

# ITEM

# 24-017

To hold a Public Hearing to consider and act on a Minor Mass Gathering  
Permit application for Portland Ovations “Circus Smirkus” to be held  
August 5<sup>th</sup> and 6<sup>th</sup> at the Cumberland Fairgrounds



## MEMORANDUM

To: William Shane, Town Manager  
From: Jenn Doten, Town Clerk  
Re: Circus Smirkus

Please forward to the Town Council for consideration a Minor Mass Gathering application for Circus Smirkus to be held at Cumberland Fair Grounds on August 5 & 6, 2024. Shows will be held 1-3PM and 6-8PM each day.

This event will be brought to us by Portland Ovations. This event is new to Cumberland and has been performing for 36 years across VT, MA, NH, CT, and ME.

Application, payment, and certificate of Insurance have been provided.

The Fire Chief and the Police Chief have no concerns and have submitted invoices for each event.

- The approximate costs for fire and police for this event = \$ 3,242.24
  - Police: \$ 1,194.24
  - Fire/Rescue: \$ 2,048.00

Circus Smirkus sells popcorn and soft drinks for their events, no other vendors will be present.

Expected attendance per performance is 600, space available for 700.

They will have 5 portable toilets (1 designated ADA) available, and 6 circus owned refuse containers, and 2 - 10yd dumpsters (rented from Casella). Refuse will be emptied onsite by staff and dumpsters will be picked up on Wednesday August 8<sup>th</sup> in the morning.

I anticipate that this event will be successful and well managed.

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: Portland Ovations

Address of applicant: 120 Exchange St Tel. # 207-773-3150

Name of event: Circus Smirkus

Facility where the event will be held: Cumberland County Fairgrounds

Is the facility owned by the applicant: \_\_\_\_\_ yes; X 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: \_\_\_\_\_

Date of event: August 5,6 2024 Time (start and finish times): 1p-3p., 6p-8p

Number of tickets available: 700 per performance

Expected attendance: 600 per performance

Description of event: Circus Smirkus is a Vermont based Acrobatic circus made up of young performers in training for a career in cirucs arts. Billed as the Only tented traveling youth circus in the United States, the Circus has been touring New England every summer since 1987. CS is a non-animal circus - only humans perform.

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

Circus Smirkus vends its own popcorn and soft drinks. No other vendors are permitted.

Will any alcohol vendors be serving at the event? \_\_\_\_\_ yes, x 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. \_\_\_\_\_  
Please see company description and touring explanation below on signature page.  
Portland Ovation presented Circus Smirkus in August 2023 in Payson Park. We
2. \_\_\_\_\_  
hosted 4 performances over 2 days. Attendance was near capacity - 700 ppl per performance.
3. \_\_\_\_\_

Description of facility: Circus big top tent

- A. Seating capacity: 700 permanent; \_\_\_\_\_ temporary
- B. Other seating capacity: \_\_\_\_\_ festival; \_\_\_\_\_ standing room only (sq. ft)
- C. Number of toilets available: \_\_\_\_\_ permanent; 4 + 1 ad portable
- D. Number of parking spaces available: 300 on-site; \_\_\_\_\_ off-site
- E. Are all parking lots lighted (applicable only if event runs into evening hours)  
x yes; \_\_\_\_\_ no, if no, which lots are not lighted \_\_\_\_\_
- F. Source of potable water: Fairgrounds supplied
- G. Refuse containers available, number and size: \_\_\_\_\_  
6 circus owned refuse containers, and 2 10 yd dumpsters Rented
- H. Name of refuse disposal company (attach a copy of the agreement to pick up refuse)  
Casella - Contract pending
- I. When will refuse be picked up? Small barrels will be emptied post performance. Dumpsters will be picked up on Wednesday Aug 8 in the morning

Public Safety:

- J. Describe first aid facilities: The public enters through a concessions and ticketing tent. First Aid area is cordoned off for first responders.

- K. Describe emergency facilities: Emergency and first aid encompassed in the same area of the concessions tent
- L. Describe communication facilities: no special arrangements made outside of regular mobile service
- M. Number of certified police officers: 2 per performance
- N. Other security personnel (include company name and qualifications): \_\_\_\_\_
- O. Describe fire personnel: will have EMT on site per recommendation of the city of Cumberland
- Other
- P. Name of liability insurance coinsurance arranged through Cross Insurance  
Amount of coverage 6,000,000 total liability; amount of property insurance 2,000,000
- Q. Preferred type of performance guarantee (i.e., escrow account, irrevocable letter of credit)  
Circus will be contracted with Portland Ovations. Contract available for review on execution

  
Authorized signature

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

Circus Smirkus is a traveling youth circus made up of an auditioned company of Smirkus Troupers, ages 10 to 18, and perform in the summer months. They are supported by adults: professional coaches, cooks, musicians and crew. Smirkus has been performing for 36 years (2024 will be our 37th year). We are an animal-free show. In 2023, Circus Smirkus performed in 62 shows in 14 cities spread across VT, MA, NH, CT, and ME, beginning July 1 and ending August 18. Our Smirkos perform to sell-out crowds in Circus Smirkus' very own 700-seat European-style one-ring big top tent. Each year brings a new storyline and original full-length show combining the best in traditional and contemporary circus styles. We give our Troupers the full experience of touring in a classic traveling tent show. That means a complete immersion in circus life. Smirkos endure rigorous training, daily chores and the loading in and loading out of the Big Top. They revel in the joy of performance and the camaraderie of a common purpose. Our three most recent outdoor performances were held at our final tour location at our Smirkus headquarters located in Greensboro VT, August 18-19, 2023, performing to sold out shows (700-710/show). The Circus Barn, Inc (dba Circus Smirkus) is a non profit organization. We have a variety of sponsors (banks, magazine, radio stations), and a large group of generous donor supporters. We have been performing in Kennebunkport ME for many years, and performed in Portland ME in 2023 as well.





