

# **EMPIRE FLOORING, BUY A ROOM GET TWO ROOMS FREE, GET 50% OFF THE WHOLE SALE, HELL WE'LL PAY YOU, TO LET US PUT FLOORING IN YOUR HOUSE!**

**September 27, 2013**

**By Editor:**

We've had so many calls about this company, none of them positive; we finally tracked down a former sales rep in southern Maine. Boy, did we get an ear full.

They survived about four or five months selling carpet and hardwood flooring like a used car, that was leaking oil on the sales lot. They told a horrific story of bait and switch ads that were never honored at the customer's home. The ads were just used to get a foot in the door. The big advantage that Empire uses is a nationwide system of warehouse distribution that allows them to install a sale in one day in MA, and in two days in ME. This is done so the customer doesn't have time to price shop Empire and find a better deal, almost anywhere else. Before 2008 the Stoughton, MA warehouse was crammed with product for thousands of square feet to the roof. Today it is virtually empty. We're told orders are sent to Chicago and Stoughton and Chicago sends the order to the really big warehouse in upstate NY where it is overnight shipped to Stoughton, where it is picked up by English speakers as second language workers.

They arrive in Maine around 10:00 and work until the job is done, usually around 9 or 10 that night. They drive back to their shop, drop the truck and get to bed around 1:00 the next morning. They pick up the next day's job around six hours later and start another day. You may wonder why we can't find non-Spanish speakers that don't want to work 18 hour days, six days per week.

This is how it works. The sales rep has to call the manager, **Al Rivera**, for a drop in price, over and over until the customer takes the discounted price, higher than anything else in Maine, or says no and goes to Marden's in Lewiston. The contract **Empire Flooring** uses has been honed over 50 years of likely legal wrangling with customer lawsuits. Two of the things that were mentioned repeatedly were not nailing the squeaks out of floors. Who wants to change wall-to-wall carpets once every 10 or 15 years and keep the same old squeaks? The hardwood installs were a thing by themselves. The paperwork in the hardwood boxes clearly states that the wood must be acclimated to the location for 24 to 48 hours, before installation. What happens when they ignore that direction? What you would expect. The wood expands and forms a really big wave in the center of the floor. This kind of high pressure, price drops, and fake sale discounts

probably worked with low info folks before the Internet. Not so much in 2013. The ex-sales rep we interviewed told of one sales call where the husband and wife were on their laptop and I-pad researching companies and products during the presentation. It wasn't long before the rep knew they had way more real time information than the rep had about the products being discussed. The rep was sitting in a \$600,000 house when Al, the manager, asked do you think they can afford the product? The answer was yes when their credit card was approved for about \$5,000 of very expensive exotic hardwood for a portion of their living room. They demanded, and received, the wood shipment a couple of weeks before it was installed. This avoided the wave in their \$5,000 of very expensive hand scraped hardwood. The only customer the rep can recall that had the good sense to make sure the hardwood was acclimated before it was installed.

**If you don't like paying two or three times over what Marden's charges, then Empire Flooring just might NOT be the best deal for you and your family's rancho delux!**

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## **TIN HORN LOCAL POLITICIANS CANCEL FREE SPEECH AT "TOWN HALL" MEETING ON COMMON CORE**

**September 24, 2013**

**By Editor:**

**Common Core** is a new educational format devised for the nation's school systems. Some agree with it, some don't. Sadly in America those who have the temerity to question authority, be it the Town Council, or the School Board, risk being arrested and thrown in jail as you can see by the video below.

What started the fracas was the rule to ask any questions, they had to be submitted in writing first. So the 'rulers' at the table could select the friendly questions that would support their belief systems that Common Core was the best thing for everyone's children. One man knew his question wouldn't be selected to be answered by the rulers, so he stood up at a public meeting in America to ask it, and was arrested.

You might think that the Communist Party might run the local school boards in Maryland, but not in Maine. The last time we checked, any question asked at public forum in Cape, had to be approved by the School Board first. You lose your Constitutional Rights one small piece at a time until you don't have any Rights left.

In Falmouth the rules at the Town Council Meeting's public forum are a complete violation of the First Amendment **GUARANTEEING FREE SPEECH!** As **Steve Woods, Chairman of**

**the Yarmouth Town Council**, stated in his five minute dressing down of the Council not too long ago, the police officer in the back of the room is “**intended to intimidate people speaking at the podium**” out of exercising their rights as **Americans to Free Speech**.

We remember what America use to be. **Now it’s a country consumed with laws on hate speech, politically correct speech, and bans on free speech**. Pretty soon the Falmouth Town Council will ban public forum because it interrupts their agenda to micro manage what they want to do, and ignore everything else.

**God forbid someone points out any mismanagement of forty million dollars in our town budget and names the Town employee that’s committing the mismanagement.**

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# **CERTIFICATE OF NEED (CON) IS USED BY THE LARGEST HEALTHCARE PROVIDERS TO SCREW MAINE CONSUMERS**

**September 20, 2013**

**By Editor:**

Too much competition usually makes for lower prices on almost everything we have to buy, like artificial knees. But in healthcare if every article of capital equipment is not utilized at, or close to 100%, good luck offering medical care at a lower price than the big providers because they get to say if they want any additional competition at a lower cost!

