

# ITEM

## 17-045

To set a Public Hearing date of April 10<sup>th</sup> to consider and act on a Mass Gathering Permit for Binnie Media's Maine Ultimate Yard sale to be held on June 10, 2017 at the Cumberland Fair Grounds



## MEMORANDUM

To: William Shane, Town Manager

From: Tamara O'Donnell, Town Clerk

Re: Maine's Ultimate Yard Sale

I have held discussions, on Tuesday, March 20, 2017, with Police Chief Rumsey, Lt. Milt Calder, Fire Chief Dan Small, and Mr. Mike Timmons, President of the Cumberland Farmers Club, in which we discussed the Spring Ultimate Yard Sale, at the Cumberland Fairgrounds. I reviewed in detail the requirements of the Mass Gathering Ordinance. The following represents our mutual understanding:

- Event participators will register online through the [ultimateyardsale.com](http://ultimateyardsale.com) site.
- Registration levels have been increased to 300 from the previous level of 250.
- Exact attendance levels are unknown, however, it was determined that 5,000 is likely. Therefore, the organizers will pay the Major Mass Gathering fee of \$500.00.
- Registration cost will be \$30.00 per 12 x 12 foot booth.
- Entrance fee for attendee is \$2.00 per person.
- No parking fee will be charged.
- The event will be held Saturday, June 10, 2017 and occur within a fenced area.
- There will be no collection of the entrance fee at the gate. Vehicles will be flagged from the entrance to the parking area and the entrance fee will be paid after parking and at the gate of the fenced vendor area.
- If the event is to be cancelled for any reason, a 24 hour notice will be provided by email to all participants and to the public through the broadcasting agency's seven radio stations.
- Registrants are required to set up between 5:00 a.m. and 8:00 a.m.
- Additional staff (6) have been hired by "At Work" flaggers to control parking.
- There will be 1 Paramedic, 1 EMT, and 1 Supervisor from the Fire Department on site.
- There will be 1 Fire Engine on site.
- There will be 2 police officers on duty at the event.
- Communication between parties will be by two way radio and cell phone.
- Food Vendors will be handled exclusively through the Farmers' Club.
- A copy of the contract with Blow Brothers as well as a copy of the event insurance coverage naming the town as an additional insured is attached to the application.
- Binne Media will have approximately 25 employees in attendance throughout the event.

The Town fees for this event are listed below:

\$500.00	-	Mass Gathering Fee
\$445.00	-	Police Department
\$380.00	-	Fire Department

I believe we have covered all areas related to the Mass Gathering Permit application. I anticipate that this event will be very successful and well managed, as it has in the past. I hope the weather cooperates and they have a wonderful turnout. Thank you.



# TOWN OF CUMBERLAND

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

## Mass Gathering Application – Major Outdoor Event (5,000 or more 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 \$500.

Name of applicant: Binnie Media

Address of applicant: 477 Congress St. 3A Portland, ME 04101 Tel. # 207-797-0780

Name of event: Maine's Ultimate yard Sale

Facility where the event will be held: Cumberland Fair Grounds

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): \_\_\_\_\_

Telephone number: \_\_\_\_\_

Will any food vendors be serving at the event? ☒ yes, \_\_\_\_\_ no (if yes, how many, and what types) 4 - Hamburgers, Hot dogs, Fried Dough, Lemonade

These Are Contracted by Cumberland Farmers Club

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) \_\_\_\_\_

Date of event: June 10<sup>th</sup>, 2017 Time (start and finish times): 9A-2p

Number of tickets available: \_\_\_\_\_

Expected attendance: 5,000

Description of event: Large Community yard Sale



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. September 2016 - Fall yard Sale 5,000

2. June 2016 - Spring yard Sale 6,100

3. October 2015 - Fall yard Sale 5,200

**Description of facility:**

A. Seating capacity: \_\_\_\_\_ permanent; \_\_\_\_\_ temporary

B. Other seating capacity: \_\_\_\_\_ festival; \_\_\_\_\_ standing room only

C. Number of toilets available: \_\_\_\_\_ permanent; 17 portable

D. Number of parking spaces available: 3,000 on-site; \_\_\_\_\_ off-site

E. Are all parking lots lighted (applicable only if event runs into evening hours)  
\_\_\_\_\_ yes; ☒ no, if no, which lots are not lighted \_\_\_\_\_

F. Source of potable water: \_\_\_\_\_

G. Refuse containers available, number and size: 15 plus dumpster  
From Caseva Waste

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

I. When will refuse be picked up? Monday June 12th

**Public Safety:**

J. Describe first aid facilities: Cumberland Fire & EMT

K. Describe emergency facilities: Cumberland EMT



- L. Describe communication facilities: 12 two-way Radios
- M. Number of certified police officers: Cumberland Police
- N. Other security personnel (include company name and qualifications): Mark Marion, Sergeant Cumberland County Sheriff
- O. Describe fire personnel: Cumberland Fire

#### Traffic Plan

- P. Description of routes persons attending the event are likely to take, include number of traffic controllers and deployment descriptions. 6 Traffic parking personnel From Blanchard Rd. to Bruce Hill Rd. (work Attached)
- 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. Private Security from Sheriff's Dept.
- U. Will all publicity stop as soon as it is apparent that the event is sold out? ✓ yes; no marketing ends on June 9th
- V. Description of how the event will be publicized, include how a sell-out will be publicized.

