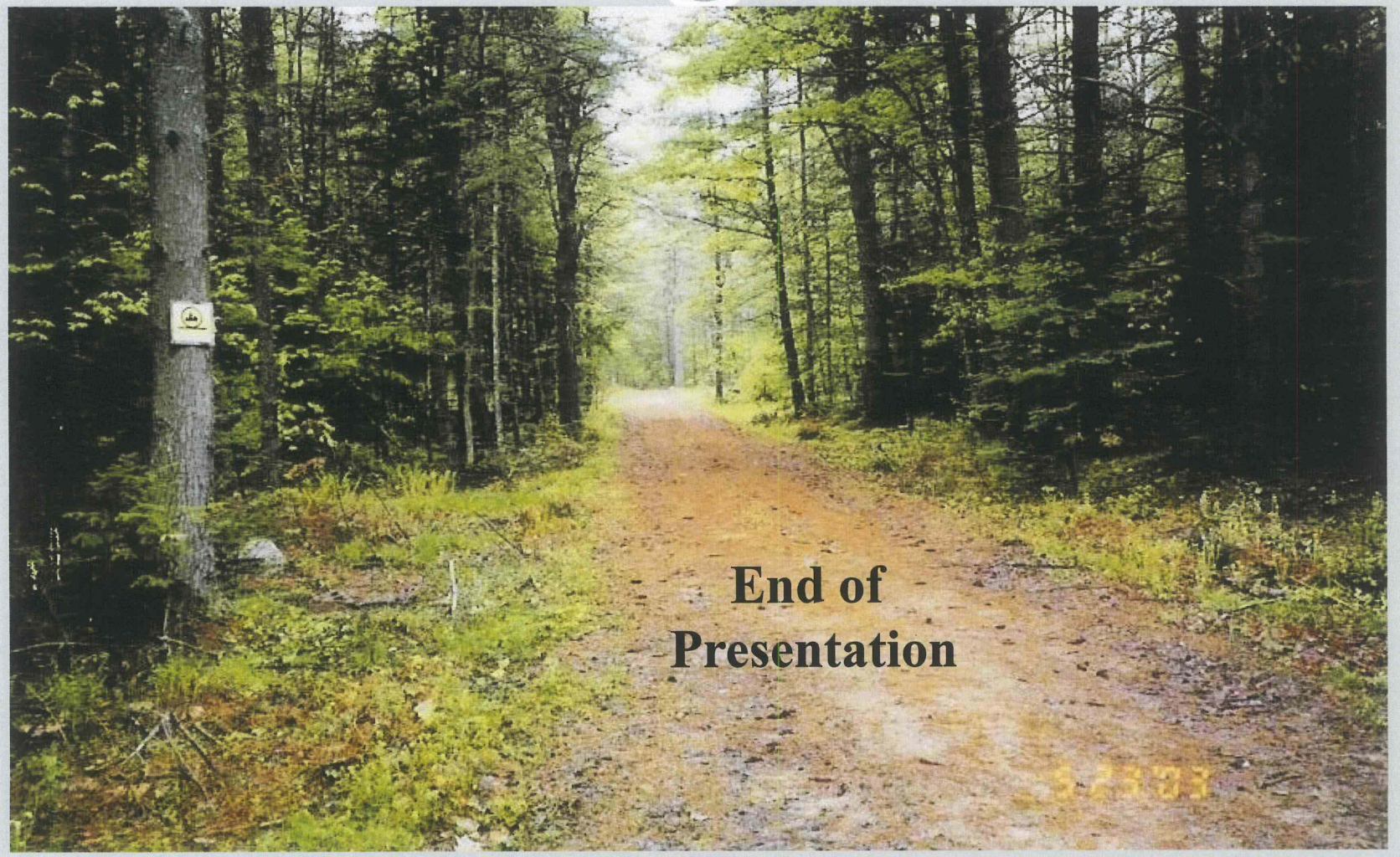
- Site visits to Property
- Spring & Fall Meetings
- Review of Plan & Policies

For More Information on the Rines Forest

Please visit the
Town Website
for the
Entire Management Plan

www.cumberlandmaine.com/rinesforestcomm.cfmc

Final Thoughts and Questions



Executive Summary

The Rines Forest Management Plan was developed by the volunteer citizen Rines Forest Advisory Committee with guidance and input from Town Manager Bill Shane, Town Councilors Jeff Porter and Steve Moriarty, and contract forester Jay Braunscheidel. The committee was ably supported by Nancy Stroud and Anne Brushwein.

The overall goal of the plan is to ensure the Rines Forest will be managed to:

- forever conserve the area as a forest
- improve the condition and diversity of the forest and wildlife habitat
- provide opportunity for passive recreation
- maintain the snowmobile trail connecting Bruce Hill and Blanchard Roads with Range Road
- encourage educational use of the property
- periodically harvest timber and pulpwood

The Property is governed by a permanent Conservation Easement held by the Cumberland and Chebeague Land Trust to "protect the Forest's natural beauty, wildlife and varied ecosystems." The Easement states "The Protected Property shall be used only for conservation and low-impact outdoor recreation and educational activities that do not rely on substantial alteration to the natural resources."

The Easement also states "...any cutting of trees should be done under the guidance of a forest management plan developed by a professional forester with input from a professional wildlife biologist.....The forest management plan must include provisions for protecting soils, water quality and high value plant and animal habitat."

This Management Plan was designed to meet the conservation goals outlined in the Conservation Easement. It includes background and history of the Rines Forest, physical and biological descriptions of the Forest, a copy of the Conservation Easement, a list of allowable and prohibited uses, and a detailed matrix of management recommendations for recreational/educational activities and natural resources. There is also a short discussion of how this property fits into a larger vision for conserving open space in the town of Cumberland.

The Appendix includes copies of the deed, survey plan, trail map, purchase & sale agreement, warranty deed, promissory note, a zoning map of the region, and an extensive forest management plan.

The acquisition and conservation of the Rines Forest by the Town of Cumberland, along with the recommendations included in the Rines Forest Management Plan, meet many of the goals of the 2009 Comprehensive Plan as they relate to sustainability, critical natural resources, environmental protection, land use planning , recreation and open space.

The Comprehensive plan notes that while other resources discussed in the plan can be built (infrastructure, public utilities) or enhanced (fiscal capacity), natural resources are finite and usually irreplaceable. Consequently, their protection is of paramount

importance. The plan goes on to state that, *the largest threat to habitat and natural resources in Cumberland has been and continues to be incremental growth. As the landscape is divided up into smaller and smaller pieces, it becomes inhospitable to a greater number of species, both plant and animal. As development increases, not only does the character of the town change, but such development can cause other adverse impacts to the natural resources such as non-point source pollution (i.e., run-off that contains pesticides and fertilizers) oil spills, etc., can pollute the rivers, streams and coastline and diminish our shellfish and fishery resources.*

Please see the Introduction to the Forest Management Plan for an overview of the goals and plans for sustainable management and harvesting of the forest over the next 20 years. As stated there, the Rines Forest will be managed to provide timber and pulpwood for local markets at a sustainable rate; to protect soils, water, and wildlife habitat; to grow older successional forests that will add to the diversity of forest types across the landscape; and to provide a variety of recreational opportunities for the people of Cumberland and their neighbors. All cutting will be done using state-of-the-art equipment and Best Management Practices. The Forest Management Plan will be updated at least every 10 years.

Introduction

The Rines Forest Management Plan is intended to provide guidance in the oversight and maintenance of the Rines Forest according to the *Rines Forest Mission Statement* and *Rines Forest Stewardship Principles*. As with sound management practices, this is a living document, which should be reviewed periodically to ensure that it is achieving the goals of the Mission Statement and Stewardship Principles. The Plan acknowledges the balancing act required between changes in ecological practices and needs as outside pressures impact the property while encouraging passive recreation by members of the community. In addition, it is hoped that the Rines Parcel will become one of the cornerstones in a Town wide greenbelt in which protection is extended beyond its boundaries to adjacent lands through easement, gift and direct purchase.

The Rines Forest is an undeveloped parcel, approximately 200 acres in size, located off of Range Road in the Town of Cumberland Center, Maine. At the time that the Town acquired the land in 2002, the Rines family of Gorham had maintained the parcel as a tree farm. A large block had been planted to red pine in the 1940's and managed for harvest. Management activities up to the time of purchase included thinning, trimming, and selective harvest according to common forest practices. The prime access to the site has been from Range Road, within a 50-acre parcel retained by Mr. Dale Rines. The road extends from Range Road to a point near the northern boundary of the Dale Rines parcel where it divides, one branch going to the northwest corner of the property while the other branch goes to the northeast. Skidder trails crisscross the site and generally have not been maintained. The public has been allowed to use the gravel access road for snowmobiling. In addition, the Rines have allowed people to walk, ski and snowshoe on the property.

There are two small borrow pits on the site, which were used as a source of material for construction of the access road. The portion of the site not planted to red pine is primarily mixed forest of hemlock, red oak, white pine and maple. The eastern half of the site is truncated by a series of steep ravines associated with tributaries of Mill Brook. The western half of the site is gently rolling, moderately to well-drained soils. Forested wetlands occur along the western property boundary, and within the northeastern portion of the property bordering Mill Brook and associated tributaries.

The following document provides an overview of the history of the parcel prior to acquisition by the Town, an inventory of natural resources, and management recommendations relative to recreational/educational activities, resource management, and maintenance.

Purpose and Objective of Management Plan

Through the direction of the Cumberland Town Council, the Rines Forest Citizens Advisory Committee was established. The Advisory Committee's primary focus was to provide guidance to the Council regarding matters related to the management of this community resource by developing a management plan for the Rines Forest Property.

The purpose and objective of the management plan is to incorporate the mission statement and stewardship principles into a living document that will be used as a guide by the citizens of the Town of Cumberland pertaining to the use, improvement and preservation of the Rines Forest.

Town Council Charge

The Cumberland Town Council hereby establishes the Rines Property Citizens Advisory Committee for purposes of making recommendations and providing guidance to the Cumberland Town Council regarding the use, improvement, and preservation of the Rines Property. Such recommendations shall include, but shall not be limited to, the following:

- Exploration of opportunities for passive recreation;
- Conservation of the Property and preservation of existing habitat;
- Establishment of accepted forestry management practices; and
- Maintenance of hunting and fishing activities.

The members of the Advisory Committee shall be appointed for three-year terms, although initial members shall be appointed for staggered terms of 1, 2, and 3 years. The Committee may report and make recommendations to the Town Council on an interim basis as its discretion or at the Council's request, but must submit an annual report to be received and considered by the Town Council at its first regular business meeting each December.

Rines Forest Mission Statement

The Cumberland Town Council holds that the Rines Forest property is a unique tract of land that shall remain forever in its undeveloped forested state. To this end, it is the collective responsibility of the community to protect the Forest's natural beauty, wildlife and varied ecosystems. Citizens and friends are encouraged to passively recreate within the property's boundaries while conserving its natural environment.

Rines Forest Stewardship Principles

1. The Town Council endorses the maintenance of the Forest to assure its present undeveloped forested state and will, *within limits established by any Town Council,* provide the human and fiscal resources necessary to do so.

2. A Forest Management Plan will be adopted and updated.

3. Within the scope of the management plan, areas determined to be environmentally sensitive and vulnerable shall receive specific attention.

4. A citizen based Advisory Committee shall report to the Town Council and provide an Annual Report which outlines the progress made toward maintaining the Rines Forest Stewardship Principles.

5. A network of trails including a new access from Range Road shall be maintained and improved.

6. Future acquisition for connectivity is encouraged and future planning shall be coordinated with the Town Lands and Conservation Commission.

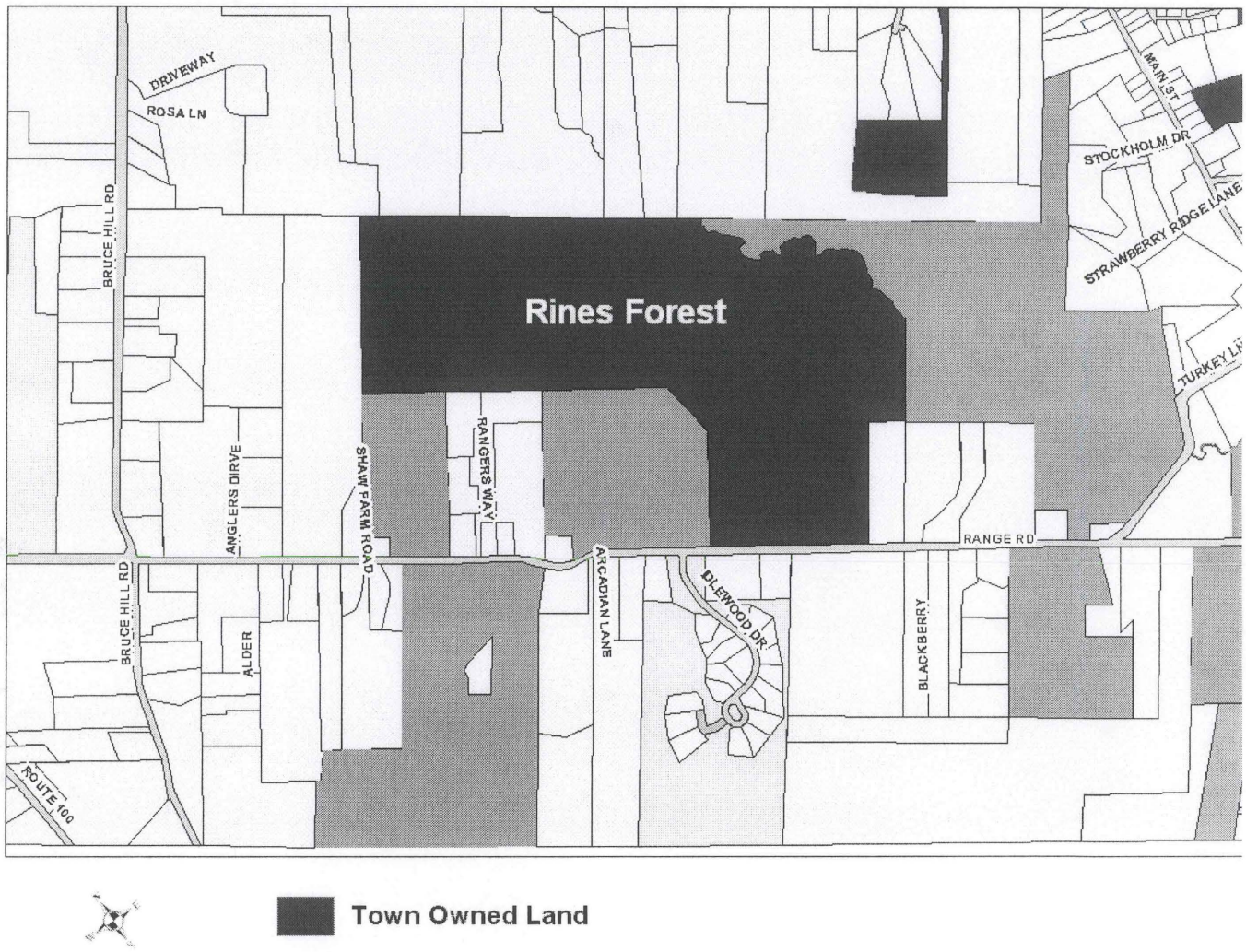
7. Citizens are encouraged to passively recreate within the boundaries of the forest.

8. Educational use of the property for individuals or organizations shall be encouraged.

9. A list of acceptable uses of the Forest will be created and incorporated into a "Use Policy".

10. An informational brochure outlining the property's environmental attributes, a map of trails and other related issues of interest will be published and maintained.

Location of the Forest



Description of Land and Natural Resources

The Rines Forest today is a mixture of 60-year-old red pine plantations, old pasture fields grown up to mixed hardwood-softwood stands, hemlock stands, and floodplain forests. The red pine plantations predominate but some sections have been regularly pruned and harvested leaving an intermittent canopy with scattered under story saplings and other sections have abundant hardwoods and softwoods of different ages mixed in with the pines. Hemlock stands can be found on steep slopes rising from the streams, while hardwood floodplain forests are common along the flatter, meandering stretches.

The property has large sections of relatively flat sandy soils and terrain where the red pines were planted and a smaller area to the south that is characterized by steep rolling hills interspersed with intermittent cascading streams. The northern and northwestern perimeters of the property are dominated by forested wetlands, with shallow standing water much of the year.

Several streams run through the Rines Forest, the largest being Mill Stream, which eventually feeds into the Presumpscot River and then Casco Bay. Several permanent and intermittent streams feed into Mill Stream as well. These generally flow down steep, rocky beds between upland ridges and carry especially heavy flows during and after large rainstorms. Mill Stream meanders through flat sandy floodplain forests in the upper reaches, cascades over rocky falls and through a small rocky canyon in the middle section, and then spreads out into shrubby or open marshes in the lower sections before leaving the property and heading towards Winn Road. The streams are generally clear except following rainstorms or snowmelt when they are laden with eroded sediment from upstream of the property. A variety of aquatic invertebrates, dusky salamanders and small brook trout can all be found in Mill Stream.

Because the Rines Forest has a variety of habitats and terrain and sits in the middle of the single largest forested area remaining in Cumberland, it is home to many wildlife species. Amphibians include red-backed salamanders that live under downed logs or in the forest duff; spotted salamanders and wood frogs that live in and under the forest floor but breed in vernal pools (especially Frog Pond on the west side of Range Road); and American toads that live above ground in the forest but migrate to and from shallow wetlands to breed. A number of bird species are residents of the forest, including black-capped chickadees, downy and hairy woodpeckers, ruffed grouse, American crows, and wild turkeys. These birds feed on seeds, buds, or insect larvae, which they can find any time of the year. Barred and great-horned owls have been heard calling in the forest; they nest in early spring and hunt smaller birds and mammals for their food. Other bird species use the forest as an important stopover during migration, including the palm warbler, black-throated blue warbler, black-and-white warbler, and dark-eyed junco; these species all breed further north where they can successfully raise their young on the abundant insects. Others, including black-throated-green warblers, hermit thrushes, yellow-rumped warblers, ovenbirds, eastern wood peewees, great crested flycatchers and blue jays return to the forest each spring from the south to breed, nest and raise their young.

Mammals seen commonly in the Forest include white-footed mice, red-backed voles, gray, red and flying squirrels, snowshoe hare, and white-tailed deer. River otter, fisher,

porcupine, red foxes and coyotes also can be found in the forest but probably wander on and off the property in search of food, mates, and den sites. Signs of black bears and moose have been seen on the property before but these were probably only dispersing juveniles looking for a permanent home.

Woods roads are common throughout the Forest, most only temporary and covered with slash, but two are more permanent, underlain with sand and gravel taken from a gravel pit on site. The woods roads make a suitable rustic trail network although many are rough, covered with tire ruts, slash and standing water. During the fall hunters sometimes use these woods roads and in winter they are sometimes used for cross-country skiing and snowshoeing. The permanent woods roads are frequently used for walking, running, bird-watching, berry picking, hunting, snowshoeing and cross-country skiing. Raspberry and blackberry bushes are common along the woods roads, especially where cutting has occurred recently.

Historic Uses of the Land

Cumberland's Rines Forest is a beautiful tranquil natural environment. Within its 275 acres grow large hemlock and pine trees as well as a sprinkling of red oak, birch, poplar and maple. It is a perfect canopy for the forest's diverse wildlife which includes white tail deer, coyote, fox, wild turkey, ruffed grouse and numerous wild birds. Along its boundaries, flows Mill Brook which winds its way through the forest providing visitors with beautiful waterfalls and places of solitude. Except for an occasional rock wall and a logging road or two, one can easily sense that they have escaped to a remote boreal forest far removed from a suburb of Maine's largest city.

Although the tract of land where the forest exists today was first surveyed by the E.C. Jordan Company of Portland in 1918 for J. Henry Rines, the history of the area suggests that the property experienced considerable change from the late 1700's until the turn of the twentieth century. Prior to 1821, when Cumberland became a town, settlers of ancient North Yarmouth were occupied primarily with hunting, fishing and lumbering. Because Cumberland had as many as six sawmills and two grist mills during the early 1800's with at least two found on Mill Brook, it's reasonable to assume that much of the land was initially forest. The wood from the Rines tract of land was most probably used not only for constructing homes, barns and the like but also for ship building. We know that the towering "king pine" trees found in nearby Gorham, North Yarmouth and other surrounding communities were used for ship's masts. Since there were boat yards in North Yarmouth, Yarmouth and Cumberland well into the nineteenth century, there is the likelihood that the timber from the area was also used for boat building.

It wasn't long before the forests of Cumberland and North Yarmouth were cleared of timber and replaced with farmland, mostly pasture for sheep and cattle. Certainly, the remnants of rock walls found on the Rines Forest property suggests that the land was used for farming purposes by the mid 1800's. Supporting this claim is the fact that by 1860 Cumberland had 230 buildings and a population of approximately 1,700 people, with their primary occupation being agriculture.

In 1918, J. Henry Rines combined several parcels of land totaling 275 acres along Range Road. The land was to be used as pasture for his cattle which were walked each spring thirteen miles to Cumberland from the main farm in Gorham. The property had a house, two barns and a well. According to Dale Rines, great-grandson of J. Rines, the property on Range Road was a typical farm with its cleared land enclosed by stone walls. For approximately twenty years the Rines family maintained the property for farming and supporting their live stock. In 1941, Dale Rines' grandfather decided to return the property to forest land. Seventy acres of open fields were planted with red pine and white spruce. From this point until the 1960's the forest grew and was pretty much left alone until the Rines family began to thin the forest. It was also at this time when the forest's major woods roads were built by Dale Rines and his father. This enabled the Rines family to harvest wood from the front to the rear of the lot. In more recent years Dale Rines, a forest engineer by training, has managed the property by thinning and selectively harvesting trees as well as maintaining the land. The result is a healthy working forest.