Let’s see if this makes sense for pizza shops? Angelone’s wants to open a lower cost pizza place across the street from Amato’s location on Washington Ave. All Angelone’s owners need is permission from Amato’s owners to sell a pizza cheaper than Amato’s sells theirs. Who makes out in this equation, certainly not the customers?

Let’s go back to replacement knees for a moment. A knee in Farmington at Franklin Hospital costs \$64,000. The same knee job in Portland costs \$30,000. Then if you go to Tufts Medical School and have a surgeon that does 10 knees a week, unlike the doctor in Farmington that may do three knees a month or maybe a year, you might draw the surgeon that does repair work on NFL players and only pay \$15,000 to \$20,000.

The inverse relationship between numbers of procedures done, the expertise that comes with frequent use of muscle memory doing the procedure, and the cost of the procedure just might come from more competition in the Greater Boston area than exists in the entire State of Maine.

Here are the stats for healthcare in Maine and elsewhere:

From 1970 to 2000 national hospital occupancy dropped from 77% to 67%.

In 2005 occupancy rates in Delaware were 92%, in Idaho it was 53%, which repealed CON in the early 80's.

### **CON RESULTS IN MAINE**

Capital expenditures from '98 to '02 in ME it was 8.4%, in N.E. it was 6.6%, in PA it was 5.7%, and PA repealed CON in '96.

Growth in health care expenditures per capital in 2009 ME \$8,521, national average \$6,815.

Average per person premiums for the individual market in Maine is 31% higher than national average.

### **FEDERAL TRADE COMMISSION/DEPARTMENT OF JUSTICE ON CON**

“CON programs can retard entry of firms that could provide higher quality services than incumbents. By protecting incumbents, CON programs likewise can delay the introduction and acceptance of innovative alternatives to costly treatment methods...the vast majority of single-specialty hospitals-a new form of competition that may benefit consumers-have opened in states that do not have CON programs.”

**Maine needs to repeal CON sooner rather than later, and stop screwing Maine consumers that buy healthcare services.**

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# **THE MOON BATS FROM OUT OF STATE ARE IN FULL ATTACK MODE**

## **September 16, 2013**

### **By Editor:**

If you believe the door-to-door campaign workers from New York, bused into South Portland to stir up the not ill informed, but the totally uninformed, about the petroleum industry, that pays

1.5 million dollars in property taxes to the City, that this same industry will build giant smoke stacks, pollute the air, poison the water at both Sebago Lake and the Atlantic Ocean, and kill our children, and all life on the Planet Earth, almost.

Interestingly, in a phone call Friday at 12:45, **Willy Rich** firmly stated that, “Congresswoman Pingree would not comment on a local issue like the Pipeline Referendum in South Portland.” This is something that will have a huge impact in Southern Maine and all over the state. If these Moon Bats landed in Bath and got a referendum on the ballot there that said no construction cranes taller than 30 feet could be used within 250 ft. of the Kennebec River, what impact would that have on B.I.W.? Would Congresswoman Pingree have no comment on closing a shipyard? We thought it was strange that FTM, according to **Willy Rich**, was the only news outlet that bothered to ask Congresswoman Pingree for a comment.

What these Moon Bats really hate are facts supported by simple arithmetic. The proposed ordinance will make it impossible to repair, upgrade, change, or improve current facilities. What happens after a while? Corporations go where they can flourish, or at least survive. These companies will eventually close and then where will we get our gasoline and heating oil? The proposal allows tankers to off load but not on load. Will that mean no refueling for the tankers, or for that matter the lobster boat fleet, or your cabin cruiser?

The facts and the numbers are the following:

1. Each tanker delivers the equivalent of 1,000 tractor-trailer tanker trucks 3 times per week or 3,000 tractor-trailer tanker trucks more on the turnpike every week.
2. We'll use 60 feet for the length of a tractor-trailer tanker truck.
3. That's an additional 180,000 feet of NEW truck traffic on the Maine Turnpike that doesn't exist today.
4. Those 3,000 trucks per week would be an additional 34 miles of truck traffic on the turnpike. Or, the distance from the NH Bridge to the Saco/Biddeford exit area. That would be **BUMPER-TO-BUMPER** north from Boston and returning three times per week. Or, only 1,000 trucks on Monday, Wednesday, and Friday every week, forever. That would be like coming up the pike from York, and having to pass 11 miles of tanker trucks bumper to bumper, or 33 miles of them if they maintain a two-length separation between rigs, each of those three days.

What happens north of South Portland? You don't think the 1,000 tanker trucks are getting off at the Maine Mall to go to the Pipeline do you? Many will continue north where the pike becomes two lanes and where they can use the passing lane. Have a wonderful trip to grandma's house in Bangor when this happens, dodging between an extra four or five hundred tractor-trailer tanker trucks on the turnpike three days per week.

How did this proposal take root in S. Port? Sources report that **Bob Sellin** and **Natalie West, Esq.** are the authors, proponents, and force behind the effort to destroy the Maine economy. **DESTROY**, you say? Look at your total consumption of gasoline, K-1, diesel, and heating oil in gallons, and multiply that by 12 cents today and who knows how much when it really happens. Then look at how much petroleum products government consumes, local and state, and think about your tax increases. Where's that solar powered school bus when you need it?

