

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 If the permit must be withdrawn due to a scheduling conflict, all fees will be refunded.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. 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.

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.

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 during daylight hours only, and no nighttime use shall be permitted without the express written permission of the Cumberland Recreation Department.

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.