The Town of Cumberland acquired 216.15 acres of the Rines Forest property in 2003. It is currently part of a 900 acre contiguous "block of un-fragmented forest habitat." A comprehensive management plan for the property has been developed by the Town's

Rines Forest Committee for the expressed purpose of insuring that the Forest will remain in its undeveloped state. In addition to management considerations, the Cumberland Town Council voted to place the property under the protection of a conservation easement, in perpetuity, with the Cumberland Mainland Island Trust on September 12, 2005.

References

Everts and Peck, History of Cumberland County, Philadelphia: J.B. Lippincott, 1880.

Mitchell, Russell and Strout, The Cumberland / North Yarmouth Register of 1904, Salem, Massachusetts: Higginson Bock Co., 1955.

Rines, Dale, Cumberland "Rines Forest" History, unpublished paper, 2004.

Sweetser, Phyllis Sturdivant, Cumberland Maine, Town of Cumberland, Maine: 1976.

Town Open Space Goals

The acquisition and conservation of the Rines Forest ("Rines") by the Town of Cumberland meets many of the highest priority objectives identified in the Cumberland Open Space plan ("plan") which was adopted in 1998.

In general, the Rines conservation easement meets four of eight broad goals outlined in the plan:

- Preservation of significant land for future generations
- Preservation or postponement of development
- Expansion of recreational opportunities for the residents
- Preservation of wildlife habitat and corridors

Rines meets all of the listed reasons for preserving forest land as identified in the plan:

- To preserve the aesthetics of large wooded tracts of land
- To keep land out of development
- Preserve wildlife habitat
- Preserve historic trails
- Preserve woodland as an economic base
- Prevent the further fragmentation of contiguous forestland
- Establish a greenbelt buffering the developed parts of Cumberland from the less developed areas.

The plan strives to apply a ranking system to forested property with the concept that greater acreage equates to a higher value. At the same time it singles out the exceptional value of individual parcels of forested land of more than 50 acres. It should be noted that the Rines property is over 200 acres.

In regards to preserving wildlife natural resources, the plan states that large blocks of forest provide habitat for many more species than do smaller blocks, especially if streams and wetlands traverse them. The Rines Forest contains several streams and includes at least two waterfalls of exceptional note.

The plan notes that to promote the preservation of forest the Town should purchase conservation easements and rights-of-first-refusal, along with maintaining public access of trails if appropriate. The Rines purchase includes the right of first refusal on another 50 acre parcel. Further, the Rines conservation easement provides for continued public access, a trail system, and stipulates that there shall be no future development on the property.

Finally, the plan notes that the Cumberland Mainland & Island Trust (CMIT) plays a significant role in the preservation of land, especially environmentally sensitive land such as wildlife habitat. The plan also states that the Town Council should work with CMIT to achieve the goals of this Plan. With the completion and acceptance of the conservation easement, this significant goal of the plan has been met with the Rines property.

Current Uses

The Rines Forest provides an ideal site for low-impact passive recreation. In an effort to maintain the property to its natural state, uses may be subject to change or suspension when overuse or negative impact to the land is identified. The list of current uses is below. Please also refer to the Management Matrix for more specific information regarding user's responsibility and/or limitations for each activity.

- Cross country skiing
- Educational study
- Fishing
- Horseback riding
- Dog walking
- Picnicking
- Hiking
- Hunting
- Snowmobiling on designated trails
- Trapping

Facility Use Rules

These rules have been adopted by the Cumberland Town Council to govern activities at Rines Forest:

Allowable Uses:

The Rines Forest provides an ideal site for low-impact outdoor recreation, including, but not limited to, nature study, cross country skiing, snowmobiling on designated trails, horseback riding, pet walking, snowshoeing, fishing, hunting, temporary tree stands (daily removal required), picnicking, hiking, plant study, and bird-watching by the general public. The Forest is home to numerous plant and animal species and habitats.

The Town of Cumberland is experiencing steady, accelerated development that often closes or restricts access to open space traditionally used and enjoyed by the public and therefore has established the Rines Forest Committee to develop Rines Forest Stewardship Principles and a management plan and to oversee the management of this Town protected Property.

The forest is protected by a conservation easement which ensures the permanent availability of the Forest for traditional recreational uses by the general public. The easement will permanently preserves the property's important recreational, scenic and natural resources and habitat for indigenous flora and fauna, while providing permanent pedestrian access.

Prohibited Uses:

- No unauthorized motor vehicles, ATV's or motorbikes.
- No camping except by written permission of the Town Manager.
- No open fires or charcoal fires.
- Carry In - Carry Out - No littering or trash disposal; all activities and users to remove all refuse carried in.
- No target shooting.
- Except for brushing and maintenance of approved trail systems, no cutting of trees, limbs except as approved by the Rines Forest Committee, no cutting of bushes, removal or vegetation without the approval of the Rines Forest Committee. No application of herbicides, pesticides or fungicides except with the approval of the Rines Forest Committee.
- No person shall deface, injure, remove or destroy any fences, signs, gates or any other structures or creations in or on the Forest.
- No construction or improvements are allowed without the express written permission of the Rines Forest Committee.

- The Rines Forest shall use , but not be limited to, the State of Maine hunting, fishing and trapping laws and State leash.

Any person aggrieved by the decision of the Town Manager, or Rines Forest Committee may appeal to the Town Council.

Future Acquisitions

The goal of the Rines Forest Advisory Committee is for the Town to acquire additional lands to further enhance the Rines Forest. The first priority would be to exercise the right of first refusal for the remaining 50 acres owned by Dale Rines at the time when he is prepared to sell it. Purchase of the entire parcel to be included with the Rines Forest would be ideal.

The Committee also recommends future acquisition of properties or rights of way to maintain or increase connectivity to existing or new trails. This can be accomplished through the purchase of development rights by allowing denser development in the center of the community while preserving more rural lands as well as conservation easements. Lands in Falmouth should also be considered for connectivity to this Wildlife and Habitat Corridor.

Funding from Land for Maine's Future should be explored in helping to achieve these goals.

Wildlife and Habitat Corridor

Forest Management Plan Overview

This Forest Management Plan was developed by Jay Braunscheidel, a licensed professional forester, in concert with the Rines Forest Advisory Committee and Town Manager Bill Shane. Jay patiently met many times with the Committee to discuss various management goals, strategies, and techniques that could be adopted in the plan. Following is the collective wisdom of this group.

The Plan is designed to build on the good forest stewardship of the previous owners, Dale Rines and his father and grandfather, and slowly transform large areas planted to red pine in the 1940s to a more diverse forest characterized by a mixture of white pine, red and white oak, sugar maple, beech and hemlock – all species that naturally occur at the site, but in many places are overshadowed by the plantation of red pines. In addition, the management plan is designed to encourage a diversity of ages and sizes of trees, allow for a few small openings that mimic natural disturbances, and especially to foster the growth of older trees that are becoming increasingly uncommon across the Maine landscape. This will be accomplished by carefully thinning and removing certain trees to provide light and room for other trees to grow up and out over time – just like thinning the carrots or beets in your garden. And just like in the garden, one thinning usually isn't enough. Thus, the current plan includes harvesting strategies for 2010, 2020, and 2025-2030, with different sections of the forest and different amounts of thinning planned for each harvesting.

The plan is also designed to protect key natural assets of the forest, including streams, wetlands, steep slopes and riparian areas (areas alongside water) and to protect and maintain productive soil, clean water, and diverse wildlife habitat. This means there will be no cutting near streams, wetlands or on the steepest slopes and that no new skid trails or harvesting equipment will be allowed in these sensitive areas. Also, special features important to wildlife such as dead standing trees, fruit and nut trees, and dead wood on the forest floor will be retained. A forest reserve of at least 20 and up to 60 acres will be established in the southern area of the forest where steep slopes, streams, wetlands, riparian habitat and some older trees can be found and where no cutting will be allowed.

The future forest should provide habitat for animals with large home ranges, such as white-tailed deer, fisher, river otter, goshawks, and barred owls; nesting songbirds that need expansive "interior" forest habitat to successfully breed, such as ovenbirds, wood thrush, and black-throated blue warblers; cavity-nesting species like black-capped chickadees, pileated woodpeckers, flying squirrels, and raccoons; and species needing dead and down wood on the forest floor such as redback and spotted salamanders, long-tailed weasels, and ruffed grouse. A few small openings of early successional forest may provide habitat for species like chestnut-sided warblers and eastern towhee.

Invasive species such as the glossy buckthorn, which is widespread throughout the forest and on adjacent lands and is out-competing native species that provide food and shelter

for our native wildlife, will be aggressively reduced through active mechanical thinning and herbicide control where necessary.

All cutting will be done using state-of-the-art equipment and Best Management Practices, including harvesting only on frozen ground so as not to disturb the forest floor or leave ruts, and will be directly supervised by Mr. Braunscheidel.

Under this plan, the Rines Forest will be managed to provide timber and pulpwood for local markets at a sustainable rate; to protect soils, water, and wildlife habitat; to grow older successional forests that will add to the diversity of forest types across the landscape; and to provide a variety of recreational opportunities for the people of Cumberland and their neighbors.

Because it was important to the members of the Rines Forest Advisory Committee to adopt exemplary sustainable forestry practices, the Rines Forest will be certified under the internationally recognized gold standards of the Forest Stewardship Council, with periodic audits to ensure we continue to meet the standards. We hope the management of the Rines Forest may serve as an example for other landowners in the region who also may want to manage their forest lands for multiple purposes in a sustainable way.

Management Matrix

A. Recreational/Educational Activities

Activity	Potential Natural Conflict	Potential *Neighbor Relation* Conflicts	Management Activities
Walking / Hiking	Habitat disturbance Tree carving Erosion / soil compaction	Disturbance of solitude-seekers. Littering	Evaluate condition of trails on a yearly basis. Repair natural or human damage in a timely manner. Develop limited number of trails including some loops. Close trails to give the land time to recover. Establish 'Carry-In / Carry-Out' policy for litter management. Pick-up after Pets and must abide with State leash laws
Picnicking	Soil compaction Localized habitat disturbance Forest fire	Littering Disturbance to trail users	Establish strict regulations regarding fire. 'Carry-In / Carry-Out'. No Open Fires
Cross Country skiing	Erosion/compaction of soil without enough snow cover	Accidents on steep slopes, difficult turns Collisions at intersections	Designated Trails not anticipated X- Country Skiing to have a shared use with snow mobiles Caution signs displayed on Trails to warn of Shared Usage
Horseback Riding	Soil erosion adjacent to trails Sedimentation of streams and wetlands Additional width may degrade trail edge	Messes left by horses in trails Surprise encounters with walkers and other non-horse users	Develop guidelines for horseback use if/when the need arises.

Activity	Potential Natural Conflict	Potential *Neighbor Relation* Conflicts	Management Activities
Snowmobiling	Minor habitat disturbance Trails provide access for predators	Noise Trail crowding Encounters with those seeking quieter forms of recreation	Limit to existing snowmobile trail. Post/maintain warning signs alerting skiers to snowmobilers, and vice-versa. Signage at entrance points directing snowmobilers to existing trails. Ongoing Review for connectivity and Subject to local agreements with local snowmobile club.
Educational Programs	Over-collecting Minor habitat disturbance	Noise Trail crowding	Discourage active collecting of live materials Group sizes over 25 require a permit
Hunting Fishing Trapping			Shared Forest with Hunters- Warning Signs posted Subject to Maine IF&W laws Shot guns only in Cumberland No Sunday Hunting allowed Wear Blaze Orange when in the Forest
Additional Uses	Determine on a case-by-case basis	Determine on a case-by-case basis	Any additional uses must be reviewed and Approved by the Rines Forest Committee

B. Resource Management Activities

Resource	Responsibility	Desired Results	Recommendations
Forest Management	Coordinated by Rines Forest Committee. Management practices carried out under supervision of licensed foresters, coordinated with wildlife biologist	Retain the diversity of the forest types and other habitats found within the Forest. Create a model of biodiversity in a small-scale community forest, with multiple management objectives. Retain features that add to the diversity of the forest.	Consult with a wildlife specialist to develop a long-term management plan for the present Forest and any additional lands that are added to it. Develop an interpretive program (brochures, signs, guided walks) to inform the public about the forest management objectives of Rines Forest. Leave dead trees >8" standing unless they present a danger to Forest users. Limited activities to control nuisance or invasive plant species.

Resource	Responsibility	Desired Results	Recommendations
Wildlife Management	Coordinated by Rines Forest Committee and Management practices carried out under supervision of wildlife biologist, coordinated with forester	Conserve biodiversity in a small scale community forest, with multiple management objectives. Prevent overpopulation of wildlife species or the establishment of exotic, invasive species. Retain features with significant wildlife value.	Consult with a wildlife biologist and forester to develop a long-term management plan that will enhance the value of the Forest for wildlife. Develop an interpretive program (brochures, signs, guided walks) to inform the public about the wildlife management objectives of Rines Forest. Leave most dead trees > 8" standing for woodpeckers and other species unless they present a danger to Forest users.
Erosion Control	Coordinated by Rines Forest Committee using the Maine Forest Service Best Management Practices under the guidance of the Cumberland County Soil and Water Conservation District (CCSWCD) and carried out under the supervision of a wildlife biologist, coordinated with forester	Prevent siltation of wetlands, brooks, and streams using natural measures whenever possible	Follow Best Management Practices for all work done in the Forest. Rely upon vegetative buffer using natural native vegetation to stabilize slopes, protect banks, and prevent further degradation. Minimize the use of structural means to control erosion. Evaluate all site improvements for their erosion potential. Coordinate all work with CCSWCD. Site new trails where there will be a minimum of erosion.

C. Trail Maintenance

Activity	Responsibility	Desired Results	Management Activities
Trail Maintenance	Public Works Forests & Recreation Rines Forest Committee	Trails maintained in a safe, attractive manner that invites responsible use.	Sponsor trail maintenance activities to bring trails back up to standards. Provide training sessions and proper tools for volunteers. Monitor trail conditions on a regular basis. Be prepared to close sections of trails as required to prevent environmental degradation or to protect specific habitats. Ref: Trail Construction and Maintenance Notebook.

Activity	Responsibility	Desired Results	Management Activities
Trail Building	Rines Forest Committee Public Works Volunteers	Attractive new trails – or trail relocation – as required that fit into the character of the landscape without degrading the natural environment or infringing on the privacy of nearby homes. Avoid constructing additional trails	Develop a Trail Master Plan. Use BMP's for all trail construction activity within Forest. Limit number of new trails. Avoid constructing trails that may be too steep, cross wetlands, or disturb critical habitat. Evaluate existing use levels on a yearly basis before making decisions regarding new trail construction. Prohibit unauthorized trail building. should oversee any new trail construction and repair.

ITEM
10-047

To hear a presentation from Library Director, Thomas Bennett
re: the history of Main Street.

No materials for this item

ITEM
10-048

To hold a Public Hearing to consider and act on a Mass Gathering Permit for the Boys Youth Lacrosse Jamboree to be held at Twin Brook on May 8, 2010 from 8:00 a.m. to 6:00 p.m.

Outline of fee structure for CYL Jamboree 2010

Registration fees collected for tournament @ $85 each for 36 teams = $3060

Fees for Youth Jamboree (without town fees)

- Grades 3/4 referees @ $30 each for 16 games = $480
- Grades 5/6 referees @ $25 each x2 for 24 games = $1680
- Stop watches, blow horns for game start/stop, ancillary fees = $50-$75
- Paint for fields (Rec. Dept.) = $220
    - Rough total fees = $2445 for the event

Added mandatory town fees for Jamboree

- Police @ $300 + WC and FICA = $350
- Fire/EMS services = $400
    - Mandatory town fees = $750

$3060 collected
$3190 in mandatory fees
$130 deficit to run program as is

Potential added town fees

- Mass gathering permit fee @ $250
- Field usage fees @ $5/participant x 40 participant = $200

** If town adds further fees, than the program ***would be running with a $680 deficit*** which would close to clean out our existing account for both the boys and girls program combined.

Cumberland Youth Lacrosse is a nonprofit volunteer program which separated from the town to give CYL a better opportunity to grow the program and help in taking some of the responsibilities from the town. In its second full season independently, we are still learning and growing as an organization. We currently have a website which outlines our philosophy and helps parents know what is going on with games, practices and events; we give out between 5-7 scholarships each year for those that are unable to afford it; we provide a learning environment and skills clinics to improve the involvement of the high school program, boosters and youth program; we are a resource for C/NY parents on lacrosse opportunities throughout the year; we work with the HS boosters program in providing fundraising opportunities for them with concessions, clinics and apparel sales.

The Jamboree and Round Robins are excellent opportunities to bring together the entire lacrosse community—both for C/NY and all towns involved. Parents, players, referees from around the area, boosters, middle school players helping with field marshals. If our capital is depleted, than the likelihood of us to continue to not only host the jamboree and round robin for the state, but also continue to operate as an independent entity, would be compromised and we would likely need to go back to the town and place the onus back on them for running this program.

BOYS' YOUTH LACROSSE JAMBOREE

Review Meeting held Tuesday, April 20 at 2:00 pm, Town Hall – Attendees: Mike Mullin, Bill Landis, Brian Bickford, Joe Charron, Nate Schools, and Nadeen Daniels

Twin Brook Policy requirements:

Permit:	Facility Use Permit required by Bill Landis. Provided on 4/22 by Bill Landis.
Fee:	$500 – event organizers request a waiver of the facility use fee Bill Landis has also noted a fee of $220 for the cost of four cases of paint for field striping.
Insurance:	A Certificate of Liability Insurance Form from Bollinger, Inc. is attached naming the town as an additional insured and covering $1 million per person, $2 million per occurrence, and property damage not less than $25,000. Insurance Company explains there is a "$1 million per occurrence limit with the General Liability and an additional $1 million per occurrence with the Excess policy. There is also a $100,000 limit for damage to property rented by" the boosters club.
Greely Side:	Bill Landis to review schedule to determine if baseball and/or softball games are scheduled to occur on the Greely Road side on this date/time. Bill Landis informed Clerk on 4/21 that no events are scheduled for the Greely Road side on May 8th.
Parking Plan:	All transportation to event will be via personal vehicles; no buses will transport participants. Four volunteers will handle parking control and be assigned as follows: (a) two at entrance/exit to park; (b) one at snack shack area; and (c) at top of hill. Mr. Mullin provided the attached written Parking Control Plan and map on 4/22 – plan and map was approved by Chief Charron on 4/22.
Rec Personnel:	Bill Landis indicated town recreation staff is not required at this event. However, town personnel will place three additional trash receptacles and cones for use in traffic control.

Mass Gathering Ordinance requirements:

Attendance:	600 – 700 Third, Fourth, Fifth, and Sixth grader team members and similar number of spectators Mr. Mullin to provide Clerk with a list of participating teams to determine overall number of participants. Roster received on 4/22 which shows eighteen towns represented, each with 16-25 members per team, and a likely equal number of spectators throughout the day. At any one time eight teams will play – two on each of four separate fields. Several hundred players/spectators will be on-site throughout the event as they await their scheduled competitions.

18 teams
2 teams per field - over 4 fields

Date of App - 60 days before:	No - Application received Thursday, April 8, 2010.
Fee:	Event organizers request a waiver of the $250 MGP fee.
Performance Grnty:	Not required.
Contract w/owner:	Bill Landis issued facility use approval form on 4/22. .
Access/Parking:	Police Chief requires one police officer during all event hours. The officer will primarily monitor traffic at the entrance/exit of the park and monitor the parking area periodically during the event duration. Cost is anticipated at $350.
Water Supply:	Greely Lacrosse Boosters will operate concession stand. Boosters Club was notified to obtain a victualer's license for the event, which is attached. The boosters club intends to purchase for resale pizza and bottled drinks. Fire Department personnel will inspect concession stand on day of event pursuant to Victualers license requirements.
Sanitation:	The on-site toilet facilities will be utilized and were determined to be sufficient for this event. MGP requires separate facilities for males and females and 1 toilet for every 200 persons attending – the TB facility houses three toilets each for male and female access.
Refuse Disposal:	Collection and removal will be handled by event organizers – no outside contractor will be hired. Mr. Mullin was informed of the MGP requirements: one 50-gallon container for every 100 persons on-site AND one fifty-gallon container in parking area for every 200 motor vehicles. Refuse must be collected at least twice during an event lasting more than six hours. Grounds and restrooms must be cleared of all refuse within 24 hours following event. Bill Landis advised that Rec staff will place six 50-gallon containers on-site prior to event (three are in existence at all times currently).
Fire/Medical:	A dedicated paramedic and EMT with ambulance is required given the length of the event. Cost is estimated at $400. The team and ambulance will be on-site ½ hour prior to and after the event.
Communications:	Bill Landis stated he will provide three walkie-talkies for communication between fire/ems, police and Mr. Mullin.

TWIN BROOK RECREATION AREA POLICIES AND RULES

1. **General.** The Twin Brook Recreation Area is owned by the Town of Cumberland, and shall be administered by the Cumberland Recreation Department. The Cumberland Town Council shall appoint a Twin Brook Advisory Committee, which shall provide advice and recommendations to the Cumberland Recreation Department and to the Council upon all aspects of the use and management of the Twin Brook Recreation Area.

2. **Priorities.** Cumberland Recreation Department programs intended specifically for Cumberland and North Yarmouth residents shall have first priority with respect to use of Twin Brook playing fields and athletic facilities. MSAD 51 athletic practices and games shall have second priority. Notwithstanding the foregoing, priorities are subject to ongoing review, and priority of use with respect to certain fields on the Greely Road side shall be in accordance with the leases agreement between the Town of Cumberland and MSAD 51 dated July 12, 2002.

3. **Field Use.** There shall be no organized use of the playing fields on Sundays until 1 p.m. At the discretion of the Cumberland Recreation Director, any of the playing fields may be closed to activity at any time if conditions are unsuitable for use or to allow for reseeding and recovery.

4. **Cancellation.** The Cumberland Recreation Director or his nominee shall have the absolute right to cancel scheduled events due to inclement weather or if he determines, in his sole discretion, that a playing field or other facility is unplayable. In such event, the scheduled user shall be entitled to a refund of fees paid.