Who are the **Sellin/West** exploiters of the uninformed voters? It seems they are fabulously wealthy, have lived in S. Port. for less than three years, and sail all over the world in their very nice wind powered yacht. Don't we all have a very nice wind powered yacht? They came here from Oakland, CA.

They live in a modest home at 5 Deake St., assessed at \$388,000, just one house away from the water near Willard Beach. **Rob** is a registered member of the Green Party while **Natalie** is unenrolled and can be reached at 207.400.1782. They drive a late model VW Jetta wagon with this plate number WE GO 2 C. We know they have an 8-foot inflatable dingy, so the photo of the yacht below may, or may not be theirs, but it was the only one at the marina that had an inflatable like theirs and when they do their, "**WE GO 2 C**" thing, they need a million dollar yacht like this one. Some people feel that Rob and Natalie are perpetrating malicious interference, in their lives, their homes, and their families. Will these two Moon Bats please go back to Oakland, and screw over their neighbors there?

Why do rich Moon Bats try to screw over normal working people every chance they get? Cap and trade anyone? How about a big ol' dose of Sustain Southern Maine? Who gets exempted from Obamacare, Congress, the IRS, and Big Labor, that's who? Someday the Moon Bats will wake up to find Maine populated by residents of nursing homes and no worker bees left to repair their yachts, clean their mansions, and serve them a latte, because they will have finally driven every non-government job out of Maine. Then only the truly rich will build a few shacks on their estates to house the serfs who will mow their lawns and rake their leaves. Maine The Way Life Should Be!

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# Memorandum

To: Tex Hauser AICP, Planning Director  
From: Natalie West   
Date: 6/20/2013  
Re: SoPo Municipal Code 27-1322.D.5 & 7 as applied to Portland Pipeline

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## ISSUE

Do existing South Portland Municipal Code §§ 27-1322.D.5&7 apply to Portland Pipeline's Pier 2, and prohibit the construction of stacks and vapor transfer arms exceeding 20'?

## CONCLUSION

Based on my review of the zoning ordinance, it appears that the existing South Portland zoning ordinance prohibits Portland Pipeline from constructing structures and stacks such as those requested in its 2009 submission.

## APPLICABLE FACTS

In 2009, Portland Pipeline applied for a Site Plan for flow reversal of 18" pipeline. The company's site plan application included various equipment and structures to be located on Pier 2. That application was granted but the permit expired in 2012. Many people in the community anticipate that Portland Pipeline will submit a similar application in the future.

## ANALYSIS

Portland Pipeline's Pier 2 is located in the Shoreland Area Overlay District, as that District is defined in SPMC§27-1311. "The provisions of this Article also apply to any and all buildings or structures built on, over or abutting a dock, wharf or pier...." (page XII-6, Exhibit 1)

The word "structure" is defined to mean "Anything that is built or constructed by a person or persons." (SPMC§27-201, page II-26, Exhibit 2.) The 2 breasting dolphins, 24 pilings, 2 new above pier vapor transfer arms, and 2 vapor combustion units are "structures" as defined in the zoning ordinance.

Land uses in the Shoreland Area Overlay District must comply with performance standards set forth in SPMC§27-1322. (page XIII-11, Exhibit 3.) Paragraph D of that section sets forth performance standards for "[p]iers, docks, wharves... and other

June 20, 2013

structures and uses extending over or beyond the normal high-water line of a water body" (Page XII-18-19, Exhibit 4). Pier 2 is such a pier.

There are two paragraphs in this section that seem particularly relevant. Paragraph 27-1322.D.7 prohibits any structure higher than 20 feet on the wharf. This paragraph appears to prohibit the vapor transfer arms and vapor recovery units that were included in the 2009 application.

Paragraph 27-1322.D.5 is also relevant. That paragraph sets forth a limited exemption for expansion of "non-water dependent structures existing as of 2/27/01 and located in the Shipyard District S... are permitted to expand up to a size that is less than 30% of the floor area or volume, as those terms are defined in Section 27-1306 (*sic*) during the life time of the building."

If the sentence applies, it would be necessary to determine whether the proposed structures are less than 30% of the floor area or volume of the existing structure. While one might argue about what constituted the "existing structure" it seems clear that the vapor recovery arms and vapor recovery units exceeded 30% of the volume of any existing structure. Moreover, the exemption does not apply the structure existed on 2/27/01. In that regard, Portland Pipeline's Pier 2 was upgraded in 2002, so it is not clear that any proposed structure actually existed in 2001.

If the proposed structures are not covered by the 30% exemption, they are prohibited "unless the structure requires direct access to the water body as an operational necessity." Whether or not the a vapor recovery unit or vapor transfer arm requires direct access to the water body may be a question of fact, but it seems apparent that these vapor recovery systems are not inherently water related so that direct access to the water is an "operational necessity."

For these reasons, it seems apparent that Portland Pipeline's project does not comply with South Portland's existing ordinance, both paragraphs 5 and 7 of section 27-1322.D, irrespective of whether the Waterfront Protection Ordinance is approved by the voters.