#### Other

- W. Name of liability insurance \_\_\_\_\_  
Amount of coverage \_\_\_\_\_; amount of property insurance \_\_\_\_\_
- X. Preferred type of performance guarantee (i.e.. escrow account, irrevocable letter of credit)

Shm. R. M.  
Authorized signature

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





"We're # 1 in the # 2 Business"

P.O. BOX 221

OLD ORCHARD BEACH, ME 04064

## PROPOSAL

March 13, 2017

TO: Binnie Media  
Attn: Stan Bennett  
Phone: 207-344-8007  
Email: [sbennett@binradio.com](mailto:sbennett@binradio.com)

RE: Portable Toilet Rentals for Ultimate Yard Sale at Cumberland County Fairgrounds on 6/10/17

We hereby submit specifications and estimates for:

14 Standard Portable Units (\$ 60.00 per unit)	\$	840.00
3 Barrier Free Portable Units (\$ 90.00 per unit)	\$	270.00
<b>TOTAL</b>	\$	<b>1,110.00</b>

\*\*\*\*\*DELIVERY TO BE 6/9/17 & PICKUP TO BE 6/12/17

Price Includes: Delivery, Set Up, Pick-Up, Paper Goods, Waterless Hand Sanitizer, Chemicals, Deodorization and Disposal.

We propose hereby to furnish material and labor—complete in accordance with the above specifications:

### TERMS AND CONDITIONS

1. The customer agrees to pay all invoices related to the service of the portable sanitation facilities, including extra and overtime charges for any service rendered over and above normal servicing schedule. Customer authorizes uses of credit card number on file for all charges incurred in accordance with terms and conditions cited above. Blow Bros. reserves the right to prosecute any customer who intentionally issues a credit card or negotiating a worthless instrument knowing that it will not be honored by the maker or drawee in accordance with State of Maine Law.
2. The customer agrees to pay for any and all damage to or loss of the portable sanitation facilities as an insurer of cause or fault, except for reasonable wear and tear, while the portable sanitation facilities are at the site address.
3. Blow Bros. reserves the right to NOT remove, pump dry and lock the unit until account is paid in full. If lock is destroyed or continued use of unit occurs the customer will be subject to additional charges.
4. The customer agrees not to sell, rent, lease, or otherwise give up possession of the portable sanitation facilities listed herein without prior consent from BLOW BROS.
5. The customer agrees to keep the portable sanitation units clear and accessible for service trucks at all times and to assume any and all tow charges resulting from substandard site conditions.
6. The customer acknowledges that Blow Bros. will not be liable for any damages to pavement, curbing, lawns or any other property resulting from trucks servicing units placed at customer request.
7. The customer agrees to pay a late charge of 1.5% per month on the unpaid balance for all invoices over 30 days. This is an Annual Percentage Rate of 18%. The customer also agrees to pay costs of collection including attorney fees.

Payment to be made as follows:

#### Due prior to delivery

All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Worker's Compensation Insurance.

**Acceptance of Proposal** - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified.

Payment will be made as outlined above.

*\*Must sign and fax back to (207)934-1723. A representative from Blow Bros. will contact you for completion of your detailed order.*

Date of Acceptance: 3/14/17

Authorized Signature: 

Note: We may withdraw this proposal if not accepted within 30 days.

Signature:   
Margi Brown, Office Manager

## Stan Bennett

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**From:** Sue Richards <suer@atwork.com>  
**Sent:** Monday, March 13, 2017 3:44 PM  
**To:** Stan Bennett  
**Subject:** Traffic Control at Cumberland Cty Fairgrounds

Afternoon Stan,

It was a pleasure speaking with you today.

I want to confirm that an order has been placed with us for Traffic Control/Flaggers (6 employees) for your event on June 10th, 2017, located at the Cumberland County Fairgrounds.

Thank you for your continued business with us.

Regards,

*Sue Richards - Account Manager*

400 Riverside St. Suite 7A

Portland, ME 04103

207-772-6060 Office

207-772-6336 Fax

[suer@atwork.com](mailto:suer@atwork.com)

### **Please note:**

**Our Portland Office is moving to Gorham Maine.**

As of April 1<sup>st</sup> 2017 to contact our Portland location please call:

**358 Main Street,**

**Gorham ME 04038**

**207-839-5060**

**Fax: 207-839-9060**

**WE'RE MOVING** 

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This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.