5. **Applications.** No community group, athletic group or other organized group may schedule and hold events of any kind at the Twin Brook Recreation Area without first having obtained the approval of and a permit from the

Cumberland Recreation Department. Approval and a permit may be obtained by submitting a Facility Request Form to the Department at least two (2) weeks prior to the requested date of use but not more than three (3) months before such date to help facilitate fair and equitable scheduling. All fees must be paid, proof of insurance must be provided, and all other stipulations must be met before the permit is issued. If the permit must be withdrawn due to a scheduling conflict, all fees will be refunded. If the user chooses not to use the facility as requested and notifies the Cumberland Recreation Department at least two (2) weeks before the scheduled usage date, there will be a full refund. There will be no refund of fees if notification occurs less than two (2) weeks before the scheduled usage date unless there is an unusually compelling reason for such a cancellation. A copy of each application will be kept on file at the Cumberland Recreational Department offices. The individual whose signature appears on any such application form will be considered the individual responsible for the supervision and use of the facility/facilities requested and he/she must provide adequate and appropriate supervision at all times. He/she will also be responsible for all rental fees, proof of liability insurance/bodily harm, facility/equipment damages, theft, or loss of any kind that occurs related to usage of the facility.

6. **Insurance.** The MSAD 51/Town of Cumberland property insurance and general liability insurance does not extend to individuals, community groups, athletic groups, or other organized groups utilizing the Twin Brook facilities. Therefore, any such groups or individuals using the Twin Brook facilities for any organized purpose are required to provide evidence of insurance for liability (not less than $1,000,000 per person/$2,000,000 per occurrence) and property damage (not less than $25,000) before receiving a facility permit. The Town of Cumberland shall be named as additional insured in all such policies and all insurance provided by the facility user shall be primary to any insurance which the Town of Cumberland may have. All insurance required hereunder shall be placed with insurers licensed to do

business in the State of Maine and acceptable to the Cumberland Recreation Department.

7. **Indemnity.** The Town of Cumberland may require any individual or group utilizing Twin Brook facilities for any purpose (including non-permitted walk-on use) to agree in writing, in a form acceptable to the Town, to save, indemnify and hold harmless the Town of Cumberland, its inhabitants, its employees, the Town Council, the Cumberland Recreation Department, and the Twin Brook Advisory Committee from and against any and all liabilities, actions, causes of action for death, personal injury, or property damage, including attorney's fees, and from any and all fines, suits, claims, demands and actions of any kind or nature of any and all persons resulting from or arising from the use of said facilities, equipment, or activity participation. It is expressly understood that participation in recreational and athletic activities may cause bodily injury, sickness, disease, death, or personal injury, or damage and destruction to tangible property, including the loss or use thereof. Therefore, any individual or group utilizing Twin Brook facilities for any purpose shall save, indemnify and hold harmless the Town of Cumberland, its inhabitants, its employees, the Town Council, the Cumberland Recreation Department, and the Twin Brook Advisory Committee from and against any and all liabilities, actions, and causes of action arising out of or resulting from the performance of any facility use permit.

8. **Modifications.** The Town of Cumberland reserves the right to waive, modify, or institute requirements in addition to those listed herein should it be deemed necessary and/or in the best interest of the Town of Cumberland.

9. **Fees.** The Cumberland Town Council shall approve a schedule of fees for the use of Twin Brook facilities, which schedule shall be subject to ongoing review.

10. Parking –PARKING PLAN REQUIREMENTS JUNE 2007

A. Events that anticipate greater than "100" vehicles, (or over 60% of available parking spaces) will need to meet Twin Brook Parking Plan Requirements.

B. ANY event anticipating bus parking will provide a parking map and enforce "bus parking only" area(s).

C. Overflow Parking Areas will be permitted and designated by the Committee and only when appropriate (seasonal- dry ground, etc).

a. Vehicles will be directed to park in specific parking spaces by parking attendants. Attendants will also enforce "No Parking" areas.
b. One person from organization will be responsible for administration of parking plan; will have cell phone number available to EMS dispatch.
c. Parking attendants will be required to wear reflective orange vest.
d. Organizations which meet Mass Gathering Permit threshold will also be required to hire a Cumberland Police Officer. Police presence will provide support for parking attendants. Four parking attendants will also be required for this level of event.
e. Exclusive use of Park and charging a parking fee must be approved by Twin Brook Advisory Committee.
f. Parking Plan and Permit must be completed and signed by the Chief of Police prior to the Committees approval of the event.

11. Miscellaneous.

a. MSAD 51 and the Cumberland Recreation Department are only expected to service their own sanctioned programs. All other users are allowed to utilize the Twin Brook facilities at their own risk on an "as is, where is" basis. There should not be any expectation from permit users that the facilities will be "set up" for their specific use, needs, or situation. If the Cumberland Recreation Department is requested by a user to provide a special service or to alter, modify or rearrange a Twin Brook facility, above and beyond ordinary maintenance and upkeep, and if the

Cumberland Recreation Department is in agreement, the user shall be charged accordingly in an amount to be determined by the Cumberland Recreation Department.

b. It is the responsibility of the persons or organizations using the Twin Brook facilities to leave them in the same condition in which they were received. If this is not done to the satisfaction of the Cumberland Recreation Department, a charge shall be levied for any required "clean-up", "pick-up", or "fix-up" costs (including labor) in excess of any fees that would otherwise be applicable. A lack of respect and responsibility could result in the denial of future permits to the permit applicant or group.

c. It is the responsibility of the persons or organizations using Twin Brook facilities to inform all participants of program cancellations if such programs are cancelled.

d. No permitted or walk-in user shall change the appearance, rearrange, or attempt to improve any Twin Brook facility without the express consent of the Cumberland Recreation Department, which must be obtained in advance and in writing.

e. The Cumberland Recreation Department reserves the right to require supervisory personnel to be present during the use of Twin Brook facilities at the expense of the individual or group in question.

f. All individuals or groups using Twin Brook facilities are responsible for the preservation of order during all activities and are required to comply with all applicable statutes, Town of Cumberland ordinances (including the requirement of obtaining a mass gathering permit, if applicable), and regulations, in addition to any policies or conditions imposed by the Cumberland Recreation Department. If security is deemed to be necessary, arrangement and payment for police services shall be the responsibility of the individual or group in question. Proof of police protection or private security may be required to receive the initial permit.

g. The use, consumption or sale of alcoholic beverages, tobacco products or illegal drugs at Twin Brook facilities is prohibited.

h. Gambling on Twin Brook facilities is prohibited unless allowed as an approved, legal, fund raiser (e.g, casino nights, fifty-fifty (50/50) raffles and bingo) for school or community booster groups. Such activities must be approved by the Cumberland Recreation Department.

i. Except as provided below, the use of open flames, charcoal fires, cooking fires, candles, or other incendiary devices or special effects is prohibited at the Twin Brook Recreation Area. Gas Grills shall be permitted ~~in the Parking area known as the Bus Turnaround or Parking Area 2. It is the second parking lot from Tuttle Road and depicted on a map attached to this document in Appendix A.~~ outside of the Tuttle Road shelter building area.

Bonfires may be allowed only when sponsored by a booster club or similar entity associated with M.S.A.D. #51 or the Town of Cumberland, and may be scheduled only with the express permission of both the Cumberland Town Council (and/or designee) and the Cumberland Fire Department, subject to the following conditions:

1. The sponsor must arrange for fire protection through the Cumberland Fire Department;
2. The sponsor must reimburse the Town of Cumberland in full for the cost of fire protection;
3. The sponsor must clean up the area impacted by the bonfire;
4. Public participation in the bonfire must conclude no later than 8:00 p.m.

j. Dogs must be on a leash or under the control of the person in charge of the dog at all times, provided that all dogs must be leashed while in the areas of the playing fields when games or practices are in progress.

During the non-winter months, dogs may be walked on all pasture areas and trails (except when the trails are in use for a running event), but may not be walked on the playing fields. During the winter months, dogs may be walked or sledded in any area except for groomed ski trails.

The person in charge of a dog is responsible for cleaning up waste released by the dog and will be strictly liable for any personal harm or damage caused by the dog.

k. Horses may be ridden along the perimeters of pasture areas but not on the playing fields or the trails. Owners are responsible for cleaning up after their horses.

l. Mountain biking is permitted only when trails are firm and there are no running or skiing events scheduled.

m. Activities such as kiting, model rocket and model airplane flying should take place in open pasture locations well away from any organized activities. Incendiary devises shall be prohibited.

n. Picnicking is welcome while the facilities are open, and picnickers are responsible for cleaning up after themselves. **Open fires as well as heat sources for barbecuing or grilling are not permitted.**

o. The facilities shall be open from 6:00 AM until ~~during daylight hours only, and no nighttime use shall be permitted without the express written permission of the Cumberland Recreation Department.~~ 9 PM - April 1st – November 1st and until 6 PM from November 2nd – March 31st.

p. All permit applications must restrict themselves to appropriate use of all Twin Brook facilities. Facility use shall be dictated by design. Twin Brook fields and trails are for foot traffic only, except for mountain biking as permitted under subparagraph l. The only motorized vehicles permitted in or on Twin Brook facilities are maintenance vehicles. All other vehicles or recreational equipment such as four-wheel drives, snowmobiles, roller blades, scooters, skateboards, bicycles (except as provided in subsection (l) above) and motorcycles are prohibited.

q. Permitted users acknowledge and agree that they will be solely responsible for all royalties or charges which are due or may become due on material used for or during an event. The facility user shall warrant to the Cumberland Recreation Department that such royalties or charges have been paid or will be paid promptly in accordance with law. A facility user shall further agree to hold the Town of Cumberland, its inhabitants, the Cumberland Town Council, the Cumberland Recreation Department, and the Twin Brook Advisory Committee harmless and to indemnify for all costs or losses, including attorney's fees in defense of claims, just or unjust, relating to the payment of any royalty, charge or fee for use of material by a permitted user during the use of Twin Brook facilities.

r. Evening events such as stargazing with approved area astronomy clubs shall be permitted up to four times per year with administrative approval. Abutter notification shall be required including cancellation and or rescheduling of the event.

ACORD CERTIFICATE OF INSURANCE

ISSUE DATE (MM/DD/YY): 4/22/2010

PRODUCER

Bollinger, Inc.
101 JFK Parkway
Short Hills, NJ 07078-5000
Phone: 800-526-1379 Fax: 973-921-2876

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE			NAIC #
COMPANY LETTER	A	Markel Insurance Company	38970
COMPANY LETTER	B		
COMPANY LETTER	C		
COMPANY LETTER	D		
COMPANY LETTER	E		

INSURED

US Lacrosse, Inc.
113 West University Parkway
Baltimore, MD 21210

Re: Cumberland Youth Lacrosse

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADDL INSD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A	X	**GENERAL LIABILITY** [X] COMMERCIAL GENERAL LIABILITY [ ] CLAIMS MADE [X] OCCUR. [X] Incl. Participants GEN'L. AGGREGATE LIMIT APPLIES PER: POLICY [ ] PROJECT [X] LOC	8502AH221369	1/1/2010	1/1/2011	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$1,000,000 $100,000 $5,000 $1,000,000 $5,000,000 $2,000,000
		AUTOMOBILE LIABILITY [ ] ANY AUTO [ ] ALL OWNED AUTOS [ ] SCHEDULED AUTOS [ ] HIRED AUTOS [ ] NON-OWNED AUTOS				COMBINED SINGLE LIMIT (ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	
		GARAGE LIABILITY [ ] ANY AUTO				AUTO ONLY - EA ACCIDENT OTHER THAN AUTO ONLY: EA ACC AGG	
A	X	**EXCESS/UMBRELLA LIABILITY** [X] OCCUR [ ] CLAIMS MADE [ ] OTHER THAN UMBRELLA FORM [ ] OTHER THAN UMBRELLA FORM	4602AH221370	1/1/2010	1/1/2011	EACH OCCURRENCE AGGREGATE	$1,000,000 $1,000,000
		WORKER'S COMPENSATION AND EMPLOYER'S LIABILITY **ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?** **If yes, describer under SPECIAL PROVISIONS below**				[ ] WC STATU-TORY LIMITS [ ] OTHER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	
A		**OTHER** Accident Medical	4102AH025220	1/1/2010	1/1/2011	Acc Limit	$25,000
A		Catastrophic Acc	4102AH305882	1/1/2010	1/1/2011	Cat. Acc	$1,000,000

DESCRIPTION OF OPERATIONS

Coverage applies only to teams/leagues comprised of 100% US Lacrosse member participants during scheduled & supervised lacrosse activities.Certificate Holder is named as an Additional Insured. Certificate is issued on behalf of Cumberland Youth Lacrosse.

CERTIFICATE HOLDER

Town of Cumberland
290 Tuttle Rd
Cumberland, ME 04021 0000

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

ACORD CORPORATION 1988

I certify that the team or league on whose behalf I am requesting this certificate mandates 100% membership in US Lacrosse. In addition, I have verified our team's or league's roster and all participants are currently registered members of US Lacrosse.

I certify that this is true and I understand that liability coverage is only extended to our team or league if all participants are current members of US Lacrosse. Further, I acknowledge by clicking on this box that liability claims may be denied for coverage if our team/league is not 100% registered with US Lacrosse.

Name: Greg Cunningham
Organization: Cumberland Youth Lacrosse
Date: 04/12/2010

IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

TOWN	CONTACT	E-MAIL ADDRESS	PHONE NUMBER	PAID
Gardiner	Christian Hebert	clhebert@blckdiamond.net	508-341-0651	yes
South Portland	Sabrina Best	sbest@southportland.org	767-7650	yes
Saco	Jeff Wells	jeff.wells@yahoo.com	650-7267	yes
Biddeford	Clint Marshall	clintm@biddefordlacrosse.org		yes
Kennebunk	Todd Cesea	kennebunktodd@yahoo.com	749-2875	yes
Fryeburg	Mark Schrader		452-2627	yes
Central Maine 1	Hilary Lambrecht	centralmainelacrosse@live.com		yes
Central Maine 2	Hilary Lambrecht	centralmainelacrosse@live.com		no
Cape Elizabeth-maroon	Amy Bates	bates7994@gmail.com	730-1054	yes
Cape Elizabeth-gold	Amy Bates	bates7994@gmail.com	730-1054	yes
CYL	Michael Mullin	mmullin@orthoassociates.com	239-7077	yes
Freeport-Pownal-Durham	Anthony Johnson	johnson2@rsu5.org	865-6171	yes
Back Bay	Britt Holten	backbaylacrosse@gmail.com		yes
Scarborough	David Thurston	davidrthurston@eaton.com	252-8939	yes
Gorham	Michele Cushing			yes
Bath	Jay Paulus	jay@bathlax.org	202-460-5315	yes
Augusta - Kennebec	C. McKee			yes
Yarmouth	Tom Prescott	tprescott@llbean.com	831-5489	yes

COACH	COACH E-MAIL	COACH PHONE
Christian Hebert	clhebert@blckdiamond.net	508-341-0651
Ted Hellier	ehellier1@maine.rr.com	799-9222
Dan Varle	hdvarle@maine.rr.com	467-0693
Jason Martel	amartel2@maine.rr.com	590-1760
Seth Kenneway	skenneway@roadrunner.com	712-5755
Steve Graustein	sgraustein@fryeburgacademy.org	890-7388
Bruce Lambrecht	centralmainelacrosse@live.com	680-6082
Bruce Lambrecht	centralmainelacrosse@live.com	680-6082
Jon Fiutak	jfiutak@anthonycomposites.com	735-5555
Geogg Alexander	geoff@rmdavis.com	831-5450
Tom Shepard	thomas.o.shepard@ampf.com	
Phil Cawley	pcawley@harborviewinvestments.com	939-0411
David Thurston	davidrthurston@eaton.com	252-8939
Doug McInnis	dmcinnis@llbean.com	317-6933
Jay Paulus	jay@bathlax.org	202-460-5315
David Gallant	dave.gallant@yahoo.com	680-0695
Peter Senger	peter.senger@stryker.com	232-6027

CONTACT ADDRESS	ASST COACH	ASST COACH E-MAIL ADDRESS
Boys & Girls Club of Greater Gardiner, 14 Pray St., Gardiner, ME 04345		
City of South Portland, PO Box 9422, So. Portland, ME 04116	Joe Andrews	jga2532@hotmail.com
Saco Bay Lacrosse, 28 Rosewood Dr., Saco, ME 04072		
2 Staples St., PO Box, Biddeford Pool, ME 04006		
Kennebunk Lacrosse Club, PO Box 494, Kennebunk, ME 04043	Dave Joyce	joycesales@roadrunner.com
456 Hio Ridge Rd., Denmark, ME 04022		
283 Winslow Rd., Winslow, ME 04901		
283 Winslow Rd., Winslow, ME 04901		
14 Juniper Lane, Cape Elizabeth, ME 04107		
14 Juniper Lane, Cape Elizabeth, ME 04107		
PO Box 414, Cumberland Center, ME 04021	Todd Molloy	
Back Bay Lacrosse, P.O. Box, 7634, Portland, ME 04112	Bartley Parker	bartleyparker@hotmail.com
Scarborough Youth Lacrosse, 19 High Point Rd., Scarborough, ME 04074		
Gorham Youth Lacrosse, PO Box 774, Gorham, ME 04038		
City of Bath, 55 Front St., Bath, ME 04530		
111 Ganneston Dr., Augusta, ME		
Tonw of Yarmouth, 200 Main St., Yarmouth, ME 04096		

CUMBERLAND
BOYS YOUTH LACROSSE JAMBOREE
MAY 8, 2010

START TIME	FIELD 1 (front field)		FIELD 2 (back)		FIELD 3 (back)		FIELD 4 (up on the hill)	
8:00-8:45	BIDDEFORD - 3/4	CUMBERLAND - 3/4	FREEPORT - 3/4	KENNEBUNK - 3/4	GORHAM - 3/4	BACK BAY - 3/4	SCARBOROUGH - 3/4	YARMOUTH - 3/4
15 Min. Break								
9:00-9:45	GARDINER - 3/4	SO. PORTLAND - 3/4	BATH - 3/4	BIDDEFORD - 3/4	AUGUSTA - 3/4	CAPE - 3/4	YARMOUTH - 3/4	SACO - 3/4
15 Min. Break								
10:00-10:45	SCARBOROUGH - 3/4	GARDINER - 3/4	FRYEBURG - 3/4	AUGUSTA - 3/4	CUMBERLAND - 3/4	KENNEBUNK - 3/4	SACO - 3/4	CENTRAL MAINE - 3/4
15 Min. Break								
11:00-11:45	SO. PORTLAND - 3/4	BATH - 3/4	FRYEBURG - 3/4	CAPE - 3/4	FREEPORT - 3/4	BACK BAY - 3/4	GORHAM - 3/4	CENTRAL MAINE - 3/4
15 Min. Break								
12:00-12:45	GARDINER - 5/6	SO. PORTLAND - 5/6	SACO - 5/6	CENTRAL MAINE 1 - 5/6	CAPE-GOLD - 5/6	CYL-MAROON - 5/6	BIDDEFORD 1 - 5/6	BRUNSWICK 1 - 5/6
15 Min. Break								
1:00-1:45	FREEPORT - 5/6	CAPE-MAROON - 5/6	SCARBOROUGH 1 - 5/6	BRUNSWICK 2 - 5/6	SCARBOROUGH 2 - 5/6	BATH - 5/6	GARDINER - 5/6	SACO - 5/6
15 Min. Break								
2:00-2:45	CENTRAL MAINE 2 - 5/6	BIDDEFORD 2 - 5/6	CYL-WHITE - 5/6	BACK BAY - 5/6	CENTRAL MAINE 1 - 5/6	SO. PORTLAND - 5/6	BIDDEFORD 1 - 5/6	BATH - 5/6
15 Min. Break								
3:00-3:45	CYL-BLACK - 5/6	KENNEBUNK - 5/6	BRUNSWICK 2 - 5/6	FREEPORT - 5/6	CAPE-GOLD - 5/6	BRUNSWICK 1 - 5/6	CAPE-MAROON - 5/6	AUGUSTA - 5/6
15 Min. Break								
4:00-4:45	BIDDEFORD 2 - 5/6	CYL-BLACK - 5/6	YARMOUTH - 5/6	SCARBOROUGH 1 - 5/6	PEN BAY - 5/6	FRYEBURG - 5/6	KENNEBUNK - 5/6	CENTRAL MAINE 2-5/6
15 Min. Break								
5:00-5:45	FRYEBURG - 5/6	CYL-WHITE - 5/6	YARMOUTH - 5/6	AUGUSTA - 5/6	PEN BAY - 5/6	BACK BAY - 5/6	SCARBOROUGH 2 - 5/6	CYL-MAROON - 5/6
	END							

CYL = CUMBERLAND AUGUSTA = KENNEBEC PEN BAY = PENOBSCOT BAY

Format:
* - Each game will be 2 / 20 minute halves with a 5 min half time
* - There will be a 15 minute break between games
* - Air Horn Will Sound Once to Start Each Game, End the Half, then Twice to End Each Game
* - We Will Not Keep Score; These Are Friendly Games

Directions to Twin Brook Recreation Center; 185 Tuttle Road, Cumberland (04021)

Parking is limited. Carpooling is strongly encouraged.