**PLEASE REVIEW THIS MEMORANDUM AND CALL ME AT YOUR EARLIEST CONVENIENCE TO DISCUSS.**

We would like to clarify the issues raised in this memo as soon as possible. You can reach me at 207-400-1782.

It is very important for us to know how the City interprets and applies its current ordinance before we meeting with local officials and community groups.

Thank you.



CITY OF SOUTH PORTLAND

496 Ocean Street  
P.O. Box 9422  
South Portland, Maine  
04116-9422  
Telephone (207) 767-7649  
Fax (207) 767-2197  
chauser@southportland.org

TEX HAEUSER, AICP  
Planning & Development  
Director

August 5, 2013

Natalie E. West, Esq.  
PO Box 2352  
South Portland, ME 04116

Re: Letter of 7-31-13 from Natalie E. West to Tex Haeuser

Dear Natalie:

Thank you for your letter. However it may have come out at the July 23rd hearing, the area I was referencing for where Portland Pipe Line could add storage tanks according to the Comprehensive Plan was the vacant land they own along Broadway. This is really the only place they could add tanks—they do not have room in the areas along their piers designated by the Comprehensive Plan as Marine Industrial. I will be happy to clarify this at the upcoming hearing.

In regard to the Comprehensive Plan's land use recommendations for its Shipyard Development District, in which the vacant PPL land along Broadway is located, I find nothing in either the plan's Vision section or the more specific land use sections that would prevent the addition of new petroleum storage tanks in a fashion currently allowed by the South Portland Zoning Ordinance. If the Plan intended otherwise, it would have repeated the language it used for its Marine Industrial Districts, which as you know would only "allow existing marine and oil facilities to upgrade or expand on parcels that are already used for this purpose." (p. 6-20)

Hope you are enjoying our fine summer weather.

Sincerely

Tex Haeuser  
Planning & Development Director

Cc: James H. Gailey, City Manager  
Patricia Doucette, Deputy Planning & Development Director  
Steve Puleo, Community Planner

August 8

## [Maine Voices: South Portland citizens want health and businesses protected](#)

**The Waterfront Protection Ordinance supports a range of marine uses, but not a tar sands oil facility.**

By Natalie West

SOUTH PORTLAND - On Aug. 19, the South Portland City Council will decide whether to adopt the Waterfront Protection Ordinance or place it on the Nov. 5 ballot.

In June, almost 4,000 South Portland voters signed petitions supporting the ordinance, expressing their opposition to pumping tar sands oil through South Portland for export.

Those citizens are seeking to protect their air and water quality, and ensure a healthy, sustainable city by restricting inappropriate industrial development on the waterfront.

For those not yet aware of the tar sands oil plan, the Portland Pipe Line Corp. owns a 63-year-old pipeline and 23 oil storage tanks (160 million gallons in capacity), built many years ago, for transporting conventional crude oil from South Portland to Montreal.

That use has slowed in recent years, and the city has grown and changed around it.

In 2009, with little public discussion, Portland Pipe Line obtained a permit from the city to reverse flow in its pipeline between South Portland and Montreal to bring tar sands oil south for export.

The permit authorized a new pump station next to the Kaler School. It also approved construction of two 70-foot smokestacks, and vapor transfer and incineration units on the existing pier near Bug Light.

Fortunately, that permit expired before construction occurred, and we have an opportunity to make different choices for our future.

Most of Portland Pipe Line's storage tanks are about three miles inland from Bug Light. They are bordered by the Community Center, South Portland High School, the Kaler and Dyer elementary schools, The Lighthouse School and residential areas.

Close-up photos on Google Earth show empty tanks; some citizens have even forgotten that they are still there. Yet those tanks could be filled with tar sands crude.

Crude oil stored in these tanks while awaiting shipment will emit a host of toxic compounds, including cancer-causing benzene and toluene.

Portland Pipe Line's oil storage tanks are already the eighth largest source of similar volatile organic compound emissions in Maine. The company has a state permit to discharge 220 tons of pollutants from its tanks. That's nearly triple its current emissions.

This is more than twice the total emissions from Bath Iron Works, a facility that employs between 4,500 and 5,000 people. (Portland Pipe Line employs 35 people.) The environmental cost is just too high.

Our city has just invested more than \$40 million to upgrade our high school. We have remodeled the Dyer and Kaler schools.

Allowing an oil company to emit hundreds of tons of contaminants a few hundred feet away is not the way to protect the health of our community or the investment of our tax dollars.

The citizens' ordinance will protect and shape the community where we want to live, raise our families and grow old.

Existing businesses can continue to operate the way they do now, including oil-related businesses. The Waterfront Protection Ordinance will simply accomplish its limited goal of preventing enlargement of industrial petroleum businesses in the area near Bug Light Park and within 250 feet of the Fore River.

Oil companies and their lawyers have already begun their opposition campaign, including making exaggerated claims about impacts on existing businesses.

Together with our existing zoning ordinance, the Waterfront Protection Ordinance supports a range of marine uses -- marinas, restaurants, shipyards and parks -- on our recreational waterfront.

The zoning ordinance will continue to allow such marine uses now and in the future, including fueling boats on the waterfront.

It will prevent the creation of a tar sands oil export facility adjacent to Bug Light Park.

The city of South Portland's Community Vision says this is "a community where people want to live, to raise a family, to retire."