**Stan Bennett (Binnie Media)**

477 Congress St - 3rd Floor Annex  
Portland, ME 04110  
(207) 344-8007



Phone: (888) 852-2151  
Fax: (802) 773-5988

Container Size	Deliver to	On-Site Phone
30 yd. Roll-off	197 Blanchard Rd Cumberland, ME 04110	-

Delivery Date	Pickup Date	We include	You can go up to...
Friday, Jun. 9, 2017	Monday, Jun. 12, 2017	5 days of free rental (\$5.00 per day thereafter)	2 tons of Trash (\$88.50 per additional ton)

**Please note:** We can not guarantee time requests.

## Pricing Agreement:

Haul price	\$261.00
Estimated disposal cost	\$177.00
Rental cost	\$0.00
Delivery quote	\$75.00
Total base amount	\$513.00
Roll-off Service Fee	\$10.26
Total Taxes and Fees	\$10.26
Order total	\$523.26

Quoted on Tuesday, Mar. 14, 2017

**I have read and agree to the Terms and Conditions stated on the attached agreement.**

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
3/15/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. 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).

<b>PRODUCER</b> Ellis Agency Inc 196 York Street P.O. Box 380 York, Maine 03909	Phone: (207)363-7670 Fax: (207)363-1389	<b>CONTACT NAME:</b> Jonel Thames Leake <b>PHONE (A/C, No, Ext):</b> (207)363-7670 <b>FAX (A/C, No):</b> <b>E-MAIL ADDRESS:</b> jleake@ellisinsuranceagency.com																					
<b>INSURED</b> Carlisle Capital Corporation 126 Daniel St Suite 200 Portsmouth, NH 03801		<table border="1"><thead><tr><th colspan="2">INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr></thead><tbody><tr><td>INSURER A:</td><td>Massachusetts Bay Insurance Company</td><td>22306</td></tr><tr><td>INSURER B:</td><td></td><td></td></tr><tr><td>INSURER C:</td><td></td><td></td></tr><tr><td>INSURER D:</td><td></td><td></td></tr><tr><td>INSURER E:</td><td></td><td></td></tr><tr><td>INSURER F:</td><td></td><td></td></tr></tbody></table>	INSURER(S) AFFORDING COVERAGE		NAIC #	INSURER A:	Massachusetts Bay Insurance Company	22306	INSURER B:			INSURER C:			INSURER D:			INSURER E:			INSURER F:		
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## COVERAGES

## CERTIFICATE NUMBER:

## REVISION NUMBER:

THIS IS TO CERTIFY THAT 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. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS														
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			ZDPA81908401	12/31/2016	12/31/2017	<table border="1"><tr><td>EACH OCCURRENCE</td><td>\$ 1,000,000</td></tr><tr><td>DAMAGE TO RENTED PREMISES (Ea occurrence)</td><td>\$ 100,000</td></tr><tr><td>MED EXP (Any one person)</td><td>\$ 10,000</td></tr><tr><td>PERSONAL &amp; ADV INJURY</td><td>\$ 1,000,000</td></tr><tr><td>GENERAL AGGREGATE</td><td>\$ 2,000,000</td></tr><tr><td>PRODUCTS - COMP/OP AGG</td><td>\$ 2,000,000</td></tr><tr><td></td><td>\$</td></tr></table>	EACH OCCURRENCE	\$ 1,000,000	DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000	MED EXP (Any one person)	\$ 10,000	PERSONAL & ADV INJURY	\$ 1,000,000	GENERAL AGGREGATE	\$ 2,000,000	PRODUCTS - COMP/OP AGG	\$ 2,000,000		\$
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	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y/N <input type="checkbox"/> N/A						<table border="1"><tr><td>PER STATUTE</td><td>OTH-ER</td></tr><tr><td>E.L. EACH ACCIDENT</td><td>\$</td></tr><tr><td>E.L. DISEASE - EA EMPLOYEE</td><td>\$</td></tr><tr><td>E.L. DISEASE - POLICY LIMIT</td><td>\$</td></tr></table>	PER STATUTE	OTH-ER	E.L. EACH ACCIDENT	\$	E.L. DISEASE - EA EMPLOYEE	\$	E.L. DISEASE - POLICY LIMIT	\$						
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DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Yard Sale at the Cumberland Fair Grounds on June 10, 2017

## CERTIFICATE HOLDER

## CANCELLATION

Holder's Nature of Interest : Certificate Holder  Cumberland Farmers Club  197 Blanchard Rd. Cumberland, ME 04021	<p>SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.</p> <p>AUTHORIZED REPRESENTATIVE </p>
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