From 295 North:
Take Exit 10 (Bucknam Rd., Falmouth).
Turn right off ramp and go to second light (~ .4 miles).
Turn right at this 4 way intersection and bear left at fork onto Rt. 9.
Go to Cumberland Center (~ 5 miles from 4 way) and take right onto Tuttle Rd.
Twin Book Recreational Area is on left (1.8 miles)

From 295 South:
Take Exit 15 (Route 1) Toward Cumberland/Yarmouth
Turn Right onto US-1 toward N. Yarmouth
Take Sharp Left onto Portland Street and follow for 0.8 miles
Portland Street becomes Middle Road, follow for 1.1 miles
At blinking light, turn Right onto Tuttle Road
Field is ~ 1.5 miles on your right

To: Town of Cumberland

From: Cumberland / N. Yarmouth Youth Lax

Re: Parking Plan

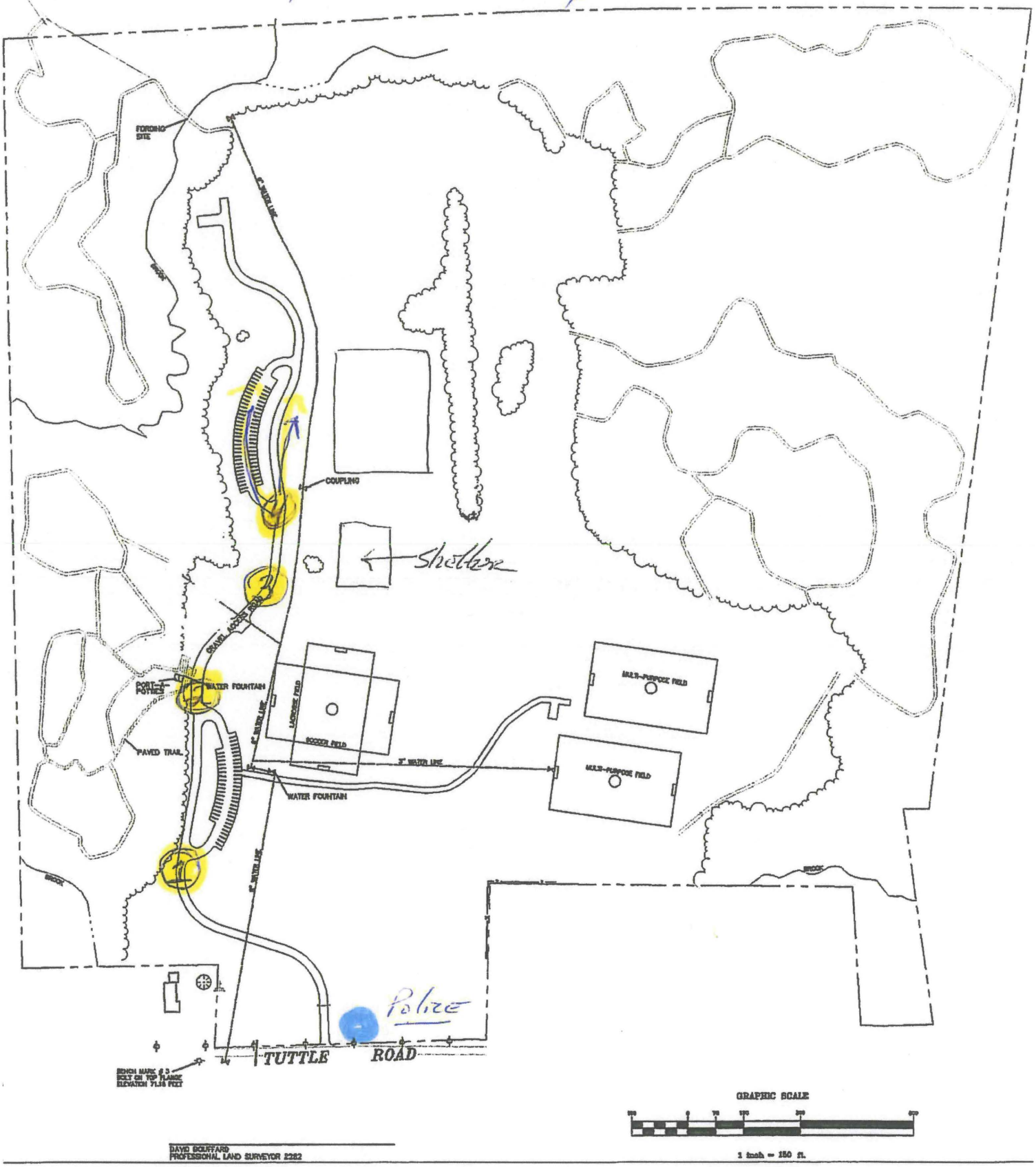
Date: April 22, 2010

Please see map of location of parking attendants for Lax Jamboree. Each of the 4 locations will be manned from the start time of first game to start time of last game.

Cumberland Parks will provide orange vests and walkie-talkies for attendants and EMS/Police use.

Cumberland Parks will also "rope-off" any hazards or "mud areas" of parking lots.

May 8th - Parking Plan



DAVID BOUFFARD
PROFESSIONAL LAND SURVEYOR 2282

TOWN OF CUMBERLAND, MAINE
APPLICATION FOR VICTUALER'S (Food Service Establishment) LICENSE

Business or Trade Name: Greely Boys lacrosse Boosters

Business Address: Greely High School - Athletic Dept.

Name of Manager: Leslie Mullin Bus. Phone: 829-8010

Date of Event or New License: 5-8-10

Signature of Authorized Person: Leslie Mullin Date: 4/22/10

++

CHECK THE PROPERTY CATEGORY OF REQUESTED LICENSE:

(a) Restaurant or Victualer not serving malt beverages on the premises	$50.00 _____
(b) Restaurant or Victualer serving malt beverages on the premises	$50.00 _____
(c) Class A Restaurant, as defined by the Revised Statutes of Maine, serving both malt liquor and spirituous and vinous liquor	$50.00 _____
(d) A business establishment such as, but not limited to, retail grocery stores, food storage warehouses, bakeries, delicatessen stores, and dairy product stores, where food is stored or is kept for sale and where the total area of the establishment is less than 10,000 square feet	$25.00 _____
(e) Same as (d) but total area of the establishment is more than 10,000 square feet	$25.00 _____
(f) Eating and Lodging places. Any place where eating and sleeping accommodations are furnished to the public such as hotels, motels and bed and breakfasts	$100.00 _____
(g) Establishment operated by Non-Profit organization	NO FEE _____
(h) Vending Machine	$10.00 _____
(i) Temporary Vending Unit operating at a fair. Per Unit:	$10.00 X

Name & type of vending unit(s): _____

Enclose CHECK payable to: Town of Cumberland
SEND TO: TOWN CLERK, 290 Tuttle Road, Cumberland ME 04021

Application Rec'd:_____ Date of Issuance_____ Cert No._____

TOWN OF CUMBERLAND

Publication dates:_____
Publication names:_____
Date filed:_____
Fee rec'd:_____
Date Ordinance received:_____
Issued:_____
Denied:_____

Mass Gathering Application -- Minor Large Outdoor Event (500 – 4,999 persons)

This application **must be filed with the Town Clerk not less than 60 days** before the date of the event. Application must be accompanied by a non-refundable fee of **$250.**

Name of applicant: Mike Mullin

Address of applicant: 7 Farwell Dr Cumberland Tel. # 239-7077

Name of event: Boys Youth Lacrosse Jamboree

Facility where the event will be held: Twinbrooks

Is the facility owned by the applicant: ____ yes; ✓ no, (if no, attach a copy of the contract with the owner which allows use of the property)

Name of promoter (if different from above): same

Telephone number: 239-7077

Date of event: May 8th Time (start and finish times): 8am - 6pm

Number of tickets available: NA

Expected attendance: 35 teams 500-600 people at any given time.

Description of event: Boy's youth lacrosse games will be played on all four Twinbrook fields throughout the day. Teams from all over the southern part of Maine will attend.

Will any food vendors be serving at the event? ✓ yes, ____ no (if yes, how many, and what types)

Lax Pro - lacrosse equipment
High School Boys Lacrosse Boosters - using snack shack for food and drink sales throughout the day

Will any alcohol vendors be serving at the event? ____ yes, ✓ no (if yes, list name and attach a copy of the vendors license to sell alcohol, describe alcohol will be served)

Describe the three most recent outdoor performances of the group, performer, or event being proposed. Include location, date(s), number in attendance, promoter or sponsoring person or organization.

1. Boys Youth Lacrosse Jamboree 2009 - Twinbrooks

2. Boys Youth Lacrosse Jamboree 2008 - Twinbrooks

3. Boys Youth Lacrosse Jamboree 2007 - Twinbrooks

Description of facility:

A. Seating capacity: _____ permanent; _____ temporary NA

B. Other seating capacity: _____ festival; _____ standing room only (sq. ft) NA

C. Number of toilets available: _____ permanent; _____ portable shelter facilities will meet our needs

D. Number of parking spaces available: _____ on-site; _____ off-site current parking adequate

E. Are all parking lots lighted (applicable only if event runs into evening hours) NA

_____ yes; _____ no, if no, which lots are not lighted _____

F. Source of potable water: fountains at snack shack, water for sale

G. Refuse containers available, number and size: park dumpster is adequate. Recycling containers for cardboard/ bottles + cans will be available.

H. Name of refuse disposal company (attach a copy of the agreement to pick up refuse)

NA

1. When will refuse be picked up? we will drop off in dumpster

Public Safety:

J. Describe first aid facilities: Tent w/ firstaid supplies, cell phone, certified trainer, certified CPR and firstaid through American Heart Association, and will have an AED

K. Describe emergency facilities: see above

L. Describe communication facilities: cell phones, radios

M. Number of certified police officers: NA

N. Other security personnel (include company name and qualifications): NA

O. Describe fire personnel: NA
will call 911 as needed for local rescue services

Traffic Plan — will have parking attendants at all key intersections in park

P. Description of routes persons attending the event are likely to take, include number of traffic controllers and deployment descriptions.

Q. Describe methods used to publicize alternate routes of reaching the scene of the event. – Google Maps

R. Attach statement of availability of private towing firms to remove disabled vehicles. N/A

Crowd Management

S. Plan for discouraging those not holding tickets for the event from not coming to the event site.

T. Plan for preventing trespassing on private property in the area.

U. Will all publicity stop as soon as it is apparent that the event is sold out? ✓ yes; _____ no

V. Description of how the event will be publicized, include how a sell-out will be publicized. Invitations to other youth teams, registration for the event is required

Other

W. Name of liability insurance Bollinger Insurance Co. (attach certificate)
Amount of coverage 5,000,000; amount of property insurance _____

X. Preferred type of performance guarantee (i.e.. escrow account, irrevocable letter of credit)

general aggregate limit per location

Authorized signature

On _____ (date), I received a copy of the Cumberland Mass Gathering Ordinance. _____ (authorized signature)

8-6 = 10hrs

YOUTH LACROSSE EVENTS

8-5 = 9hrs

	BOYS	GIRLS
	Sat 5-08	Sat 6-05

Twin Brook Policies:

Permit:	Yes ~~No~~	Yes ~~No~~ will provide
Fee: (fundraser)	Paid: $ by 5-14	Paid: $ by 5-14
Insurance: (RECP)	Provided ND	Provided:
Grly side events?	bsbll/softball	bsbll / softball
Parking Plan	no buses $300	
# of Attendants	4	
Rec Supvsry Prsnl?	0 - Booster	

Mass Gathering Ordinance:

Attendance	600	
Date of App/ 60 days before?	rec'd 4-08	4-08
MGP Fee? $250	Waiver request	
TB Contract/Permit?	Blendts	
Access/Parking	OK-PD	

Access: 1 Police Officer at public roadway required and parking to allow for convenient and safe movement of vehicular traffic and free passage of emergency vehicles

Water Supply	Canteens	
Sanitation		

Separate facilities for males and females and 1 for each 200 persons attending

3 toilets on site

Rec - owner FRI
And returnable

(60 gal) * 6

3 perm on site now

Refuse Disposal _____ _____

Copy of contract or plan for collection and transporting of refuse. One 50 gallon container for each 100 persons AND one fifty-gallon in parking area for every 200 motor vehicles. Refuse must be collected at least twice during an event beyond six hours. Grounds must be cleared of all refuse within 24 hours following event.

Safety _____ _____

Fire/EMS No fire _____ _____
(EMT and Ambulance dedicated to event is required)

Police _____ _____
(at least one law enforcement officer per 1,000 persons)

Radios? Rec to provide walkie-talkies _____
2 provided

Amb on site staffed w/ 2 people
1/2 hr B4 first game - to 1/2 hr after
7:30 - 6:30

Para level $400

mmullinee@orthoassociates.com

used to be a Rec Prog - who became their own association - not a fundraiser

- will provide the list of teams
- will provide paint for lines
- $10 per player - field replacement
  $30k used
- $10 per club mbr - when roster is set
  boys last weekend
  girls no deadline
- Flyer made to 5-14th town from C/N Lacrosse organ
  for 3-4 + 5-6

B/S - 44
24
68

G/S -

35-38 teams

16-25 per team
26
38
160
60
100

Police officer - 1st entrance on Tuttle Rd

3 staff officers

Police officer - 1 at ent Tuttle Rd

attendants - 2 five hr shifts

7-5 shift

$300 + wc/taxes

4 ~~$1 5 tax~~

- Pair of volent - 1 at entr and 1 at snack shack
  1 pat pkg lot - 1 top of hill

Booster Grp does concessions + bathrooms -
all spots w/in shelter - no set up
required - already set up in advance -
we set out cans one b4 to help w/ pkg

Concessions - 6 HS Boosters order pizza + sell it
parents provid baked goods

Fee Structure:

Resident: Practice or Game Field Cost for Resident Groups / Teams (SAD51 Teams exempt)
(50 % of players on team must be from Cumberland/N. Yarmouth to equal resident rate)

Fee per Participant	Hours of Use
$2.00	0 – 5 hours
$5.00	6 – 15 hours
$10.00	16 – 30 hours
$ 15.00	30 – 45 hours
$20.00	46 - + hours

Non–Resident: Group/Team practice/game. Fee: $50.00 per hour

Major Event/Tourney
Usage fee to be set by Twin Brook Trustees – mass gathering permit also required.

Signature of Group/Team Representative - acknowledgement of having read Twin Brook Policies

_____ Print Name: Michael Mullins

Date: 4-22-2010

Please make check payable to: ***Town of Cumberland***

Office check off

Date application received 4-20-2010 Within 2 weeks of scheduled use ✓ Yes ___ No

Fee received: _____ Copy of Insurance received ✓ Yes _____ No

Permission: Granted ✓ Denied _____

Signature of Recreation Administrator or designee: William Farrin

Date of approval 4-22-09

Comments_____

Outline of fee structure for CYL Jamboree 2010

Registration fees collected for tournament @ $85 each for 36 teams = $3060

Fees for Youth Jamboree (without town fees)

- Grades 3/4 referees @ $30 each for 16 games = $480
- Grades 5/6 referees @ $25 each x2 for 24 games = $1680
- Stop watches, blow horns for game start/stop, ancillary fees = $50-$75
- Paint for fields (Rec. Dept.) = $220
    - Rough total fees = $2445 for the event

Added mandatory town fees for Jamboree

- Police @ $300 + WC and FICA = $350
- Fire/EMS services = $400
    - Mandatory town fees = $750

$3060 collected
$3190 in mandatory fees
$130 deficit to run program as is

Potential added town fees

- Mass gathering permit fee @ $250
- Field usage fees @ $5/participant x 40 participant = $200

** If town adds further fees, than the program ***would be running with a $680 deficit*** which would close to clean out our existing account for both the boys and girls program combined.

Cumberland Youth Lacrosse is a nonprofit volunteer program which separated from the town to give CYL a better opportunity to grow the program and help in taking some of the responsibilities from the town. In its second full season independently, we are still learning and growing as an organization. We currently have a website which outlines our philosophy and helps parents know what is going on with games, practices and events; we give out between 5-7 scholarships each year for those that are unable to afford it; we provide a learning environment and skills clinics to improve the involvement of the high school program, boosters and youth program; we are a resource for C/NY parents on lacrosse opportunities throughout the year; we work with the HS boosters program in providing fundraising opportunities for them with concessions, clinics and apparel sales.

The Jamboree and Round Robins are excellent opportunities to bring together the entire lacrosse community—both for C/NY and all towns involved. Parents, players, referees from around the area, boosters, middle school players helping with field marshals. If our capital is depleted, than the likelihood of us to continue to not only host the jamboree and round robin for the state, but also continue to operate as an independent entity, would be compromised and we would likely need to go back to the town and place the onus back on them for running this program.

Nadeen Daniels

From: Mullin, Michael [MMullin@orthoassociates.com]
Sent: Monday, April 26, 2010 3:06 PM
To: Nadeen Daniels
Cc: Bill Landis; The Kurlands
Subject: RE: revenue

I thought I remembered there was a $500 number out there vs. $200. Yes, I do have thoughts. If the Town Council decides to charge us for all the fees that they have established--in particular if they charge us the non-resident rate rather than just charging us for the paint, as well as charging us for the MGP fee--than I will have to cancel the program. If I do so, I will have to make it very clear why. This would affect a number of people in this state and give our town an exceptionally bad name--especially in the lacrosse world. Just stating it like it is.

Food revenue goes directly to the HS boy's lacrosse boosters program.

Hope this helps. . .

Michael

-----Original Message-----
From: Nadeen Daniels [mailto:ndaniels@cumberlandmaine.com]
Sent: Monday, April 26, 2010 1:28 PM
To: Mullin, Michael
Subject: RE: revenue

Me again,

I've received a question regarding the Twin Brook Use Fee Structure. The Use Application says there is a Resident and a Non-resident fee. In order to get the resident fee, "50% of the players" must be from Cumberland/No. Yarmouth, and it doesn't appear that is the case with your jamboree. So, the non-resident fee is $50 per hour, which would put the fee at $500, rather than the 200 ($5 @ 40 participants) you've listed for the field usage fee in your outline. It has also been raised that there is mention of your food revenues. Your thoughts?

Thanks,

Nadeen Daniels
Town Clerk/HR Director
290 Tuttle Road
Cumberland, ME 04021
phone: 207-829-2205, ext. 302
fax: 207-829-2224

DISCLAIMER: Please be advised that pursuant to Title 1 MRSA, Section 402(3), a public record includes any written, printed or graphic matter or any mechanical or electronic data in the possession or custody of an agency or public official that has been received or prepared for use in connection with the transaction of public or governmental business and contains information relating to the transaction of said business; therefore, the public is advised that any correspondence whether by traditional method or e-mail with the town offices or town officials, with certain limited exceptions, is a public record and is available for review by any interested party.

-----Original Message-----
From: Mullin, Michael [mailto:MMullin@orthoassociates.com]
Sent: Monday, April 26, 2010 12:34 PM
To: Nadeen Daniels
Subject: RE: revenue

It would also be a good point which I will mention which is that I will increase our fee structure for next year to accommodate now that we know what to expect. It is also a good point to mention that neither So.
Portland nor Cape Elizabeth charges their youth lacrosse programs for field usage and such for their tournaments.

Thanks Nadeen. . .

Michael

-----Original Message-----
From: Nadeen Daniels [mailto:ndaniels@cumberlandmaine.com]
Sent: Monday, April 26, 2010 12:29 PM
To: Mullin, Michael
Subject: RE: revenue

Hi Mike,

Looks good. I will put a copy of this information at the councilor's seats this evening so they have it in front of them when you formally request your fee waivers.

Thanks,

Nadeen Daniels
Town Clerk/HR Director
290 Tuttle Road
Cumberland, ME 04021
phone: 207-829-2205, ext. 302
fax: 207-829-2224

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-----Original Message-----
From: Mullin, Michael [mailto:MMullin@orthoassociates.com]
Sent: Monday, April 26, 2010 12:19 PM
To: Nadeen Daniels
Subject: RE: revenue

Please see attached and let me know if adequate. . .

Michael

-----Original Message-----
From: Nadeen Daniels [mailto:ndaniels@cumberlandmaine.com]
Sent: Monday, April 26, 2010 12:13 PM
To: Mullin, Michael
Subject: revenue

Hi Michael,

I have been asked by several councilors to get from you the fee that the jamboree is charging per team for participation. They are unclear as to what your revenues are, and would like to know this as part of their consideration of your request for a fee waiver. Could you please provide me this information before 5:00 today?

Thanks,

Nadeen Daniels
Town Clerk/HR Director
290 Tuttle Road
Cumberland, ME 04021
phone: 207-829-2205, ext. 302
fax: 207-829-2224

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message and destroy all copies of it. Thank you.

Facility Request Form – Twin Brook Recreation Area

Please complete form and return to:

Cumberland Recreation
290 Tuttle Road Cumberland
Cumberland, ME 04021

Note !
Completed application is due 2 weeks prior to scheduled activity.

Park and/or Athletic Field Application

Name of Organization: Cumberland/N. Yarmouth Youth Lacrosse

Name of Contact Person: Michael Mullin

Address: 7 Farwell Ave City Cumberland

H-Phone: 829-9394 W-Phone _____ Cancellation Phone _____

Planned Activity Lacrosse Round Robin Jamboree

Date of Activity May 8, 2010 **Time Requested** 8am **Start** 6pm **End**

Facility or Field(s) Requested: (please check all that apply)

1. Game Field ✓ 2. Practice Field Left ✓ 3. Practice Field Right ✓ 4. Trails _____

5. Multi-purpose Field (Greely Road) _____ Shelter Field ✓

6. Park Area(s) specific _____

Number of Participants : Adults _____ Youth 700 Number of Spectators 700 (if applicable)

Special request(s)
Refreshments and/or sale of products – exclusive control (please check) Yes ✓ No _____

Exclusive use of Twin Brook Facility – Tuttle Road Park ✓ Greely Road Park _____ Both ___

Notes and/or Comments
Cost for 4 cases of paint required. $220.00

Fee Structure:

Resident: Practice or Game Field Cost for Resident Groups / Teams (SAD51 Teams exempt)
(50 % of players on team must be from Cumberland/N. Yarmouth to equal resident rate)

Fee per Participant	Hours of Use
$2.00	0 – 5 hours
$5.00	6 – 15 hours
$10.00	16 – 30 hours
$ 15.00	30 – 45 hours
$20.00	46 - + hours

Non–Resident: Group/Team practice/game. Fee: $50.00 per hour

Major Event/Tourney
Usage fee to be set by Twin Brook Trustees – mass gathering permit also required.