I know that's true: My husband and I have been South Portland taxpayers since 2005, when we chose this city as our home. We have promises to keep -- to spend time with our children and grandchildren, to sail the coast of Maine.

But after talking with our neighbors, and studying the facts, we're convinced that vigilance is still the price of liberty, and tar sands oil pumped through South Portland would be wrong.

We therefore decided to work with other concerned citizens in support of the Waterfront Protection Ordinance.

We urge the citizens of South Portland to join us in supporting this ordinance so we can work together to build a diversified, sustainable economy, with clean air and water for all.

*Natalie West is a retired attorney who lives in South Portland and is one of the authors of the Waterfront Protection Ordinance.*







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## **WHY YOU SHOULD BE COMPLIANT AND DOCILE DURING ANY POLICE STOP**

**September 13, 2013**

**By Editor:**

FTM's reporter has been asked repeatedly why didn't he tell **Officer Ryder** to \*\*\*\* \* when **Officer Ryder** stopped him so **Officer Ryder** could brag about what he was going to do to our reporter's mother last Thanksgiving Day. Our reporter has the good sense not to roll a stop sign in Falmouth much less exercise any Free Speech in the presence of a member of the FPD either at the Town Hall Council Chambers during the Public Forum portion of the meeting or during a bogus traffic stop so **Officer Ryder** can brag about what he was about to do, or in the lobby of the Falmouth Police Station, when **Officer Ryder** turned around and came back to the station in July to issue a threat to our reporter of what he would do to the reporter's mother again.

Remember this was Thanksgiving Day 2012. Just about eight months earlier the FPD had luckily slipped out of the only Federal Civil Rights Lawsuit for police misconduct in the four towns of Cape, Falmouth, Cumberland, and Yarmouth. You'd think **Chief Tolan and Lt. Kilbride** would think to brief the force not to trip over their manhood for the next ten years or so, you'd be wrong, because thinking isn't part of the process in the leadership at the FPD.

You'd think that **Tolan and Kilbride** would tell the troops don't light up the reporter to brag about putting the screws to his elderly mother, don't threaten to repeat trying to put the screws to his mother for the same bogus ticket again, and for god's sake don't give him a verbal warning for illegal parking when he wasn't illegally parked, while we don't ticket any commercial vehicle EVER, for stopping, standing, or parking in a fire lane.

At the age our reporter is, he wants to avoid giving any police officer his weight or heavier, the opportunity to kick him while he's face down on the ground and handcuffed and then break his ribs as we see in the video below. This likely will cause the FPD to turn off their recording equipment anytime they light up our reporter from now on. Wait 'til you read the 29 pages of Discovery our reporter got from **Officer Ryder** during **Officer Ryder's** loss in court.

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## **FEDERAL CIVIL RIGHTS VIOLATION LAWSUITS MORE COMMON IN FALMOUTH THAN ELSEWHERE**

**September 10, 2013**

**By Editor:**

It's hard to believe that Falmouth is the only town in the Fab Four to have a Federal Civil Rights Violation Lawsuit. You'd think that all the police departments would be doing illegal searches, illegal detentions, and lying to the D.A.'s office. Apparently, Falmouth stands alone in this area of police department mismanagement. The suit was dismissed without prejudice by agreement

by both sides. The fact that a lawyer would look at the facts and file the complaint in the U.S. District Court shows how seriously out of control **Chief Tolan** and **Lt. Kilbride** have let our police force land.

A tiny example of this is **Officer Pardue** laying in wait to pounce on our reporter to falsely accuse him of illegal parking at Shaw's and to broadcast it on the radio. This was so ridiculous when the vehicle was four feet beyond the 30-foot "fire lane". There were no signs identifying the area as a No Parking site, as required by Town Ordinances. **Officer Pardue** under the command of **Tolan and Kilbride** has failed to cite any vehicles, according to sources, that Stop, Stand, and Park in the fire lane, which actually violates the Town Ordinances controlling parking in public lots.

It is highly likely that a second Federal Civil Rights Violation Lawsuit will be filed shortly. It contains eerily similar violations:

1. A traffic stop without probable cause by **Officer Ryder**
2. Traffic stop was only to brag what the **Officer Ryder** was going to do to an elderly woman.
3. **Officer Ryder** issues a false summons containing false statements as to what happened where.
4. **Officer Ryder** has to be ordered by presiding judge to provide mandatory discovery to elderly lady.
5. Judge's decision against **Officer Ryder**, states **Officer Ryder** failed to prove his case and finds in favor of the elderly lady.
6. Finally, **Officer Ryder** issues a threat in July, that he would again issue the same false summons to the elderly lady.

You can read the emails below from the Cape, Cumberland, and Yarmouth stating the absence of Federal Civil Rights Lawsuits and the Complaint Page from the first one filed in 2010.