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

02/28/2024

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).

PRODUCER	CONTACT NAME: Aaron Schindler	
Cross Insurance-Portland	PHONE (A/C, No, Ext): (207) 780-1677	FAX (A/C, No): (207) 780-6377
2331 Congress Street	E-MAIL ADDRESS: aaron.schindler@crossagency.com	
Portland	ME 04102	INSURER(S) AFFORDING COVERAGE
INSURED		INSURER A: Tri-State Ins Co of Minnesota
PORTLAND OVATIONS		INSURER B: Continental Western Ins Co
PO BOX 17573		INSURER C:
		INSURER D:
PORTLAND	ME 04112	INSURER E:
		INSURER F:

COVERAGES CERTIFICATE NUMBER: 23/24 Master 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"/> COMMERCIAL GENERAL LIABILITY <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:	Y		ADV5478206-12	07/01/2023	07/01/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 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 Employee Benefits \$ 1,000,000
A	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			ADV5478206-12	07/01/2023	07/01/2024	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB DED RETENTION \$			ADV5478206-12	07/01/2023	07/01/2024	EACH OCCURRENCE \$ 6,000,000 AGGREGATE \$ 6,000,000 \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	WCA5481757-12	07/01/2023	07/01/2024	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

RE: Circus Smirkus, Cumberland County Fairgrounds, August 5-6, 2024. Subject to the policy's coverage, conditions, exclusions, and endorsements as specified in the policy contract, Town of Cumberland shall be an Additional Insured on the Commercial General Liability policy for ongoing operations when required by a written contract. Without a written contract requiring Additional Insured status, no coverage applies.

## CERTIFICATE HOLDER

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



# CUMBERLAND POLICE DEPARTMENT

290 TUTTLE ROAD  
CUMBERLAND, MAINE 04021

CHARLES J. RUMSEY, IV  
CHIEF OF POLICE

EMERGENCY  
911

BUSINESS  
(207) 829-6391

FAX  
(207) 829-2211

To: Jenn Doten, Town Clerk  
From: Charles Rumsey, Police Chief  
Date: February 29, 2024  
Subject: Cost estimates for August 2024 Circus Smirkus Event

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Below, please find a cost estimate for Cumberland Police Department coverage. The estimate was prepared with the following in mind:

- a. Contractually established detail rate of \$74.64 / hour (includes hourly rate plus fringe).
- b. Minimum detail length of 4 hours.

Monday, August 5, 2024      Cost: \$597.12      Coverage: 8 hours

- a. One officer from 12:30PM-4:30PM (4 hours)
- b. One officer from 5:30PM-9:30PM (4 hours)

Tuesday, August 6, 2024      Cost: \$597.12      Coverage: 8 hours

- a. One officer from 12:30PM-4:30PM (4 hours)
- b. One officer from 5:30PM-9:30PM (4 hours)

**Totals:**      **Cost: \$1194.24**      **Coverage: 26 hours**

Additional staffing may be necessary if crowd size and/or traffic cause unexpected issues.

Additional staffing, if desired, can be arranged at a cost of \$74.64 / hour, with a minimum 4-hour detail per officer.

# Cumberland Fire Department

366 Tuttle Road, Cumberland Center, Maine 04021

Emergency 911

Business 829-5421

Fax 829-4256

Email [dsmall@cumberlandmaine.com](mailto:dsmall@cumberlandmaine.com)

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**Daniel R. Small**  
Chief

To: Jennifer Doten  
From: Daniel Small  
Date: February 27, 2024  
RE: Charges for Circus Smirkus

During each of this event's scheduled times the fire department will have two EMS personnel on the grounds assigned specifically for this event. Per the contract of Local 340 the minimum coverage time is 4 hours. The crew, with ambulance, will be on-site at a minimum of 30 minutes prior to and 30 minutes after the scheduled times. The charges for the event coverage are as follows:

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<i>Date</i>	<i>Times</i>	<i>Cost (2 personnel)</i>
August 5	12:00 to 4:00	\$512.00
August 5	5:00 to 9:00	\$512.00
August 6	12:00 to 4:00	\$512.00
August 6	5:00 to 9:00	\$512.00
<i>Total</i>		<i>\$2,048</i>

Should the event continue beyond the times included in the Mass Gathering Application our staffing costs will be increased on an hourly basis for two EMS providers. The hourly cost per person is \$64.00.

Fees may be charged directly to individuals who are medically evaluated/treated by the Cumberland EMS personnel.