Signature of Group/Team Representative - acknowledgement of having read Twin Brook Policies

_____ Print Name: Michael Mullin

Date: 4-22-2010

Please make check payable to: ***Town of Cumberland***

Office check off

Date application received 4-20-2010 Within 2 weeks of scheduled use ✓ Yes ___ No

Fee received: _____ Copy of Insurance received ✓ Yes _____ No

Permission: Granted ✓ Denied _____

Signature of Recreation Administrator or designee: William Tuttle

Date of approval 4-22-09

Comments _____

BOYS' YOUTH LACROSSE JAMBOREE

Review Meeting held Tuesday, April 20 at 2:00 pm, Town Hall – Attendees: Mike Mullin, Bill Landis, Brian Bickford, Joe Charron, Nate Schools, and Nadeen Daniels

Twin Brook Policy requirements:

Permit:	Facility Use Permit required by Bill Landis. Provided on 4/22 by Bill Landis.
Fee:	$500 – event organizers request a waiver of the facility use fee Bill Landis has also noted a fee of $220 for the cost of four cases of paint for field striping.
Insurance:	A Certificate of Liability Insurance Form from Bollinger, Inc. is attached naming the town as an additional insured and covering $1 million per person, $2 million per occurrence, and property damage not less than $25,000. Insurance Company explains there is a "$1 million per occurrence limit with the General Liability and an additional $1 million per occurrence with the Excess policy. There is also a $100,000 limit for damage to property rented by" the boosters club.
Greely Side:	Bill Landis to review schedule to determine if baseball and/or softball games are scheduled to occur on the Greely Road side on this date/time. Bill Landis informed Clerk on 4/21 that no events are scheduled for the Greely Road side on May 8th.
Parking Plan:	All transportation to event will be via personal vehicles; no buses will transport participants. Four volunteers will handle parking control and be assigned as follows: (a) two at entrance/exit to park; (b) one at snack shack area; and (c) at top of hill. Mr. Mullin provided the attached written Parking Control Plan and map on 4/22 – plan and map was approved by Chief Charron on 4/22.
Rec Personnel:	Bill Landis indicated town recreation staff is not required at this event. However, town personnel will place three additional trash receptacles and cones for use in traffic control.

Mass Gathering Ordinance requirements:

Attendance:	600 – 700 Third, Fourth, Fifth, and Sixth grader team members and similar number of spectators Mr. Mullin to provide Clerk with a list of participating teams to determine overall number of participants. Roster received on 4/22 which shows eighteen towns represented, each with 16-25 members per team, and a likely equal number of spectators throughout the day. At any one time eight teams will play – two on each of four separate fields. Several hundred players/spectators will be on-site throughout the event as they await their scheduled competitions.

18 teams
2 teams per field - over 4 fields

Date of App - 60 days before:	No - Application received Thursday, April 8, 2010.
Fee:	Event organizers request a waiver of the $250 MGP fee.
Performance Grnty:	Not required.
Contract w/owner:	Bill Landis issued facility use approval form on 4/22. .
Access/Parking:	Police Chief requires one police officer during all event hours. The officer will primarily monitor traffic at the entrance/exit of the park and monitor the parking area periodically during the event duration. Cost is anticipated at $350.
Water Supply:	Greely Lacrosse Boosters will operate concession stand. Boosters Club was notified to obtain a victualer's license for the event, which is attached. The boosters club intends to purchase for resale pizza and bottled drinks. Fire Department personnel will inspect concession stand on day of event pursuant to Victualers license requirements.
Sanitation:	The on-site toilet facilities will be utilized and were determined to be sufficient for this event. MGP requires separate facilities for males and females and 1 toilet for every 200 persons attending – the TB facility houses three toilets each for male and female access.
Refuse Disposal:	Collection and removal will be handled by event organizers – no outside contractor will be hired. Mr. Mullin was informed of the MGP requirements: one 50-gallon container for every 100 persons on-site AND one fifty-gallon container in parking area for every 200 motor vehicles. Refuse must be collected at least twice during an event lasting more than six hours. Grounds and restrooms must be cleared of all refuse within 24 hours following event. Bill Landis advised that Rec staff will place six 50-gallon containers on-site prior to event (three are in existence at all times currently).
Fire/Medical:	A dedicated paramedic and EMT with ambulance is required given the length of the event. Cost is estimated at $400. The team and ambulance will be on-site ½ hour prior to and after the event.
Communications:	Bill Landis stated he will provide three walkie-talkies for communication between fire/ems, police and Mr. Mullin.

BOYS' YOUTH LACROSSE JAMBOREE

Review Meeting held Tuesday, April 20 at 2:00 pm, Town Hall – Attendees: Mike Mullin, Bill Landis, Brian Bickford, Joe Charron, Nate Schools, and Nadeen Daniels

Twin Brook Policy requirements:

Permit:	Facility Use Permit required by Bill Landis. Provided on 4/22 by Bill Landis.
Fee:	$500 – event organizers request a waiver of the facility use fee Bill Landis has also noted a fee of $220 for the cost of four cases of paint for field striping.
Insurance:	A Certificate of Liability Insurance Form from Bollinger, Inc. is attached naming the town as an additional insured and covering $1 million per person, $2 million per occurrence, and property damage not less than $25,000. Insurance Company explains there is a "$1 million per occurrence limit with the General Liability and an additional $1 million per occurrence with the Excess policy. There is also a $100,000 limit for damage to property rented by" the boosters club.
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18 teams
2 teams per field - over 4 fields

Date of App - 60 days before:	No - Application received Thursday, April 8, 2010.
Fee:	Event organizers request a waiver of the $250 MGP fee.
Performance Grnty:	Not required.
Contract w/owner:	Bill Landis issued facility use approval form on 4/22. .
Access/Parking:	Police Chief requires one police officer during all event hours. The officer will primarily monitor traffic at the entrance/exit of the park and monitor the parking area periodically during the event duration. Cost is anticipated at $350.
Water Supply:	Greely Lacrosse Boosters will operate concession stand. Boosters Club was notified to obtain a victualer's license for the event, which is attached. The boosters club intends to purchase for resale pizza and bottled drinks. Fire Department personnel will inspect concession stand on day of event pursuant to Victualers license requirements.
Sanitation:	The on-site toilet facilities will be utilized and were determined to be sufficient for this event. MGP requires separate facilities for males and females and 1 toilet for every 200 persons attending – the TB facility houses three toilets each for male and female access.
Refuse Disposal:	Collection and removal will be handled by event organizers – no outside contractor will be hired. Mr. Mullin was informed of the MGP requirements: one 50-gallon container for every 100 persons on-site AND one fifty-gallon container in parking area for every 200 motor vehicles. Refuse must be collected at least twice during an event lasting more than six hours. Grounds and restrooms must be cleared of all refuse within 24 hours following event. Bill Landis advised that Rec staff will place six 50-gallon containers on-site prior to event (three are in existence at all times currently).
Fire/Medical:	A dedicated paramedic and EMT with ambulance is required given the length of the event. Cost is estimated at $400. The team and ambulance will be on-site ½ hour prior to and after the event.
Communications:	Bill Landis stated he will provide three walkie-talkies for communication between fire/ems, police and Mr. Mullin.

TOWN OF CUMBERLAND
MASS GATHERING ORDINANCE

THE TOWN OF CUMBERLAND HEREBY ORDAINS the following to be the Mass Gathering Ordinance –

I. STATEMENT OF PURPOSE

The Town of Cumberland is concerned about the adverse effect to the general health and safety of the community that may result from large crowds which attend outdoor events, including exhibitions, festivals, music concerts and fairs. Large gatherings may lead to sanitation problems, resulting from inadequate waste disposal, insufficient drinking water and ill-equipped first aid facilities; such gatherings may also threaten the safety of the community through the obstruction of roads, violations of liquor and drug laws, and destruction of property. Further, large gatherings that occur within a short period of time create traffic congestion, crowd control, health, sanitation and safety problems which are greater than those which accompany gatherings which occur over a longer duration. Therefore, the following ordinance is hereby ordained for the purposes of protecting the general welfare, preventing disease, promoting health and providing for public safety.

II. DEFINITIONS

A. Large Outdoor Event - means any gathering held outdoors with the intent to attract five hundred (500) or more persons for a festival, exhibition, amusement show, fair, theatrical performance, musical performance or other similar activity. Large Outdoor Events are regulated depending on their anticipated attendance, and so there are two categories of Large Outdoor Events:

1. Major Large Outdoor Event - means a Large Outdoor Event which is held with the intent to attract a continued attendance of five thousand (5,000) or more persons for any length of time.

2. Minor Large Outdoor Event - means a Large Outdoor Event which is held with the intent to attract a continued attendance of fewer than five thousand (5,000) persons for any length of time.

B. Town - means the Town of Cumberland.

C. Town Council - means the Town Council of the Town of Cumberland.

D. Person - means any natural person, sole proprietor-ship, partnership, corporation or other entity.

E. Operator - means the person responsible for the Large Outdoor Event.

F. Performance Guaranty - means an irrevocable letter of credit from a banking institution authorized to do business in Maine, cash escrow, or other financial guarantee acceptable to the Town Council and in a form approved by the Town Attorney, provided by an applicant for a Large Outdoor Event license to guarantee the payment of: the costs of the prompt cleaning of the grounds after the close of the Large Outdoor Event; and the Town police, fire, rescue and public works costs for traffic control, public safety, first aid, fire prevention and law enforcement activities performed by the Town as a result of the Large Outdoor Event (the "Public Costs"). These public costs shall be those costs incurred by the Town in connection with the proposed Large Outdoor Event which would not be incurred by the Town if the Large Outdoor Event were not held. Promptly following the Large Outdoor Event, the Town shall release the Performance Guaranty if the Operator pays all such Public Costs within ten (10) working days after the Large Outdoor Event.

G. Assembly Area - means that portion of the premises on which the Large Outdoor Event is held within which persons in attendance are expected to sit or stand.

III. REQUIREMENT OF A LICENSE FOR LARGE OUTDOOR EVENTS

A. No person may sponsor, promote, operate or hold any Large Outdoor Event unless a license therefore is first obtained from the Town Council of Cumberland.

B. The licensing procedure will be administered in the following manner:

1. The person(s) seeking a license must file an application form with the Town Clerk of the Town of Cumberland no less than 60 days before the proposed commencement of the Large Outdoor Event.

2. The fee for the license shall be established by order of the Town Council and must accompany the application. Money received under this ordinance will help defray costs of its administration. The Town Council may at its discretion reduce or waive the fee for charitable and nonprofit organizations.

3. The application, filed with the Town Clerk, must include a contract with the property owner allowing use of the facility or property, unless the property or facility is owned by the applicant.

4. Within 5 days of the receipt of an application, the Town Clerk shall notify the Town Manager, Police, Fire and Rescue Chiefs of the application.

5. Before a license may be issued hereunder, the Town Council shall hold a public hearing, in order to review the application and determine the conditions required to safeguard the public health, safety and welfare. The license applicants have the right to attend and to represent their interests at

such hearing. When considering the issuance of a license for a Large Outdoor Event, the Town Council may seek advice from the Police Chief, Fire Chief, Rescue Chief, Code Enforcement Officer, Health Officer and such other Town officials as it deems necessary. After assessing the possible effects that the proposed event may have on the public's health, safety and welfare, the Town Council may deny the license or grant the license, or grant the license and impose such reasonable conditions on the issuance of a license as would safeguard the public interest; including, requiring the applicant to:

a. post a performance guaranty in a form acceptable to the Town Attorney in an amount estimated by the Town Council to be equal to the Public Costs described in paragraph II F of this Ordinance.

b. agree to hiring of certified police officers, and rescue and fire personnel at the expense of the licensee. The Police Chief, Fire Chief and Rescue Chief will be notified no less than 45 days before the proposed event that the personnel will be needed;

c. demonstrate, by means of a written, descriptive plan addressing the standards of this Ordinance, that adequate facilities will be provided at the site of the Large Outdoor Event, in order to protect the health of the people who attend, including:

i. adequate waste disposal facilities;

ii. adequate fire fighting, rescue and police personnel;

iii. adequate water supplies;

iv. adequate first aid, rescue and fire facilities, and police equipment; and

v. adequate communication facilities;

d. give notice to the appropriate Town, County and State officials, as named by the Town Council;

e. demonstrate, by means of a written descriptive plan, that adequate parking spaces will be available;

f. provide, for major Large Outdoor Events, a detailed plan showing how crowd security and police protection of private property will be accomplished;

g. provide, for Major Large Outdoor Events, a detailed plan for controlling traffic, which shall contain:

i. a description of routes which persons attending are likely to take;

ii. methods to be used to publicize alternative routes;

iii. the number of persons who will be present to direct traffic at the site both before and after the event and their locations, and;

iv. a description of what means will be available to remove disabled vehicles from locations under the control of the Operator where such vehicles would prevent the free flow of traffic.

h. provide a contract with a waste disposal company to remove waste from the site.

IV. LICENSE STANDARDS

In reviewing Large Outdoor Event license applications submitted pursuant to Section III A, the Town Council shall determine whether to issue a license based upon whether the application meets all of the following standards:

A. Access - That convenient and safe access for the ingress and egress of pedestrian and vehicular traffic exists, and that all public roadways in the proximity of the Large Outdoor Event shall be adequately staffed with uniformed police officers to insure safety to all the public.

B. Grounds -

1. That each Large Outdoor Event Assembly Area shall be well drained and so arranged to provide sufficient space for persons assembled, vehicles, sanitary facilities, and appurtenant equipment.

2. That trees, underbrush, large rocks and other natural features shall be left intact and undisturbed whenever possible, and the natural vegetative cover shall be retained, protected, and maintained so as to facilitate drainage, prevent erosion, and preserve the scenic attributes.

3. That the grounds shall be maintained free from accumulation of refuse, and from health and safety hazards constituting a nuisance as defined.

4. That illumination shall be provided at night beginning one half hour before sunset to protect the safety of the persons at the Large Outdoor Event. The Assembly Area shall be adequately lighted, but lighting shall not unreasonably

reflect beyond the Assembly Area boundaries unless adjacent properties are uninhabited.

5. That parking shall be provided for persons arriving by vehicular means; that service road and parking spaces shall be located so as to permit convenient and safe movement of vehicular and pedestrian traffic and free passage of emergency vehicles; that the width of the service road should not be less than the following: 1 traffic lane -- 12'; 2 traffic lanes -- 24'; parallel parking lanes -- 7', that adequate parking space shall be provided which means that there shall be at least one parking space to every three persons and the density shall not exceed one hundred passenger cars or 30 buses per usable acre.

6. That at least ten (10) square feet per person shall be provided on the site for a Large Outdoor Event with assigned seating; that at least fifteen (15) square feet shall be provided for a Large Outdoor Event with festival seating; and that no overnight assemblage shall be permitted.

C. Water Supply -

1. That an adequate, safe supply of potable water, meeting the requirements of the State Department of Human Services, Division of Health Engineering, shall be provided and that common cups shall not be used.

2. That transported water shall be obtained from an approved source, stored and dispensed in an approved manner. Approval as used in this paragraph means in compliance with standards adopted by the State Department of Human Services, Division of Health Engineering.

D. Sanitation -

1. That where water is distributed under pressure and flush toilets are used, the water system shall deliver water at a normal operating pressure (20 lbs per square inch minimum to all fixtures at the rate of at least 30 gallons per person per day).

2. That when water is not available under pressure, and non water carriage toilets are used, at least 3 gallons of water per person per day shall be provided for drinking and lavatory purposes.

3. That where water under pressure is not available, equivalent facilities shall be provided and installed in accordance with the requirements of the Department of Human Services, Bureau of Health, Mass Gathering Rules and Informational Guidelines.

4. That sanitary facilities shall be separate for males and females, and shall be provided at the rate of one for each 200 persons. Any other proposal for

providing sanitary facilities must be in accordance with the requirements of the Department of Human Services, Bureau of Health, Mass Gathering Rules and Informational Guidelines.

5. That the required sanitary facilities shall be conveniently accessible and well defined.

6. That each toilet shall have a continuous supply of toilet paper.

7. That service buildings or rooms housing required plumbing fixtures shall be constructed of easily cleanable, nonabsorbent materials; the buildings, service rooms, and required plumbing fixtures located therein shall be maintained in good repair and in a clean and sanitary condition.

8. That separate service buildings or rooms containing sanitary facilities, clearly marked, shall be provided for each sex, and each toilet room shall be screened so that the interior is not visible from the outside.

9. That wastewater shall be discharged in a manner consistent with the requirements of the State Department of Human Services, Division of Health Engineering.

10. That disposal and/or treatment of any excretion or liquid waste shall be in a manner consistent with the requirements of the State Department of Human Services, Division of Health Engineering.

E. Refuse Disposal

1. That refuse shall be collected, stored, and transported in such a manner as to protect from odor, infestation of insects and/or rodents any and other nuisance condition, or conditions which are inconsistent with the health, safety, and welfare of the patrons of the Large Outdoor Event or of the public.

2. That refuse containers shall be readily accessible and that one (1) fifty gallon refuse container or its equivalent shall be provided for each one hundred persons anticipated or that one (1) sixteen (16) cubic yard trash container shall be provided for every five thousand (5,000) persons anticipated. All trash barrels shall be lined with plastic bags.

3. That the area where motor vehicles are parked shall have one (1) fifty, (50) gallon refuse container or its equivalent for every two hundred, (200) such motor vehicles.

4. That all refuse shall be collected from the Assembly Area at least twice each twelve (12) hour period of the Large Outdoor Event, with a minimum of two

(2) such collections per Large Outdoor Event exceeding six (6) hours, or more if it is necessary, and disposed of at a waste disposal site approved by the Town.

5. That the grounds and immediate surrounding property shall be cleared of refuse within twenty-four (24) hours following the Large Outdoor Event.

F. Vermin Control - That insects, rodents and other vermin shall be controlled by proper sanitation practices, extermination or other safe, and effective control methods, where necessary animal parasites and other disease-transmitting nuisances shall be controlled.

G. Safety

1. That where an electrical system is installed, it shall be installed and maintained in accordance with the provisions of the applicable State standards and regulations and the Town's Electrical Codes.

2. That the grounds, building, and related facilities shall be maintained and used in a manner as to prevent fire and in accordance with the applicable local fire prevention regulations.

3. That internal and external traffic and security control shall meet requirements of the applicable State and local law enforcement agencies.

4. That the Town of Cumberland Fire Department has been informed of the Large Outdoor Event and that adequate fire protection equipment is available.

5. That for Large Outdoor Events, at least one law enforcement officer per 1,000 persons expected to attend the Large Outdoor Event shall be on site to assist in crowd and traffic control, and for Major Large Outdoor Events, there shall be a minimum ratio of 5 officers for every 2,000 additional persons beyond 5,000 persons in attendance.

H. Medical

1. That emergency medical services shall be provided. All personnel must be Cumberland Rescue personnel and/or approved by the Chief of the Cumberland Rescue Department and they shall be licensed by the State of Maine, as either Physician Assistant, R.N., or Emergency Medical Technician.

2. That a First Aid building or tent with adequate medical supplies shall be available.

3. That an adequate number of vehicles duly licensed by the State of Maine as ambulances shall be available on the site during the complete time of the Large Outdoor Event.

4. That telephone and radio communications shall be provided and kept available for emergency purposes.

5. That the Chief of the Cumberland Rescue Department shall determine the number of E.M.T. personnel and ambulances needed.

I. Noise

1. No Major Large Outdoor Event shall continue beyond 11:00 p.m.

VI. WAIVERS

The Town Council may, in its discretion, waive any of the requirements under Section III of this ordinance, if it finds the requirement of information or materials with the application is unnecessary or irrelevant to the review of a particular mass gathering permit application.

V. ENFORCEMENT, PENALTY, ASSIGNABILITY

The Town Of Cumberland shall enforce this Ordinance through its Code Enforcement Officer. Anyone violating any provision of this Ordinance shall be subject to a fine in an amount to be set per order of Town Council for each violation. Each day such violation continues shall constitute a separate offense. Licenses issued hereunder shall not be transferable or assignable.

AMENDED: 12/28/81
04/22/96

TWIN BROOK RECREATION AREA POLICIES AND RULES

1. **General.** The Twin Brook Recreation Area is owned by the Town of Cumberland, and shall be administered by the Cumberland Recreation Department. The Cumberland Town Council shall appoint a Twin Brook Advisory Committee, which shall provide advice and recommendations to the Cumberland Recreation Department and to the Council upon all aspects of the use and management of the Twin Brook Recreation Area.

2. **Priorities.** Cumberland Recreation Department programs intended specifically for Cumberland and North Yarmouth residents shall have first priority with respect to use of Twin Brook playing fields and athletic facilities. MSAD 51 athletic practices and games shall have second priority. Notwithstanding the foregoing, priorities are subject to ongoing review, and priority of use with respect to certain fields on the Greely Road side shall be in accordance with the leases agreement between the Town of Cumberland and MSAD 51 dated July 12, 2002.

3. **Field Use.** There shall be no organized use of the playing fields on Sundays until 1 p.m. At the discretion of the Cumberland Recreation Director, any of the playing fields may be closed to activity at any time if conditions are unsuitable for use or to allow for reseeding and recovery.

4. **Cancellation.** The Cumberland Recreation Director or his nominee shall have the absolute right to cancel scheduled events due to inclement weather or if he determines, in his sole discretion, that a playing field or other facility is unplayable. In such event, the scheduled user shall be entitled to a refund of fees paid.

5. **Applications.** No community group, athletic group or other organized group may schedule and hold events of any kind at the Twin Brook Recreation Area without first having obtained the approval of and a permit from the

Cumberland Recreation Department. Approval and a permit may be obtained by submitting a Facility Request Form to the Department at least two (2) weeks prior to the requested date of use but not more than three (3) months before such date to help facilitate fair and equitable scheduling. All fees must be paid, proof of insurance must be provided, and all other stipulations must be met before the permit is issued. If the permit must be withdrawn due to a scheduling conflict, all fees will be refunded. If the user chooses not to use the facility as requested and notifies the Cumberland Recreation Department at least two (2) weeks before the scheduled usage date, there will be a full refund. There will be no refund of fees if notification occurs less than two (2) weeks before the scheduled usage date unless there is an unusually compelling reason for such a cancellation. A copy of each application will be kept on file at the Cumberland Recreational Department offices. The individual whose signature appears on any such application form will be considered the individual responsible for the supervision and use of the facility/facilities requested and he/she must provide adequate and appropriate supervision at all times. He/she will also be responsible for all rental fees, proof of liability insurance/bodily harm, facility/equipment damages, theft, or loss of any kind that occurs related to usage of the facility.