**Insanity is doing the same thing repeatedly and expecting a different outcome. What's the mental health status of Chief Tolan and Lt. Kilbride? How much is this foolishness costing taxpayers in legal fees?**

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

OLENA PYLYPENKO,	)	
	)	
Plaintiff	)	
	)	
v.	)	Civil Action No. _____
	)	
FALMOUTH POLICE DEPARTMENT,	)	
TOWN OF FALMOUTH, MAINE,	)	
STEVEN TOWNSEND, in his individual and	)	
official capacities, and JOHN KILBRIDE, in	)	
his individual and official capacities,	)	
	)	
Defendants	)	

**COMPLAINT & DEMAND FOR JURY TRIAL**

NOW COMES Plaintiff Olena Pylypenko, by and through her undersigned counsel, and hereby complains against Defendants Steven Townsend, John Kilbride, Falmouth Police Department and the Town of Falmouth, Maine as follows:

**THE PARTIES**

1. Plaintiff Olena Pylypenko is an individual residing in the Town of New Gloucester, County of Cumberland and State of Maine.
2. Defendant Falmouth Police Department ("Falmouth Police") is a lawfully organized unit or division of Defendant Town of Falmouth, Maine.
3. Defendant Town of Falmouth, Maine ("Town of Falmouth") is a lawfully organized and/or incorporated town in the County of Cumberland and State of Maine. The Town of Falmouth was incorporated under the laws of the State of Massachusetts in 1718, and became the 46<sup>th</sup> Town in Maine when Maine became a state in 1820.

From: Michael Doyle [mailto:seller99@msn.com]  
Sent: Monday, August 26, 2013 10:44 PM  
To: Michael Doyle  
Subject: FOAA REQUEST FEDERAL CIVIL RIGHTS VIOLATIONS

Provide for inspection all documents concerning any federal civil rights violation suits against your town for the last 10 years. This would primarily cover searches without warrants, lying to the D.A.'s office, and other such items.

Michael Doyle  
766.6644

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From: ntupper@Yarmouth.me.us  
To: seller99@msn.com  
Date: Thu, 29 Aug 2013 20:07:15 -0400  
Subject: RE: FOAA REQUEST FEDERAL CIVIL RIGHTS VIOLATIONS

We have reviewed our records and files, and questioned all who may have knowledge of any such suits.

I am pleased to report there have been none.

Please reply to acknowledge receipt of this response. Thank you.

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On Mon, Aug 26, 2013 at 10:43 PM, Michael Doyle <seller99@msn.com> wrote:  
Provide for inspection all documents concerning any federal civil rights violation suits against your town for the last 10 years. This would primarily cover searches without warrants, lying to the D.A.'s office, and other such items.

Michael Doyle  
766.6644

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Date: Tue, 27 Aug 2013 08:26:51 -0400  
Subject: Re: FOAA REQUEST FEDERAL CIVIL RIGHTS VIOLATIONS  
From: michael.mcgovern@capeelizabeth.org  
To: seller99@msn.com

Dear Michael,

The Town of Cape Elizabeth has not had any such suits in the last ten years.

Mike McGovern

Michael K. McGovern  
Town Manager  
Town of Cape Elizabeth, Maine  
PO Box 6260, 320 Ocean House Road  
Cape Elizabeth, ME 04107

michael.mcgovern@capeelizabeth.org  
www.capeelizabeth.com  
Phone: 207-619-6716

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From: Michael Doyle [mailto:seller99@msn.com]  
Sent: Monday, August 26, 2013 10:44 PM  
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Michael Doyle  
766.6644

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From: wshane@cumberlandmaine.com<mailto:wshane@cumberlandmaine.com>  
To: seller99@msn.com<mailto:seller99@msn.com>  
CC: kcole@jbgh.com<mailto:kcole@jbgh.com>  
Subject: RE: FOAA REQUEST FEDERAL CIVIL RIGHTS VIOLATIONS -  
Date: Tue, 27 Aug 2013 12:34:38 +0000

Hi Mike,  
The only one I can recall had to do with a citizen filing a complaint against me and the police department regarding a series of complaints against his dogs from multiple neighborhood complaint calls. It was filed as a civil rights complaint. The complaint was dropped by the person filing it, but I'd be happy to forward it to you after checking with Town Attorney. I'm 90% certain it's a public document, but just want to double check.

I'll get back to you by Thursday if I don't hear from the Town Attorney this morning.

Bill

William R. Shane, P.E.  
Town Manager  
290 Tuttle Road  
Cumberland, Maine 04021  
Tel: 207-829-2205  
Fax: 207-829-2224  
Cell: 207-232-5258

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# **FALMOUTH POLICE OFFICER KEN WALBERG GETS TOP REVIEWS**

**September 6, 2013**

**By Editor:**

The Taxpayers in Falmouth are making some progress in getting control over our police boat (the Free Ride). It hasn't been seen blasting out past Portland Headlight this summer. Apparently, 61 (the radio code for the boat) had to check with dispatch, 62 (the police station) before it leaves the dock to go anywhere. We're still paying Landing Rangers about 17 times what they collect in launch fees, what a great service for the Taxpayers and at such a "savings" for the town budget.

There is one good thing coming out of the Landing activities:

Numerous contacts keep reporting that all their interactions with Officer Walberg are done in a polite, positive, and respectful manner. The comment most often heard is friendly with a professional demeanor.

Officer Walberg is stationed at the Landing on Saturday, Sunday, and Monday, as assistant Harbor Master, while doubling as the animal control officer for Falmouth at the same time.

The residents of Falmouth are fortunate to have Officer Walberg on our police department.