6. **Insurance.** The MSAD 51/Town of Cumberland property insurance and general liability insurance does not extend to individuals, community groups, athletic groups, or other organized groups utilizing the Twin Brook facilities. Therefore, any such groups or individuals using the Twin Brook facilities for any organized purpose are required to provide evidence of insurance for liability (not less than $1,000,000 per person/$2,000,000 per occurrence) and property damage (not less than $25,000) before receiving a facility permit. The Town of Cumberland shall be named as additional insured in all such policies and all insurance provided by the facility user shall be primary to any insurance which the Town of Cumberland may have. All insurance required hereunder shall be placed with insurers licensed to do

business in the State of Maine and acceptable to the Cumberland Recreation Department.

7. **Indemnity.** The Town of Cumberland may require any individual or group utilizing Twin Brook facilities for any purpose (including non-permitted walk-on use) to agree in writing, in a form acceptable to the Town, to save, indemnify and hold harmless the Town of Cumberland, its inhabitants, its employees, the Town Council, the Cumberland Recreation Department, and the Twin Brook Advisory Committee from and against any and all liabilities, actions, causes of action for death, personal injury, or property damage, including attorney's fees, and from any and all fines, suits, claims, demands and actions of any kind or nature of any and all persons resulting from or arising from the use of said facilities, equipment, or activity participation. It is expressly understood that participation in recreational and athletic activities may cause bodily injury, sickness, disease, death, or personal injury, or damage and destruction to tangible property, including the loss or use thereof. Therefore, any individual or group utilizing Twin Brook facilities for any purpose shall save, indemnify and hold harmless the Town of Cumberland, its inhabitants, its employees, the Town Council, the Cumberland Recreation Department, and the Twin Brook Advisory Committee from and against any and all liabilities, actions, and causes of action arising out of or resulting from the performance of any facility use permit.

8. **Modifications.** The Town of Cumberland reserves the right to waive, modify, or institute requirements in addition to those listed herein should it be deemed necessary and/or in the best interest of the Town of Cumberland.

9. **Fees.** The Cumberland Town Council shall approve a schedule of fees for the use of Twin Brook facilities, which schedule shall be subject to ongoing review.

10. Parking –PARKING PLAN REQUIREMENTS JUNE 2007

A. Events that anticipate greater than "100" vehicles, (or over 60% of available parking spaces) will need to meet Twin Brook Parking Plan Requirements.

B. ANY event anticipating bus parking will provide a parking map and enforce "bus parking only" area(s).

C. Overflow Parking Areas will be permitted and designated by the Committee and only when appropriate (seasonal- dry ground, etc).

a. Vehicles will be directed to park in specific parking spaces by parking attendants. Attendants will also enforce "No Parking" areas.
b. One person from organization will be responsible for administration of parking plan; will have cell phone number available to EMS dispatch.
c. Parking attendants will be required to wear reflective orange vest.
d. Organizations which meet Mass Gathering Permit threshold will also be required to hire a Cumberland Police Officer. Police presence will provide support for parking attendants. Four parking attendants will also be required for this level of event.
e. Exclusive use of Park and charging a parking fee must be approved by Twin Brook Advisory Committee.
f. Parking Plan and Permit must be completed and signed by the Chief of Police prior to the Committees approval of the event.

11. Miscellaneous.

a. MSAD 51 and the Cumberland Recreation Department are only expected to service their own sanctioned programs. All other users are allowed to utilize the Twin Brook facilities at their own risk on an "as is, where is" basis. There should not be any expectation from permit users that the facilities will be "set up" for their specific use, needs, or situation. If the Cumberland Recreation Department is requested by a user to provide a special service or to alter, modify or rearrange a Twin Brook facility, above and beyond ordinary maintenance and upkeep, and if the

Cumberland Recreation Department is in agreement, the user shall be charged accordingly in an amount to be determined by the Cumberland Recreation Department.

b. It is the responsibility of the persons or organizations using the Twin Brook facilities to leave them in the same condition in which they were received. If this is not done to the satisfaction of the Cumberland Recreation Department, a charge shall be levied for any required "clean-up", "pick-up", or "fix-up" costs (including labor) in excess of any fees that would otherwise be applicable. A lack of respect and responsibility could result in the denial of future permits to the permit applicant or group.

c. It is the responsibility of the persons or organizations using Twin Brook facilities to inform all participants of program cancellations if such programs are cancelled.

d. No permitted or walk-in user shall change the appearance, rearrange, or attempt to improve any Twin Brook facility without the express consent of the Cumberland Recreation Department, which must be obtained in advance and in writing.

e. The Cumberland Recreation Department reserves the right to require supervisory personnel to be present during the use of Twin Brook facilities at the expense of the individual or group in question.

f. All individuals or groups using Twin Brook facilities are responsible for the preservation of order during all activities and are required to comply with all applicable statutes, Town of Cumberland ordinances (including the requirement of obtaining a mass gathering permit, if applicable), and regulations, in addition to any policies or conditions imposed by the Cumberland Recreation Department. If security is deemed to be necessary, arrangement and payment for police services shall be the responsibility of the individual or group in question. Proof of police protection or private security may be required to receive the initial permit.

g. The use, consumption or sale of alcoholic beverages, tobacco products or illegal drugs at Twin Brook facilities is prohibited.

h. Gambling on Twin Brook facilities is prohibited unless allowed as an approved, legal, fund raiser (e.g, casino nights, fifty-fifty (50/50) raffles and bingo) for school or community booster groups. Such activities must be approved by the Cumberland Recreation Department.

i. Except as provided below, the use of open flames, charcoal fires, cooking fires, candles, or other incendiary devices or special effects is prohibited at the Twin Brook Recreation Area. Gas Grills shall be permitted ~~in the Parking area known as the Bus Turnaround or Parking Area 2. It is the second parking lot from Tuttle Road and depicted on a map attached to this document in Appendix A.~~ outside of the Tuttle Road shelter building area.

Bonfires may be allowed only when sponsored by a booster club or similar entity associated with M.S.A.D. #51 or the Town of Cumberland, and may be scheduled only with the express permission of both the Cumberland Town Council (and/or designee) and the Cumberland Fire Department, subject to the following conditions:

1. The sponsor must arrange for fire protection through the Cumberland Fire Department;
2. The sponsor must reimburse the Town of Cumberland in full for the cost of fire protection;
3. The sponsor must clean up the area impacted by the bonfire;
4. Public participation in the bonfire must conclude no later than 8:00 p.m.

j. Dogs must be on a leash or under the control of the person in charge of the dog at all times, provided that all dogs must be leashed while in the areas of the playing fields when games or practices are in progress.

During the non-winter months, dogs may be walked on all pasture areas and trails (except when the trails are in use for a running event), but may not be walked on the playing fields. During the winter months, dogs may be walked or sledded in any area except for groomed ski trails.

The person in charge of a dog is responsible for cleaning up waste released by the dog and will be strictly liable for any personal harm or damage caused by the dog.

k. Horses may be ridden along the perimeters of pasture areas but not on the playing fields or the trails. Owners are responsible for cleaning up after their horses.

l. Mountain biking is permitted only when trails are firm and there are no running or skiing events scheduled.

m. Activities such as kiting, model rocket and model airplane flying should take place in open pasture locations well away from any organized activities. Incendiary devises shall be prohibited.

n. Picnicking is welcome while the facilities are open, and picnickers are responsible for cleaning up after themselves. **Open fires as well as heat sources for barbecuing or grilling are not permitted.**

o. The facilities shall be open from 6:00 AM until ~~during daylight hours only, and no nighttime use shall be permitted without the express written permission of the Cumberland Recreation Department.~~ 9 PM - April 1st – November 1st and until 6 PM from November 2nd – March 31st.

p. All permit applications must restrict themselves to appropriate use of all Twin Brook facilities. Facility use shall be dictated by design. Twin Brook fields and trails are for foot traffic only, except for mountain biking as permitted under subparagraph l. The only motorized vehicles permitted in or on Twin Brook facilities are maintenance vehicles. All other vehicles or recreational equipment such as four-wheel drives, snowmobiles, roller blades, scooters, skateboards, bicycles (except as provided in subsection (l) above) and motorcycles are prohibited.

q. Permitted users acknowledge and agree that they will be solely responsible for all royalties or charges which are due or may become due on material used for or during an event. The facility user shall warrant to the Cumberland Recreation Department that such royalties or charges have been paid or will be paid promptly in accordance with law. A facility user shall further agree to hold the Town of Cumberland, its inhabitants, the Cumberland Town Council, the Cumberland Recreation Department, and the Twin Brook Advisory Committee harmless and to indemnify for all costs or losses, including attorney's fees in defense of claims, just or unjust, relating to the payment of any royalty, charge or fee for use of material by a permitted user during the use of Twin Brook facilities.

r. Evening events such as stargazing with approved area astronomy clubs shall be permitted up to four times per year with administrative approval. Abutter notification shall be required including cancellation and or rescheduling of the event.

ITEM
10-049

To hold a Public Hearing to consider and act on a Mass Gathering Permit for the Girls Youth Lacrosse Round Robin to be held at Twin Brook on June 5, 2010 from 8:00 a.m. to 5:00 p.m.

ITEM TABLED

4:00pm

TOWN OF CUMBERLAND

Publication dates:_____
Publication names:_____
Date filed:_____
Fee rec'd:_____
Date Ordinance received:_____
Issued:_____
Denied:_____

Mass Gathering Application -- Minor Large Outdoor Event (500 – 4,999 persons)

This application **must be filed with the Town Clerk not less than 60 days** before the date of the event. Application must be accompanied by a non-refundable fee of **$250**.

Name of applicant: Beth Perry

Address of applicant: 12 Country Charm Rd, Cumberland Tel. # 221-0723 / 272-9902

Name of event: Girls Youth Lacrosse Round Robin

Facility where the event will be held: Twinbrooks

Is the facility owned by the applicant: ____ yes; ✓ no, (if no, attach a copy of the contract with the owner which allows use of the property)

Name of promoter (if different from above): same

Telephone number: 221-0723 / 272-9902

Date of event: June 5th Time (start and finish times): 8am-5pm

Number of tickets available: NA

Expected attendance: 20+ teams 500 people at any given time

Description of event: Girls youth lacrosse games will be played on all four Twinbrooks fields throughout the day. Teams from all over the southern part of Maine will attend.

Will any food vendors be serving at the event? ✓ yes, ____ no (if yes, how many, and what types)
High school Girls Boosters will sell food / drinks from snack shack.
Lax Pro - lacrosse equipment vendors

Will any alcohol vendors be serving at the event? ____ yes, ✓ no (if yes, list name and attach a copy of the vendors license to sell alcohol, describe alcohol will be served)_____

Describe the three most recent outdoor performances of the group, performer, or event being proposed. Include location, date(s), number in attendance, promoter or sponsoring person or organization.

1. Girls Youth Lacrosse Round Robin 2009 - Twinbrooks

2. Girls Youth lacrosse Round Robin 2008 - Twinbrooks

3. Girls Youth lacrosse Round Robin 2007 - Twinbrooks

Description of facility:

A. Seating capacity: _____ permanent; _____ temporary

B. Other seating capacity: _____ festival; _____ standing room only (sq. ft)

C. Number of toilets available: ✓ permanent; _____ portable shelter facilities will meet our needs

D. Number of parking spaces available: ✓ on-site; _____ off-site - current parking adequate

E. Are all parking lots lighted (applicable only if event runs into evening hours)

_____ yes; _____ no, if no, which lots are not lighted NA

F. Source of potable water: fountain at snack shack, water for sale

G. Refuse containers available, number and size: Park dumpster is adequate. Recycling containers for bottles/cans and cardboard will be available.

H. Name of refuse disposal company (attach a copy of the agreement to pick up refuse)

1. When will refuse be picked up? will drop trash off in dumpster

Public Safety:

J. Describe first aid facilities: Tent w/certified trainer - also certified in first aid and CPR through American Heart Association. Will have all first aid supplies, cell phone and an AED

K. Describe emergency facilities: see above

L. Describe communication facilities: cell phones, radios

M. Number of certified police officers: N/A

N. Other security personnel (include company name and qualifications): N/A

O. Describe fire personnel: N/A

*will call 911 as needed for local rescue

Traffic Plan

Will have parking attendants at all key intersections in Park

P. Description of routes persons attending the event are likely to take, include number of traffic controllers and deployment descriptions.

Q. Describe methods used to publicize alternate routes of reaching the scene of the event.

R. Attach statement of availability of private towing firms to remove disabled vehicles.

Crowd Management

S. Plan for discouraging those not holding tickets for the event from not coming to the event site.

T. Plan for preventing trespassing on private property in the area.

U. Will all publicity stop as soon as it is apparent that the event is sold out? ✓ yes; _____ no

V. Description of how the event will be publicized, include how a sell-out will be publicized. Invitations to other youth teams, registration for the event is required

Other

W. Name of liability insurance Bollinger Insurance Co.

Amount of coverage 5,000,000; amount of property insurance _____

X. Preferred type of performance guarantee (i.e.. escrow account, irrevocable letter of credit)

↓ general aggregate limit per location

* Elizabeth Perry
Authorized signature

On _____(date), I received a copy of the Cumberland Mass Gathering Ordinance._____ (authorized signature)

TWIN BROOK RECREATION AREA POLICIES AND RULES

1. **General.** The Twin Brook Recreation Area is owned by the Town of Cumberland, and shall be administered by the Cumberland Recreation Department. The Cumberland Town Council shall appoint a Twin Brook Advisory Committee, which shall provide advice and recommendations to the Cumberland Recreation Department and to the Council upon all aspects of the use and management of the Twin Brook Recreation Area.

2. **Priorities.** Cumberland Recreation Department programs intended specifically for Cumberland and North Yarmouth residents shall have first priority with respect to use of Twin Brook playing fields and athletic facilities. MSAD 51 athletic practices and games shall have second priority. Notwithstanding the foregoing, priorities are subject to ongoing review, and priority of use with respect to certain fields on the Greely Road side shall be in accordance with the leases agreement between the Town of Cumberland and MSAD 51 dated July 12, 2002.

3. **Field Use.** There shall be no organized use of the playing fields on Sundays until 1 p.m. At the discretion of the Cumberland Recreation Director, any of the playing fields may be closed to activity at any time if conditions are unsuitable for use or to allow for reseeding and recovery.

Events Sept-Oct

MAX #3 in fall

4. **Cancellation.** The Cumberland Recreation Director or his nominee shall have the absolute right to cancel scheduled events due to inclement weather or if he determines, in his sole discretion, that a playing field or other facility is unplayable. In such event, the scheduled user shall be entitled to a refund of fees paid.

5. **Applications.** No community group, athletic group or other organized group may schedule and hold events of any kind at the Twin Brook Recreation Area without first having obtained the approval of and a permit from the

Cumberland Recreation Department. Approval and a permit may be obtained by submitting a Facility Request Form to the Department at least two (2) weeks prior to the requested date of use but not more than three (3) months before such date to help facilitate fair and equitable scheduling. All fees must be paid, proof of insurance must be provided, and all other stipulations must be met before the permit is issued. If the permit must be withdrawn due to a scheduling conflict, all fees will be refunded. If the user chooses not to use the facility as requested and notifies the Cumberland Recreation Department at least two (2) weeks before the scheduled usage date, there will be a full refund. There will be no refund of fees if notification occurs less than two (2) weeks before the scheduled usage date unless there is an unusually compelling reason for such a cancellation. A copy of each application will be kept on file at the Cumberland Recreational Department offices. The individual whose signature appears on any such application form will be considered the individual responsible for the supervision and use of the facility/facilities requested and he/she must provide adequate and appropriate supervision at all times. He/she will also be responsible for all rental fees, proof of liability insurance/bodily harm, facility/equipment damages, theft, or loss of any kind that occurs related to usage of the facility.

6. **Insurance.** The MSAD 51/Town of Cumberland property insurance and general liability insurance does not extend to individuals, community groups, athletic groups, or other organized groups utilizing the Twin Brook facilities. Therefore, any such groups or individuals using the Twin Brook facilities for any organized purpose are required to provide evidence of insurance for liability (not less than $1,000,000 per person/$2,000,000 per occurrence) and property damage (not less than $25,000) before receiving a facility permit. The Town of Cumberland shall be named as additional insured in all such policies and all insurance provided by the facility user shall be primary to any insurance which the Town of Cumberland may have. All insurance required hereunder shall be placed with insurers licensed to do

business in the State of Maine and acceptable to the Cumberland Recreation Department.

7. **Indemnity.** The Town of Cumberland may require any individual or group utilizing Twin Brook facilities for any purpose (including non-permitted walk-on use) to agree in writing, in a form acceptable to the Town, to save, indemnify and hold harmless the Town of Cumberland, its inhabitants, its employees, the Town Council, the Cumberland Recreation Department, and the Twin Brook Advisory Committee from and against any and all liabilities, actions, causes of action for death, personal injury, or property damage, including attorney's fees, and from any and all fines, suits, claims, demands and actions of any kind or nature of any and all persons resulting from or arising from the use of said facilities, equipment, or activity participation. It is expressly understood that participation in recreational and athletic activities may cause bodily injury, sickness, disease, death, or personal injury, or damage and destruction to tangible property, including the loss or use thereof. Therefore, any individual or group utilizing Twin Brook facilities for any purpose shall save, indemnify and hold harmless the Town of Cumberland, its inhabitants, its employees, the Town Council, the Cumberland Recreation Department, and the Twin Brook Advisory Committee from and against any and all liabilities, actions, and causes of action arising out of or resulting from the performance of any facility use permit.

8. **Modifications.** The Town of Cumberland reserves the right to waive, modify, or institute requirements in addition to those listed herein should it be deemed necessary and/or in the best interest of the Town of Cumberland.

9. **Fees.** The Cumberland Town Council shall approve a schedule of fees for the use of Twin Brook facilities, which schedule shall be subject to ongoing review.

10. Parking –PARKING PLAN REQUIREMENTS JUNE 2007

A. Events that anticipate greater than "100" vehicles, (or over 60% of available parking spaces) will need to meet Twin Brook Parking Plan Requirements.

B. ANY event anticipating bus parking will provide a parking map and enforce "bus parking only" area(s).

C. Overflow Parking Areas will be permitted and designated by the Committee and only when appropriate (seasonal- dry ground, etc).

a. Vehicles will be directed to park in specific parking spaces by parking attendants. Attendants will also enforce "No Parking" areas.
b. One person from organization will be responsible for administration of parking plan; will have cell phone number available to EMS dispatch.
c. Parking attendants will be required to wear reflective orange vest.
d. Organizations which meet Mass Gathering Permit threshold will also be required to hire a Cumberland Police Officer. Police presence will provide support for parking attendants. Four parking attendants will also be required for this level of event.
e. Exclusive use of Park and charging a parking fee must be approved by Twin Brook Advisory Committee.
f. Parking Plan and Permit must be completed and signed by the Chief of Police prior to the Committees approval of the event.

11. <u>Miscellaneous</u>.

a. MSAD 51 and the Cumberland Recreation Department are only expected to service their own sanctioned programs. All other users are allowed to utilize the Twin Brook facilities at their own risk on an "as is, where is" basis. There should not be any expectation from permit users that the facilities will be "set up" for their specific use, needs, or situation. If the Cumberland Recreation Department is requested by a user to provide a special service or to alter, modify or rearrange a Twin Brook facility, above and beyond ordinary maintenance and upkeep, and if the

Cumberland Recreation Department is in agreement, the user shall be charged accordingly in an amount to be determined by the Cumberland Recreation Department.

b. It is the responsibility of the persons or organizations using the Twin Brook facilities to leave them in the same condition in which they were received. If this is not done to the satisfaction of the Cumberland Recreation Department, a charge shall be levied for any required "clean-up", "pick-up", or "fix-up" costs (including labor) in excess of any fees that would otherwise be applicable. A lack of respect and responsibility could result in the denial of future permits to the permit applicant or group.

c. It is the responsibility of the persons or organizations using Twin Brook facilities to inform all participants of program cancellations if such programs are cancelled.

d. No permitted or walk-in user shall change the appearance, rearrange, or attempt to improve any Twin Brook facility without the express consent of the Cumberland Recreation Department, which must be obtained in advance and in writing.

e. The Cumberland Recreation Department reserves the right to require supervisory personnel to be present during the use of Twin Brook facilities at the expense of the individual or group in question.

f. All individuals or groups using Twin Brook facilities are responsible for the preservation of order during all activities and are required to comply with all applicable statutes, Town of Cumberland ordinances (including the requirement of obtaining a mass gathering permit, if applicable), and regulations, in addition to any policies or conditions imposed by the Cumberland Recreation Department. If security is deemed to be necessary, arrangement and payment for police services shall be the responsibility of the individual or group in question. Proof of police protection or private security may be required to receive the initial permit.

g. The use, consumption or sale of alcoholic beverages, tobacco products or illegal drugs at Twin Brook facilities is prohibited.

h. Gambling on Twin Brook facilities is prohibited unless allowed as an approved, legal, fund raiser (e.g, casino nights, fifty-fifty (50/50) raffles and bingo) for school or community booster groups. Such activities must be approved by the Cumberland Recreation Department.

i. Except as provided below, the use of open flames, charcoal fires, cooking fires, candles, or other incendiary devices or special effects is prohibited at the Twin Brook Recreation Area. Gas Grills shall be permitted ~~in the Parking area known as the Bus Turnaround or Parking Area 2. It is the second parking lot from Tuttle Road and depicted on a map attached to this document in Appendix A.~~ outside of the Tuttle Road shelter building area.

Bonfires may be allowed only when sponsored by a booster club or similar entity associated with M.S.A.D. #51 or the Town of Cumberland, and may be scheduled only with the express permission of both the Cumberland Town Council (and/or designee) and the Cumberland Fire Department, subject to the following conditions:

1. The sponsor must arrange for fire protection through the Cumberland Fire Department;
2. The sponsor must reimburse the Town of Cumberland in full for the cost of fire protection;
3. The sponsor must clean up the area impacted by the bonfire;
4. Public participation in the bonfire must conclude no later than 8:00 p.m.

j. Dogs must be on a leash or under the control of the person in charge of the dog at all times, provided that all dogs must be leashed while in the areas of the playing fields when games or practices are in progress.

During the non-winter months, dogs may be walked on all pasture areas and trails (except when the trails are in use for a running event), but may not be walked on the playing fields. During the winter months, dogs may be walked or sledded in any area except for groomed ski trails.

The person in charge of a dog is responsible for cleaning up waste released by the dog and will be strictly liable for any personal harm or damage caused by the dog.

k. Horses may be ridden along the perimeters of pasture areas but not on the playing fields or the trails. Owners are responsible for cleaning up after their horses.

l. Mountain biking is permitted only when trails are firm and there are no running or skiing events scheduled.

m. Activities such as kiting, model rocket and model airplane flying should take place in open pasture locations well away from any organized activities. Incendiary devises shall be prohibited.

n. Picnicking is welcome while the facilities are open, and picnickers are responsible for cleaning up after themselves. **Open fires as well as heat sources for barbecuing or grilling are not permitted.**

o. The facilities shall be open from 6:00 AM until ~~during daylight hours only, and no nighttime use shall be permitted without the express written permission of the Cumberland Recreation Department.~~ 9 PM - April 1st – November 1st and until 6 PM from November 2nd – March 31st.

p. All permit applications must restrict themselves to appropriate use of all Twin Brook facilities. Facility use shall be dictated by design. Twin Brook fields and trails are for foot traffic only, except for mountain biking as permitted under subparagraph l. The only motorized vehicles permitted in or on Twin Brook facilities are maintenance vehicles. All other vehicles or recreational equipment such as four-wheel drives, snowmobiles, roller blades, scooters, skateboards, bicycles (except as provided in subsection (l) above) and motorcycles are prohibited.

q. Permitted users acknowledge and agree that they will be solely responsible for all royalties or charges which are due or may become due on material used for or during an event. The facility user shall warrant to the Cumberland Recreation Department that such royalties or charges have been paid or will be paid promptly in accordance with law. A facility user shall further agree to hold the Town of Cumberland, its inhabitants, the Cumberland Town Council, the Cumberland Recreation Department, and the Twin Brook Advisory Committee harmless and to indemnify for all costs or losses, including attorney's fees in defense of claims, just or unjust, relating to the payment of any royalty, charge or fee for use of material by a permitted user during the use of Twin Brook facilities.

r. Evening events such as stargazing with approved area astronomy clubs shall be permitted up to four times per year with administrative approval. Abutter notification shall be required including cancellation and or rescheduling of the event.

ITEM
10-050

To hold a Public Hearing to consider and act on a Mass Gathering Permit for the Penobscot Valley Dog Show to be held at the Cumberland Fairgrounds from June 24 – June 27, 2010.

TOWN OF CUMBERLAND

Publication dates:_____
Publication names:_____
Date filed:_____
Fee rec'd:_____
Date ordinance received:_____
Issued:_____
Denied:_____

Mass Gathering Application – Minor Outdoor Event
(1,000 – 4,999 persons)

This application must be filed with the Town Clerk not less than 60 days before the date of the event. Application must be accompanied by a non-refundable fee of $250.

Name of applicant: **Cumberland Farmers Club**

Address of applicant: **197 Blanchard Road Cumberland, Maine 04021**

Name of event: **Penobscot Valley Dog Show / Collie Club of Maine**

Facility where the event will be held: **Cumberland Fairgrounds**

Is the facility owned by the applicant: __**XXX**__yes _____no, (if no, attach a copy of the contract with the owner which allows the use of the property)

Name of promoter (if different from above): **Penobscot Valley Kennel Club / Collie Club of Maine**

Telephone number: **(207) 223-8809 / (207)273-2737**

Date of event: **June 24,25,26,27, 2010** Time (start and finish times): **8:00 am – 5:00 pm**

Number of tickets available: **Unlimited**

Expected attendance: **1500 - 2000**

Description of event: **Professional Dog Shows**

_____

_____

_____

Will any food vendors be serving at the event? _____yes, ____**XXX**____no (if yes, how many, and what types) _____

_____

_____

Public Safety:

J. Describe first aid facilities: **8'x12' permanent Rescue Booth**

K. Describe emergency facilities: **Rescue Booth**

L. Describe communication facilities: **Promoter will provide portable public address system; Cumberland Fairgrounds will provide staff with portable radios and cellular phones.**

M. Number of certified police officers: **To be determined by Police Chief**

N. Other security personnel (include company name and qualifications):**Cumberland fairgrounds staff**

O. Describe fire personnel: **Fire services will be provided by Cumberland Fire Department**

Other

P. Name of liability insurance: **Peerless Insurance**
Amount of coverage: **$2,000,000** ; amount of property insurance: **$100,000**

Q. Preferred type of performance guarantee (i.e..escrow account, irrevocable letter of credit)

Authorized Signature

On _____(date), I received a copy of the Cumberland Mass Gathering Ordinance_____(authorized signature)

PAYMENT SUMMARY RECEIPT

TOWN OF CUMBERLAND
290 TUTTLE ROAD
CUMBERLAND ME 04021

DATE: 03/24/10 CUSTOMER#: 000000000
TIME: 12:22
CLERK: dflaniga

RECPT#: 50690 PREV BAL:
TP/YR: MS/2010 AMT PAID: 250.00
BILL: ADJSTMNT:
EFF DT: 03/22/10 BAL DUE:
MISCELLANEOUS PAYMENT

----------TOTALS----------

PRINCIPAL PAID: 250.00
INTEREST PAID: .00
ADJUSTMENTS: .00
DISC TAKEN: .00

AMT TENDERED: 250.00
AMT APPLIED: 250.00
CHANGE: .00

PAID BY: PEN. VALLEY KENNEL C
PAYMENT METH: CHECK
PAYMENT REF: 1578

PAYMENT SUMMARY RECEIPT

TOWN OF CUMBERLAND
290 TUTTLE ROAD
CUMBERLAND ME 04021

DATE: 03/24/10 CUSTOMER#: 000000000
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MISCELLANEOUS PAYMENT

----------TOTALS----------

PRINCIPAL PAID: 100.00
INTEREST PAID: .00
ADJUSTMENTS: .00
DISC TAKEN: .00

AMT TENDERED: 100.00
AMT APPLIED: 100.00
CHANGE: .00

PAID BY: PEN VALLEY KENNEL CL
PAYMENT METH: CHECK
PAYMENT REF: 1578

ITEM
10-051

To hold a Public Hearing to consider and act on sending a recommendation to the Planning Board re: the addition of Section 402A Domesticated Chickens (to allow no more than six chickens in a penned area on properties less than 2 acres) to the Cumberland Zoning Ordinance.

Sec. 402 Animals

402.1 Household pets are allowed in all districts.

402.2 Horses may be kept provided that there shall be at least one (1) acre of containment area for the first horse to be kept on the premises, and 10,000 square feet of containment area for each horse thereafter.

402.3* Animals other than horses or household pets may be kept for personal use and enjoyment provided that the minimum lot size shall be two (2) acres in the all districts; [Amended, effective 11/23/09]

402.4* The free range of poultry beyond the borders of an owner's property is prohibited; [amended, effective 11/24/08]

402.5* No chicken house and no piggery shall be permitted nearer than 100 feet to any property line.

***Please Refer to Sec. 402A Domesticated Chickens Ordinance for additional information Chickens on lots less than 2 Acres**

402.6 Deer Feeding and Baiting(all new below)

Statement of fact.

The large number of deer attracted by feeding and baiting in and around public and private property increases the local deer population. Deer carry the deer tick known to cause Lyme disease, which is a serious debilitating illness that threatens the public health. When there are more deer and the deer move into areas frequented by people, such as roads and yards, there is a corresponding increase in the potential for deer ticks to come into contact with people. In addition, overpopulation and domestication of deer contribute to traffic safety problems and the destruction of important plants and vegetation on public and private property. When deer come to depend on humans for food, the natural order and balance in nature are upset and it is harmful to their long-term well-being.

Purpose.

The purpose of this article is to control the feeding and baiting of wild deer by the general public throughout the Town of Cumberland but, in particular, in areas where deer have become overpopulated, creating a traffic hazard because of their proximity to public roads and a threat to the public health of residents and visitors who face an increased risk of contracting Lyme disease. In addition, the presence of deer in yards and similar areas threatens gardens and other vegetation that are important to the community.

Prohibited conduct; exceptions.

No person, except the Commissioner of the Maine Department of Inland Fisheries and Wildlife or his/her designee or the Director of the United States Fish and Wildlife Service or his/her designee, shall feed or bait deer in the Town of Cumberland .

Definitions.

The following definitions shall apply unless the context clearly indicates another meaning:

DEER: Any wild deer.

FEEDING AND BAITING

The placing, exposing, depositing, distributing or scattering, directly or indirectly, of shelled corn, shucked or unshucked corn, wheat or other grains, bread, salt or any other feed or nutritive substances, in any manner or form, so as to lure, attract, or entice deer to, on or over any areas where such feed items and/or materials have been placed, exposed, deposited, distributed or scattered, including public and private properties and along any road and/or rights-of-way in the Town of Cumberland .

Enforcement.

This article may be enforced by the Animal Control Officer, the Town's Health Officer or his/her designee, and police officers of the Town of Cumberland .

Violations and penalties.

Whoever violates any provision of this article shall be subject to a **civil penalty of not less than $100 nor more than $500 for the first offense and not less than $200 for any subsequent offenses**. All civil penalties shall be recovered, on complaint, for use by the Town of Cumberland for its efforts to educate the public about this article and its purpose. If the Town is the prevailing party in any action brought to enforce this article, the Town must be awarded reasonable attorney's fees, expert witness fees and costs. Civil process may be waived, upon complaint, by payment to the Town of Cumberland of the minimum penalty set forth herein within seven days of the date of complaint.

SECTION 402A: Domesticated Chickens Ordinance(All New below)

Purpose

The purpose of this Ordinance is to provide standards for the keeping of domesticated chickens. The Ordinance is intended to enable residents to keep a small number of female chickens while limiting the potential adverse impacts on the surrounding neighborhood.

Definitions

Chicken Pen. An enclosure connected to a henhouse for the purpose of allowing chickens to leave the henhouse while remaining in an enclosed, predator-safe environment.

Enclosure. The combined area of a henhouse and chicken pen.

Henhouse. A structure for the sheltering of female chickens. A legally existing non-conforming detached shed, garage or barn that may be located within the required district setback can be used for this purpose if it meets all other standards contained in this Ordinance.

Section I. Keeping of Domesticated Chickens ~~Located in the Growth Area.~~

(a) **No more than 6 chickens shall be allowed per single-family detached dwelling property**. No chickens shall be permitted within multi-family complexes, including duplexes.
(b) **Only female chickens** are permitted with no restriction on chicken species.
(c) Chickens shall be kept only for personal use.
(d) Advertising the sale of eggs, chicken breeding or fertilizer production is prohibited.
(e) Outside slaughtering of chickens is prohibited.

Section II. Enclosure

(a) Chickens must be kept in a secure henhouse or chicken pen area at all times. At no time shall chickens be kept in a residence including attached structures.
(b) Chickens shall be secured within the henhouse during non-daylight hours.
(c) Enclosures must be clean, dry and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of abutters due to noise, odor or other adverse impact.
(d) An enclosure shall not be located in the front yard.

Section III. Henhouse

a) A henhouse shall be provided and designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to abutters.
b) The structures shall be fully enclosed with latchable doors and windows. Windows and vents must be covered with predator and bird proof wire of less than one inch openings.
c) The henhouse shall be well maintained. The use of scrap, waste board, sheet metal, or similar materials for the construction of the structure is prohibited.
d) Henhouses shall only be located in rear yards. In the case of a corner lot, a side yard may be used in accordance with applicable zoning district setbacks but in no case shall the henhouse be closer than 10 feet to the side property line.
e) No henhouse shall be located within 10 feet of a rear or side property line.

Section IV. Chicken Pens

a) Chicken Pens. Chicken pens may be provided. Where provided, the chicken pen shall be attached to the henhouse and the walls shall be constructed of sturdy wire fencing, other than chicken wire, and buried at least twelve inches in the ground. The roof shall be covered with wire, aviary netting, chicken wire or solid roofing in a manner to prevent the escape of chickens.
b) Chicken pens shall only be located in rear yards. In the case of a corner lot, a side yard may be used in accordance with applicable zoning district setbacks but in no cases shall the henhouse be closer than 10 feet to the side property line.
c) No chicken pen shall be located within 10 feet of a rear or side property line.

Section V. Odor, Noise and Lighting

a) Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries.
b) Perceptible noise from chickens shall not be a disturbance to abutters.
c) Only motion-activated lighting may be used to light the exterior of the henhouse.

Section VI. Waste Storage and Removal

a) Provision must be made for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed structure with a roof line or lid over the entire structure. All other manure not used for composting or fertilizing shall be removed from the property.

Section VII. Chickens on lots greater than 2 Acres (From Section 402)

a) Animals other than horses or household pets may be kept for personal use and enjoyment provided that the minimum lot size shall be two (2) acres in the all districts; [Amended, effective 11/23/09]

b) The free range of poultry beyond the borders of an owner's property is prohibited; [amended, effective 11/24/08]

c) No chicken house and no piggery shall be permitted nearer than 100 feet to any property line.

Section VIII. Licensing Requirements for Chickens on less than 2 Acres

a) **A person who keeps domesticated chickens shall obtain a license for a fee of ten ($10) dollars.** The license shall expire annually on the last day of April. The license shall be issued by the Town Clerk after favorable inspection by the Cumberland Animal Control Officer or designee. **The ten dollar ($10) fee is non-refundable** if the license is not approved. There will be a late fee assessed to licenses that have expired, in the amount of ten dollars ($10.) The fine will double after the license has been expired for more than thirty (30) days.

Section IX. Penalty

a) In addition to any other enforcement action which the town may take, violation of any **provision of this article shall be a civil violation and a fine not exceeding one-hundred dollars ($100.00) may be imposed. Each day that a violation continues will be treated as a separate offense.**

Section X. Removal of Chickens

a) Any violation of the provisions of this article or of the license shall be grounds for an order from the Codes Enforcement Officer to remove the chickens and the chicken-related structures. The Animal Control Officer may also order the removal of the chickens upon a determination that the chickens pose a health risk. If a chicken dies, it must be disposed of promptly in a sanitary manner.

ITEM
10-052

To hold a Public Hearing to consider and act on sending a recommendation to the Planning Board re: the addition of Section 402.6 (prohibiting the feeding of deer) to the Cumberland Zoning Ordinance.

Sec. 402 Animals

402.1 Household pets are allowed in all districts.

402.2 Horses may be kept provided that there shall be at least one (1) acre of containment area for the first horse to be kept on the premises, and 10,000 square feet of containment area for each horse thereafter.

402.3* Animals other than horses or household pets may be kept for personal use and enjoyment provided that the minimum lot size shall be two (2) acres in the all districts; [Amended, effective 11/23/09]

402.4* The free range of poultry beyond the borders of an owner's property is prohibited; [amended, effective 11/24/08]

402.5* No chicken house and no piggery shall be permitted nearer than 100 feet to any property line.

***Please Refer to Sec. 402A Domesticated Chickens Ordinance for additional information Chickens on lots less than 2 Acres**

402.6 Deer Feeding and Baiting(all new below)

Statement of fact.

The large number of deer attracted by feeding and baiting in and around public and private property increases the local deer population. Deer carry the deer tick known to cause Lyme disease, which is a serious debilitating illness that threatens the public health. When there are more deer and the deer move into areas frequented by people, such as roads and yards, there is a corresponding increase in the potential for deer ticks to come into contact with people. In addition, overpopulation and domestication of deer contribute to traffic safety problems and the destruction of important plants and vegetation on public and private property. When deer come to depend on humans for food, the natural order and balance in nature are upset and it is harmful to their long-term well-being.

Purpose.

The purpose of this article is to control the feeding and baiting of wild deer by the general public throughout the Town of Cumberland but, in particular, in areas where deer have become overpopulated, creating a traffic hazard because of their proximity to public roads and a threat to the public health of residents and visitors who face an increased risk of contracting Lyme disease. In addition, the presence of deer in yards and similar areas threatens gardens and other vegetation that are important to the community.

Prohibited conduct; exceptions.

No person, except the Commissioner of the Maine Department of Inland Fisheries and Wildlife or his/her designee or the Director of the United States Fish and Wildlife Service or his/her designee, shall feed or bait deer in the Town of Cumberland .

Definitions.

The following definitions shall apply unless the context clearly indicates another meaning:

DEER: Any wild deer.

FEEDING AND BAITING

The placing, exposing, depositing, distributing or scattering, directly or indirectly, of shelled corn, shucked or unshucked corn, wheat or other grains, bread, salt or any other feed or nutritive substances, in any manner or form, so as to lure, attract, or entice deer to, on or over any areas where such feed items and/or materials have been placed, exposed, deposited, distributed or scattered, including public and private properties and along any road and/or rights-of-way in the Town of Cumberland .

Enforcement.

This article may be enforced by the Animal Control Officer, the Town's Health Officer or his/her designee, and police officers of the Town of Cumberland .

Violations and penalties.

Whoever violates any provision of this article shall be subject to a **civil penalty of not less than $100 nor more than $500 for the first offense and not less than $200 for any subsequent offenses**. All civil penalties shall be recovered, on complaint, for use by the Town of Cumberland for its efforts to educate the public about this article and its purpose. If the Town is the prevailing party in any action brought to enforce this article, the Town must be awarded reasonable attorney's fees, expert witness fees and costs. Civil process may be waived, upon complaint, by payment to the Town of Cumberland of the minimum penalty set forth herein within seven days of the date of complaint.

SECTION 402A: Domesticated Chickens Ordinance(All New below)

Purpose

The purpose of this Ordinance is to provide standards for the keeping of domesticated chickens. The Ordinance is intended to enable residents to keep a small number of female chickens while limiting the potential adverse impacts on the surrounding neighborhood.

Definitions

Chicken Pen. An enclosure connected to a henhouse for the purpose of allowing chickens to leave the henhouse while remaining in an enclosed, predator-safe environment.

Enclosure. The combined area of a henhouse and chicken pen.

Henhouse. A structure for the sheltering of female chickens. A legally existing non-conforming detached shed, garage or barn that may be located within the required district setback can be used for this purpose if it meets all other standards contained in this Ordinance.

Section I. Keeping of Domesticated Chickens ~~Located in the Growth Area.~~

(a) **No more than 6 chickens shall be allowed per single-family detached dwelling property**. No chickens shall be permitted within multi-family complexes, including duplexes.
(b) **Only female chickens** are permitted with no restriction on chicken species.
(c) Chickens shall be kept only for personal use.
(d) Advertising the sale of eggs, chicken breeding or fertilizer production is prohibited.
(e) Outside slaughtering of chickens is prohibited.

Section II. Enclosure

(a) Chickens must be kept in a secure henhouse or chicken pen area at all times. At no time shall chickens be kept in a residence including attached structures.
(b) Chickens shall be secured within the henhouse during non-daylight hours.
(c) Enclosures must be clean, dry and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of abutters due to noise, odor or other adverse impact.
(d) An enclosure shall not be located in the front yard.

Section III. Henhouse

a) A henhouse shall be provided and designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to abutters.
b) The structures shall be fully enclosed with latchable doors and windows. Windows and vents must be covered with predator and bird proof wire of less than one inch openings.
c) The henhouse shall be well maintained. The use of scrap, waste board, sheet metal, or similar materials for the construction of the structure is prohibited.
d) Henhouses shall only be located in rear yards. In the case of a corner lot, a side yard may be used in accordance with applicable zoning district setbacks but in no case shall the henhouse be closer than 10 feet to the side property line.
e) No henhouse shall be located within 10 feet of a rear or side property line.

Section IV. Chicken Pens

a) Chicken Pens. Chicken pens may be provided. Where provided, the chicken pen shall be attached to the henhouse and the walls shall be constructed of sturdy wire fencing, other than chicken wire, and buried at least twelve inches in the ground. The roof shall be covered with wire, aviary netting, chicken wire or solid roofing in a manner to prevent the escape of chickens.
b) Chicken pens shall only be located in rear yards. In the case of a corner lot, a side yard may be used in accordance with applicable zoning district setbacks but in no cases shall the henhouse be closer than 10 feet to the side property line.
c) No chicken pen shall be located within 10 feet of a rear or side property line.

Section V. Odor, Noise and Lighting

a) Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries.
b) Perceptible noise from chickens shall not be a disturbance to abutters.
c) Only motion-activated lighting may be used to light the exterior of the henhouse.

Section VI. Waste Storage and Removal

a) Provision must be made for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed structure with a roof line or lid over the entire structure. All other manure not used for composting or fertilizing shall be removed from the property.

Section VII. Chickens on lots greater than 2 Acres (From Section 402)

a) Animals other than horses or household pets may be kept for personal use and enjoyment provided that the minimum lot size shall be two (2) acres in the all districts; [Amended, effective 11/23/09]

b) The free range of poultry beyond the borders of an owner's property is prohibited; [amended, effective 11/24/08]

c) No chicken house and no piggery shall be permitted nearer than 100 feet to any property line.

Section VIII. Licensing Requirements for Chickens on less than 2 Acres

a) **A person who keeps domesticated chickens shall obtain a license for a fee of ten ($10) dollars.** The license shall expire annually on the last day of April. The license shall be issued by the Town Clerk after favorable inspection by the Cumberland Animal Control Officer or designee. **The ten dollar ($10) fee is non-refundable** if the license is not approved. There will be a late fee assessed to licenses that have expired, in the amount of ten dollars ($10.) The fine will double after the license has been expired for more than thirty (30) days.

Section IX. Penalty

a) In addition to any other enforcement action which the town may take, violation of any **provision of this article shall be a civil violation and a fine not exceeding one-hundred dollars ($100.00) may be imposed. Each day that a violation continues will be treated as a separate offense.**

Section X. Removal of Chickens

a) Any violation of the provisions of this article or of the license shall be grounds for an order from the Codes Enforcement Officer to remove the chickens and the chicken-related structures. The Animal Control Officer may also order the removal of the chickens upon a determination that the chickens pose a health risk. If a chicken dies, it must be disposed of promptly in a sanitary manner.