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# **FOOLISH WASTE OF MONEY BY SCHOOL BOARD AND VIOLATION OF FEDERAL LAW AT THE SAME TIME?**

**September 3, 2013**

**By Editor:**

When did **School Board Chairman, Andrew Kinley**, decide it was appropriate to spend \$24,125 to repave **Barbara Powers'** office parking lot? You can see the before and after photos of the lot below. First this is a lot used by six to eight workers during a workday and at the far left end facing her building there is a tennis court that is used by a few people per week. The before photo in front of Barbara's building shows minor wear likely from age, hardly from usage.

What was the compelling reason that **Kinley** saw to repave and restripe a perfectly decent parking lot? Who in their right mind would spend \$24,125 of their **OWN** money without getting at least two bids? Here we have **Kinley** spending **OUR** money without following Falmouth Town Rules that **REQUIRES** bids for items this expensive. The total cost was \$37,750 without a single competitive bid. Is this what **Kinley** meant when he pontificated at a School Board meeting prior to the election that getting bids weren't good for the Falmouth Schools when we had vendors our staff knows and trusts? This must be right up there with the W.B. Mason office supply contract that we were in for 40 years, and overpaid for paperclips and copy paper by \$32,800 **PER YEAR** until FTM harped on it enough to get our 'leadership' to pay a consultant \$16,400 to cut the cost.

Now a new wrinkle has turned up in the **NO BID** scam Kinley is perpetrating on the taxpayers of Falmouth. You can read below an article from **The Wire**, written by **Steve Robinson**, detailing how the **Maine State Housing Authority**, under the leadership of Democrat **Dale McCormick**, may have to cough up \$111,742 to HUD. The Inspector General wrote in his report (paraphrasing) **MSHA awarded a contract without competitive bids, without proper written justifications, and without required cost analysis. He goes on to point out, MSHA failed to follow HUD procurement regulations or their own procurement policy.**

All we have to do to qualify for a Federal audit is to substitute Dept. of Education for HUD and Falmouth School System for MSHA, because how many hundreds of thousands of dollars have poured through the Falmouth Schools most recently with Stimulus One (between \$500,000 and \$800,000 just there alone) and spent by **Kinley** and other unqualified leaders such **Analise Larson** and **Beth Franklin** with her famous quote, "We don't want people to be nit picking every little item in the budget."

The taxpayers of Maine are going to be forced to pay back the Federal Government, maybe the taxpayers of Falmouth will also be forced to pay back the Federal Government due to electing inept School Boards members who are better suited to mowing their lawn once a week rather than co-managing a \$30,000,000/yr. enterprise, our Falmouth School System.

We invite you to call **Poore** and **Kinley** to get a personal explanation on this most recent **NO-BID** contract.

**Poore at 699.5314 and 468.2384**  
**Kinley at 878.5017**





Town of Falmouth  
271 Falmouth Road  
Falmouth, ME 04105  
☎ 207.781.5253  
☎ 207.781.8677  
🌐 [www.town.falmouth.me.us](http://www.town.falmouth.me.us)

### Memorandum

Date: August 29, 2013  
To: Michael Doyle  
From: Town of Falmouth  
Re: FOIA Request for the following

*Provide for inspection the bids, contracts, and invoices for the paving of the Superintendent's Office parking lot recently completed. This will include all the same documents for the striping also.*

*No Bids  
Rec'd*

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Documents pertaining to your request are available at the Police Station. You will be charged \$0.10 per copy for each copy you choose to keep. As this request took less than 1 hour, there is no charge for staff time.

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**From:** Bill Bradshaw  
**To:** topper west  
**Cc:** jwoodbury@falmouthschools.org  
**Sent:** Wednesday, July 10, 2013 2:03 PM  
**Subject:** Falmouth Schools Work Summary-2013

Topper,

In summary, after meeting with Jeff this AM, please consider the following:

-Work Item No. 1 : Reset Existing Catch Basin Frame and Grate @ \$1,820.00

-Work Item No. 2 : Speed Tables from Pavement @ \$3,850.00/EA (Striping Not Included-Based on 20 Tons Pavement to Construct Each) 2 were laid out x \$3,850.00/Each = \$7,700.00

-Work Item No. 3 : Superintendent's Office 1" Pavement Overlay for Lump Sum Amount of \$15,950.00 (2,500 sy-Estimated Overlay Quantity of 139 Tons Pavement-Striping Not Included)

-Work Item No. 4 : Superintendent's Connecting/Front Walkway (50 sy) Pavement to be removed and replaced 2" thick for Lump Sum Amount of \$1,960.00

-Work Item No. 5 : Removal/Replacement of approximately 60 lf of paved curbing along connecting/front walkway to Superintendent's Office for Lump Sum Amount of \$2,670.00 (Seed and Mulch by others)

-Work Item No. 6 : Removal/Replacement of approximately 50 lf of paved curbing behind the High School for the Lump Sum Amount of @ \$2,240.00 (Seed and Mulch by others)

-Total for Work Items 1-6 @ \$32,340.00

Following discussion with Rod, wanted to make clear why Items No. 5 and 6 are priced such. The scope of work to complete them is considerable and as follows:

-Work Item No. 5

- Pavement Sawing 1' inboard of curb
- Removal of curb and underlying paved curb setting pad
- Regrading of setting pad/ repaving of curb setting pad
- Installation of curbing
- Chink pavement between sawcut line and reveal side of curb
- Reloaming of area behind new curbing

-Work Item No. 6

- Pavement Sawing 1' inboard of curb
- Removal of curb and underlying paved curb setting pad

Total 20,580



A & A Excavating, Inc.  
 8 Kimball Way  
 Falmouth, ME 04105  
 Phone 207-878-2201  
 Fax 207-547-6104

# Estimate

7/1/2013

Falmouth High School  
 CAO Topper West  
 32 Woodville Road  
 Falmouth, Maine 04105

Phone	Job Location	
Description		Total
Fix catch basin in front of High school		2,000.00
2 speed tables behind high school 7" tall 18' wide 24' long		7,500.00
Superintendents office 1" pavement overlay		17,500.00
Replace sidewalk and curbing in front of superintendents office		5,000.00
Replace 50' of curbing behind high school due to plow damage		2,500.00
All work includes finish work, leveling and grading. Does not include striping		
<b>Total</b>		534,500.00

22,500

Pave  
 Striping  
 22,500  
 - 1,625  
 -----  
 24,125

By S.E. Robinson

Maine taxpayers will be forced to repay more than \$150,000 to the federal government – and could pay more than \$250,000 – as a result of Maine State Housing Authority's (MSHA) mismanagement of funding from the U.S. Department of Housing and Urban Development (HUD).

The repayment of federal funding is the result of a September 2012 audit by the HUD Inspector General which found two instances where MSHA had violated federal regulations. The federal investigations follows a review by Maine's Office of Program and Government Accountability (OPEGA) which found **systemic corruption and waste** during the tenure of former MSHA director Dale McCormick.

The Inspector General's first finding was MSHA's failure to adequately inspect several Norway housing units subsidized under the Housing Choice Voucher program (Section 8). The sub-standard condition of federally-subsidized units in Norway was brought to the attention of state and federal officials following an exposé by a Norway-based newspaper, the Advertiser-Democrat. The ensuing investigations, which peaked with the involvement of Sen. Susan Collins (R-Maine), found that MSHA, which is responsible for administering the Section 8 program, failed to properly inspect several housing units.

Units were deemed below standard for reasons ranging in seriousness, from smoke detectors with dead batteries and rusty bathtubs, to missing fire escapes and human waste bubbling up in drains. But regardless of the nature of the violation, the result was that MSHA used HUD money to improperly compensate landlords.

"[MSHA's] failure to properly oversee the inspection of several Section 8 units caused HUD to provide Housing Choice Vouchers to units that did not meet federal standards," said Lincoln J. Merrill Jr., Vice Chair of the MSHA Board and Audit Committee Chair.

"Now, HUD has asked us to repay those funds," said Merrill.

Merrill said MSHA had sub-contracted with Avesta Housing, a not-for-profit housing developer headquartered in Gorham, to inspect the Norway units.

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A spokesperson from Avesta has said the mishandled inspections were the work of a "rogue" inspector.

While Avesta vowed to improve its inspection process, steps taken by MSHA since the incident have include bringing all inspections in-house, meaning Avesta is no longer partnering with MSHA for Section 8 inspections. Merrill said roughly 20 people have been hired to perform inspections.

While the federal government initially requested reimbursement of nearly \$200,000, Merrill said this figure was reduced to \$150,062 through negotiations. He said Avesta will not pay any fees for its role in the HUD violations.

The same HUD audit that uncovered misuse of Section 8 funding in Norway determined MSHA improperly used \$111,000 in federal funds when it awarded a no-bid contract to an information technology consultant.

\* The HUD Inspector General wrote in his report, "[MSHA] awarded a contract by noncompetitive proposal to an information technology consultant without providing proper written justification and without providing the required cost analysis."

\* "This condition occurred because [MSHA] officials did not follow HUD's procurement regulations or their own procurement policy... As a result, they could not assure HUD that \$848,096 paid for these services represented the most favorable price."

MSHA has contracted with CohnReznick, a New York-based firm, to conduct an audit of the IT consultant's contract. Depending on that audit's finding, MSHA could be forced to repay an additional \$111,742 to the federal government, payments that will ultimately come out of taxpayers' pockets.

The inappropriate spending on computer systems is reminiscent of a story first reported at The Maine Wire in September, where MSHA spent more than \$7 million on contracts with two tech consultants.

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# **MASSIVE HEAD WOUND DELIVERED TO TOWN LANDING**

**September 2, 2013**

**By Editor:**

The Long Island Rescue delivered what looked like a familiar patient to the Falmouth Town Landing for the second time this summer. Rescue workers were shouting that they couldn't concentrate on the patient if they had to worry about pictures being taken. There were fourteen men involved in this rescue effort and FTM came to the scene because there was a report that a Life Flight helo was going to land at the Landing. This would be very interesting to our readers as this is likely the first time a helo has landed at the Landing.

The Life Flight reportedly, was diverted to an even worse auto accident. Then the Long Island Rescue Boat raced back to its base to pick up yet another patient according to sources.

You can see a few of the workers below.