ITEM
10-053

To hear a report from the Finance Committee Chair re:
FY'10 3rd quarter financials.

3rd Quarter 2009-10 Budget Update

Overall, we are doing OK

Expenses are still over budget, but better than most prior years

TOWN OF CUMBERLAND
YEAR-TO-DATE BUDGET REPORT
Through March 31, 2010

Department	2009-10 Budget	YTD Expenses	Used	2008-09 Used	$ Amount Over 08-09
General Administration	$ 1,091,637	$ 867,767	79.5%	75.8%	$ 40,313.03
Public Safety	$ 1,798,658	$ 1,382,616	76.9%	75.2%	$ 30,196.60
Public Works	$ 1,620,975	$ 1,218,359	75.2%	78.9%	$ (60,075.92)
Parks & Recreation	$ 636,015	$ 528,720	83.1%	83.0%	$ 909.42
Library	$ 372,533	$ 275,026	73.8%	72.7%	$ 4,183.56
Other Expenses	$ 348,150	$ 256,383	73.6%	81.2%	$ (26,234.65)
Controllable Expense Total	$ 5,867,968	$ 4,528,871	77.18%	77.21%	$ (1,941.15)

Other Expenses	Budget	YTD Expenses	Used	Used
MSAD #51	$ 10,931,093	$ 8,189,723	74.9%	75.0%
Debt Service	$ 740,062	$ 532,150	71.9%	79.1%
County Tax	$ 615,032	$ 615,032	100.0%	100.0%
Cemetary Association	$ 25,000	$ 25,180	100.7%	100.0%
Capital Imp. Plan	$ 532,538	$ 532,538	100.0%	100.0%
Insurance	$ 233,175	$ 198,915	85.3%	102.3%
Other Expense Total	$ 13,076,900	$ 10,093,538	77.2%	77.8%
All Expenses Total	$ 18,944,868	$ 14,622,409	77.18%	77.63%

Revenues are slightly better

Revenues Through 03/31/10

Description	Budget	2009-2010 Actual	Percent Collected	2008-09 %
Misc Revenues	$ 2,438,077	$ 1,645,541	67.5%	65.9%
Dept Revenues	$ 980,001	$ 520,979	53.2%	51.6%
Total Revenues	$ 3,418,078	$ 2,166,520	63.4%	61.7%

Selected Revenue Lines	Budget	Actual	09-10	08-09
Excise Tax	$ 1,298,000	$ 982,445	76%	69%
Building Permits	$ 35,000	$ 28,352	81%	43%
State Revenue Sharing	$ 650,000	$ 439,864	68%	76%

The overall budget is projected to fall short by .5%

Estimated 2009-10 General Fund Budget vs. Actual

	Budget	Actual	Variance	% Variance
Revenues	$ 19,431,746	$ 19,474,603	$ 42,857	0.2%
Expenses	$ 18,944,868	$ 19,087,975	$ 143,107	0.8%
Net Effect			$ (100,250)	-0.5%

Building Permits are rebounding slightly

Building Permits Issued July 1 to March 31

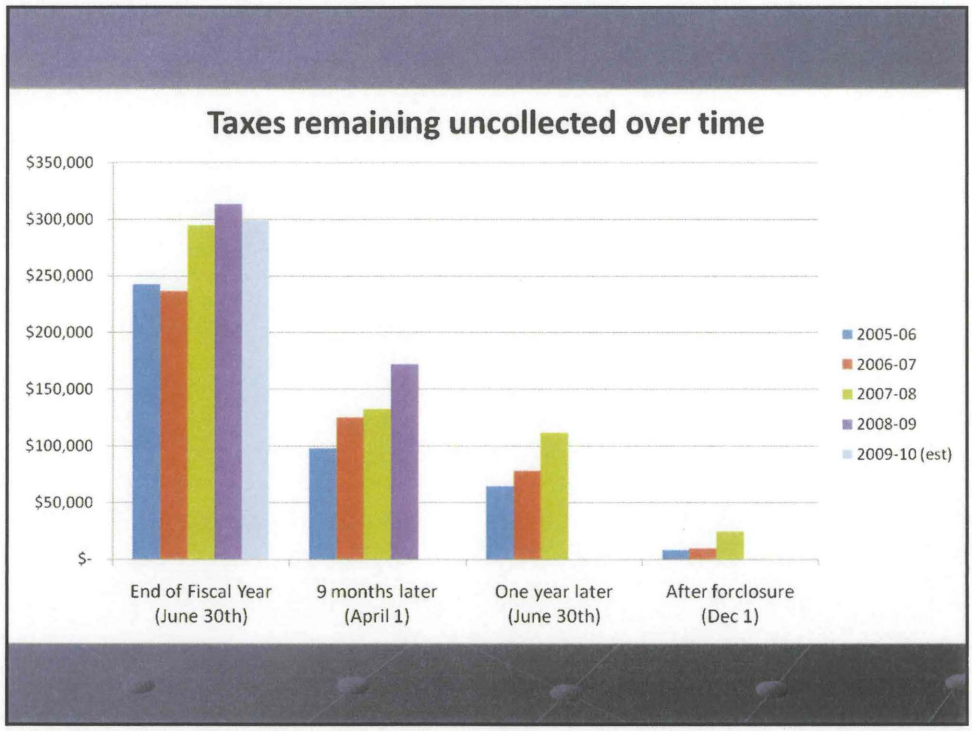
	2007-08		2008-09		2009-10	
Type	Number	Value	Number	Value	Number	Value
Houses	15	$ 5,492,610	7	$ 2,498,000	10	$ 3,084,118
Condo	11	$ 1,495,000	3	$ 600,000	5	$ 760,000
Addition	33	$ 2,294,928	12	$ 342,600	18	$ 918,257
Renovation	33	$ 755,911	29	$ 487,430	40	$ 527,300
Commercial	4	$ 519,251	3	$ 483,000	6	$ 340,000
All Others	37	$ 421,964	46	$ 708,289	55	$ 1,372,066
Totals	**133**	**$ 10,979,664**	**100**	**$5,119,319**	**134**	**$7,001,741**

Property Tax collections have stabilized

Property Tax Collections through 3/31	2006-07	2007-08	2008-09	2009-10
Tax Commitment	$ 17,152,987	$ 15,762,627	$ 15,901,519	$ 16,612,279
Taxes Collected	$ 16,451,918	$ 15,104,784	$ 15,162,052	$ 15,861,837
Percent Collected	95.91%	95.83%	95.35%	95.48%
% Difference		-0.09%	-0.48%	0.13%
$$ Difference		$ (13,599)	$ (75,828)	$ 22,077

Increases in unpaid taxes have hurt cash flow

Collections from Prior years	End of Fiscal Year	9 months Later	One Year Later	After Foreclosure
05-06 Taxes unpaid	$ 242,505	$ 97,556	$ 64,089	$ 8,007
06-07 Taxes unpaid	$ 236,711	$ 125,253	$ 78,053	$ 9,011
07-08 Taxes unpaid	$ 294,768	$ 132,320	$ 111,551	$ 24,049
08-09 Taxes unpaid	$ 313,269	$ 172,037	N/A	N/A
09-10 Taxes unpaid (Est.)	$ 299,021	N/A	N/A	N/A



This cycle will eventually stabilize as well

	2007-08	2008-09	2009-10 (est)	2010-11 (est)
Budgeted Tax Commitment	**$ 15,762,627**	**$ 15,901,519**	**$ 16,612,279**	**$ 17,442,893**
Actual Cash Collected				
Current Year Taxes Collected	$ 15,468,958	$ 15,588,259	$ 16,313,258	$ 17,146,364
Collections Pre-Foreclosure	$ 210,960	$ 118,350	$ 135,000	$ 145,000
Foreclosure Collections	$ 42,655	$ 66,145	$ 98,000	$ 125,000
Collections Payment Plans	$ 1,751	$ 159	$ -	$ -
Pre-payments for next year	$ 63,383	$ 26,287	$ 42,000	$ 45,000
Total Collections	**$ 15,787,707**	**$ 15,799,200**	**$ 16,588,258**	**$ 17,461,364**
Difference	**$ 25,080**	**$ (102,319)**	**$ (24,021)**	**$ 18,471**
% Difference	0.2%	-0.6%	-0.1%	0.1%

ITEM
10-054

To set a Public Hearing date (May 10th) to authorize the Town Manager to request from MDOT a reduction of the speed limit on Blackstrap Road from 40 to 35 mph and on Route 100 from 50 to 45 mph.

MEMORANDUM

TOWN OF CUMBERLAND, MAINE
290 TUTTLE ROAD
CUMBERLAND, MAINE 04021
TEL: 207-829-2205 FAX: 829-2224

To: Town Council

From: William R. Shane, Town Manager

Date: April 20, 2010

Re: Speed Reduction Requests- **Blackstrap Road 40 mph to 35 mph**
Route 100 – 50 mph to 40 mph

I have asked the Police Chief to provide a recommendation regarding the above speed reduction requests which are attached to this memo. I recommend we set a Public Hearing date of May 10th to reduce the speed limits on Route 100 and Blackstrap Road as recommended by the Chief of Police.

William Shane

Subject: FW: Speed limit signs Blackstrap Road

From: DeSouza, Cathy
Sent: Tuesday, April 13, 2010 9:57 AM
To: Keezer, Brian
Subject: Speed limit signs Blackstrap Road

Here's what I have on this item: I spoke w/ Jim Lynch (resident on Blackstrap Rd in Cumberland) and followed up on his concerns for signage along this road in Cumberland (it's a state-aid). He wanted the Cumberland part of Blackstrap Rd posted at 35 MPH like the Falmouth part is (this Falmouth 35 MPH speed zoning is legal and is part of MDOT's records for the Town of Falmouth). The Cumberland part has 40 MPH signs posted from the Falmouth TL heading out to Rt. 100. There is no official MDOT record of any speed zoning ever been done on Blackstrap Rd in Cumberland so I could not upgrade these 40 MPH signs – default is an unposted 45 MPH. The 40 MPHs appear to be "illegal". I told Mr. Lynch this and I stated that the Town or Police Dept must request the SZ review of Blackstrap Rd from MDOT. He said he would take this up with the police (they were out front of his house when we talked and he was going to go speak with them). So, as of now, the sign crew has a work order for several upgrades in signage along this road in Cumberland, to include new deer crossing signs, as well as other curve signs & new TL signs, but no speed zone sign upgrades at this time. To date, no request has been given to me nor have I received any call from a town official or the police department on the speed zoning request. So, if you get a request from Mr. Shane, can you please forward it to me & I'll take care of it.

Mr. Lynch also has other concerns about heavy trucks and the maintenance of this road (he did spoke w/ Tim C. on this) – that's how the info got to me about signage.

Cathy

From: William Shane [mailto:wshane@cumberlandmaine.com]
Sent: Thursday, April 08, 2010 10:39 AM
To: Cannell, John W
Subject: Speed limit signs Blackstrap Road

Hi John,

A resident stopped by my office last we and informed me he spoke with your traffic engineer and was informed that the Speed limit on Blackstrap should be 35mph from Falmouth TL to Rt 100. Can you confirm that? And if it is correct will you be able to re-post the signs?

Thank you,

Bill

William R. Shane, P.E.
Town Manager
290 Tuttle Road
Cumberland, ME 04021

Office (207) 829-2205
Fax (207) 829-2224
Cell (207) 232-5258

Joseph J. Charron
Chief

CUMBERLAND POLICE DEPARTMENT
290 Tuttle Road
Cumberland, Maine 04021
"To Protect and Serve"

Emergency
829-3120

Business
829-6391

Fax
829-4214
829-2211

April 20, 2010

Mr. William Shane
Town Manager,
Town of Cumberland

Bill,

In response to your e-mail dated April 19, 2010, I find it quite reasonable and logical to reduce the speed limit on Blackstrap Rd. beginning at the Falmouth town line and ending at the Rt. 100 intersection from 40 MPH to 35 MPH. As you know the speed limit in Falmouth is set at 35 MPH with less density than that found in Cumberland.

Respectfully,

J. Charron

Joseph Charron
Chief of Police

Joseph J. Charron
Chief

CUMBERLAND POLICE DEPARTMENT
290 Tuttle Road
Cumberland, Maine 04021
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829-2211

April 20, 2010

Mr. William Shane
Town Manager,
Town of Cumberland

Bill,

In response to your e-mail regarding the speed on Rt. 100 from the Cumberland/Gray line to the posted 35 MPH zone approaching Allen's Farm, it would be my recommendation to reduce this stretch from the current 50 MPH to 40 MPH.

As stated in the e-mail this particular section of road has deteriorated and makes traveling at best a rough go and may possibly create a substantial risk to motorists at the current 50 MPH speed limit. Additionally it would make more sense to reduce speed from 40 MPH rather than the current 50 MPH just prior to entering the 35 MPH zone. With this said, I have no data to review to determine if there has been an increase of traffic in this area over the past several years to make a better informed recommendation.

Respectfully,

Joseph Charron
Chief of Police

ITEM
10-055

To consider and act on a poverty abatement request for property identified as Map R05/Lot 13A.

No materials for this item

NEW BUSINESS

Bruce C. Flanigan
166 Bruce Hill Road
Cumberland, ME 04021

April 3, 2010

Chief Daniel Small
Cumberland Fire/Rescue Department
290 Tuttle Road
Cumberland, ME 04021

Dear Chief Small:

On the evening of February 21, 2010 I suffered a massive heart attack with a number of complications and responding to my situation were Paramedics Ryan Walsh and Sheldon Gregoire, EMT Jake Stoddard, and student live-in Sam Hodsdon. Their response time was very prompt and Ryan Walsh, after attaching a monitor to me, determined that the situation was far worse than I believed it to be at the time. Ryan made the call to Maine Medical Center to have personnel activated at the Cath Lab, a very critical decision as it turns out. Because of the situation, it was decided that Sheldon Gregoire would also accompany us for the transport, a decision that I will be forever grateful for.

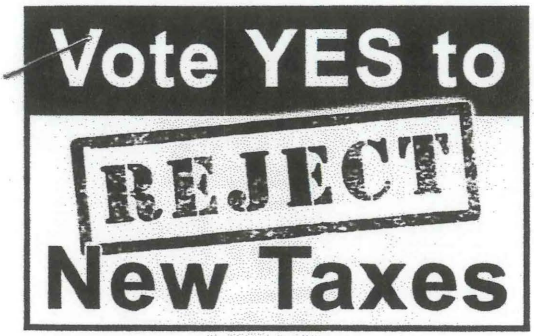
My memory of the events is very limited and I have no recollection of the trip to Maine Medical Center but I have been made aware of the extraordinary efforts of Ryan and Sheldon, which included over 12 minutes of CPR after my heart stopped several times. I also have been advised by the cardiologists at the hospital that if they had not done the things that they did, even before we left my residence, that the outcome would more than likely have been very different. As you know once we reached the hospital the decision was made to lower my body temperature and induce a coma and I remained in that condition for 3 days. The immediate concern once I regained consciousness was residual effects, both physical and mental. As it turns out my recovery has been rather miraculous and my condition continues to improve every day.

I truly believe that in order for me to have survived this ordeal, everything had to fall into place perfectly, and it did, and I will be forever indebted to the efforts of the personnel working that evening. The Town of Cumberland should be very proud of the paramedics working that evening as they performed in an extraordinary manner. I know that they will say that they were "just doing their job" but they should be very proud of their efforts. I have forwarded a copy of this letter to the Town Manager. I will be forever indebted to these people and your department.

Yours truly,

Bruce Flanigan

cc: William Shane, Town Manager



Reject 100 New Taxes

VOTE YES on 1

June 8, 2010

PO Box 5060 ~ Augusta, ME 04332 ~ yestoreject@gmail.com

1. Auto repair labor
2. Candy tax up 70%
3. Dry cleaning
4. Meal tax increased to 8.5%
5. Lodging Tax increased to 8.5%
6. Wash, Dry, Fold laundry
7. Car Washing
8. Car Vacuuming
9. Liquor sold at restaurants / bars increased to 8.5%
10. Car Rentals up 25%
11. Telecommunications, 5% tax on service
12. Limousine services
13. $1 pp for taxi or limo to/from airports
14. Jewelry repair
15. Camera repair
16. Gun repair
17. Musical instruments repair
18. Electronic equipment repair
19. Lawn and garden equipment repair
20. Computer hardware repair
21. Office equipment repair
22. Tailoring
23. Shoe repair
24. Furniture repair
25. Movie tickets
26. Theater tickets
27. Tickets to lectures
28. Concert tickets
29. Festival tickets
30. Amusement park tickets
31. Water park tickets
32. Tickets to fairgrounds (except Ag fairs)
33. Tickets to race tracks
34. Tickets to carnivals
35. Circus Tickets
36. Sports Tickets (except school sports)
37. Museum Tickets (except non-profit operations)
38. Planetarium tickets
39. Animal park tickets
40. Petting zoo tickets
41. Aquarium tickets
42. Tickets to historical sites
43. Tickets to convention centers
44. Miniature golf
45. Billiard parlors
46. Go-cart courses
47. Paintball
48. Golf driving range
49. Tickets to auto shows
50. Tickets to boat shows
51. Tickets to camping shows
52. Tickets to home shows
53. Tickets to flower / garden shows
54. Tickets to animal shows
55. Tickets to antique shows
56. Whitewater rafting (unless on federally navigable waters)
57. Wagon rides
58. Sightseeing bus tours
59. Aircraft sightseeing
60. Helicopter rides
61. Hot air balloon rides
62. Sightseeing boat tours
63. Sightseeing railroad tours
64. Trolley tours
65. Hired bands for events
66. Hired DJ's for events
67. Comedians
68. Hired clowns for kids parties
69. Jugglers
70. Ventriloquists
71. Bar cover charges (if band is playing)
72. Diaper services
73. Embroidery and monogramming
74. Pressure cleaning and washing services
75. Pet exercising
76. Pet sitting
77. Pet training
78. Pet grooming
79. Pet boarding
80. Picture framing
81. House cleaning
82. Furniture cleaning
83. Rug cleaning
84. Interior decoration
85. Meal preparation
86. Butchering
87. Art restoration
88. Rental of storage units
89. Moving
90. Vehicle towing
91. Boat mooring
92. Service provided by Maine Guides
93. Use of photos (leased)
94. Leasing of office equipment (copier, postage machine, etc)
95. Service contracts
96. Adult entertainment (aka exotic dancers)
97. Home staging for real estate
98. Motor repair on a boat (if not attached to boat)
99. Expanded list of "soft drinks"
100. Courier Services
101. Daily rentals of tuxedos, gowns, ski equip, etc
102. Rental of safe deposit boxes

Paid for and authorized by Vote YES to Reject New Taxes PAC, Curtis Picard, Treasurer

A) 6:10 pm

WS/SM - 6-0 (MP out)
ES

WS/SSK to come out 7:05 pm
Unan 6-0

→ Motion to deny abatement request

CUMBERLAND POLICE DEPARTMENT
290 Tuttle Road
Cumberland, Maine 04021
"To Protect and Serve"

Emergency
829-3120

Business
829-6391

Fax
829-4214
829-2211

Joseph J. Charron
Chief

April 21, 2010

RE: Mr. Anthony Vanhorn

Dear Resident,

This notice is being provided to you per the policy of the Cumberland Police Department. Please find attached a copy of the Maine Sex Offender Registry recent registration of Mr. Anthony Vanhorn. This information is being provided to you as Mr. Vanhorn has recently moved to Upper Methodist Road.

Mr. Vanhorn's crime was committed in 1984 and is currently under the supervision of Federal Probation Officer Daniel Kelly. Mr. Vanhorn is currently participating in two parolee programs in Portland. If you have any questions you can contact the Cumberland Police Department at 829-6391. For additional information you may access the Maine Sex Offender Registry at http://sor.informe.org/cgi-bin/sor/step1.pl or access through www.maine.gov.

Joseph Charron
Chief of Police

April 21, 2010
This letter and attached provided to Upr. Met. Rd. residents Goose Pond, and to residents on Blackstrap.

J. Charron

DEPARTMENT OF PUBLIC SAFETY

Maine State Police

Maine Sex Offender Registry

ONLINE SEARCH SERVICE

Individual Profile

Database lasted updated on: 4/21/2010

You may request further information on this individual.

Individual Profile

Anthony J Vanhorn
Date of Birth: 10/01/1961

Residence: Cumberland ME, 04021

Address last verified on: 04/15/2010

SORA #: 6099

Convictions

Statute: 99 MRSA
Offense: Rape
Case #: CR 84-1447
Court: Superior Court Portland

More Information

You can search for greater detail about current statutes, you can go to http://janus.state.me.us/legis/statutes/search.asp. For information about repealed statutes, you can contact the Maine State Law & Legislative Reference Library at http://www.maine.gov/legis/lawlib/homepage.htm

You may request further information on this registrant (free). The online request allows you to obtain more details immediately.

You may conduct a Criminal History Check online (fee required) to find out if this registrant has any conviction and adjudication information for crimes committed in Maine other than those already listed on the Sex Offender Registry site.

VITAL RECORDS REPORT FOR MARCH 2010

BIRTHS:

NAME OF CHILD	DATE OF BIRTH	NAME OF PARENTS
Higgins, Piper Nicole Tuck	3/4/2010	Jonathan & Katherine Tuck
Lin-Ralph, Olivia Grace Regina	3/10/2010	Michael Ralph & Annette Lin

MARRIAGES:

GROOM NAME	BRIDE NAME	DATE OF MARRIAGE	PLACE OF MARRIAGE
Merrill, Benjamin Zachary	Zagarella, Sarah Melissa	3/8/2010	Cumberland

DEATHS:

NAME OF DECEDENT	DATE OF DEATH	AGE	ADDRESS
Bolster, Olive E.	3/17/2010	94	Ledgeview Assisted Living
Turner, Marshall Reed	3/1/1910	82	18 Greely Road