

## **South Berwick Town Council September 25, 2012**

Chairman Gerald W. MacPherson, Sr. called the meeting to order at 6:30pm. Councilors present included, Jean Demetracopoulos, David H. Webster, and John C. Kareckas. Town Manager Perry Ellsworth was also in attendance. David Burke arrived at approximately 6:50pm.

### **Approval of Minutes**

1. Council 09-11-12: On a motion by Mrs. Demetracopoulos, seconded by Mr. Kareckas, it was unanimously voted to adopt the minutes as written. David Webster abstained.

### **Treasurer's Warrant – Sept 25, 2012**

On a motion by Mrs. Demetracopoulos, seconded by Mr. Kareckas, it was unanimously voted to sign the warrant in the amount of \$136,178.03.

### **Public Comment**

1. Elizabeth Wild, Beaver Dam Rd, addressed the Council in regard to a drainage issue on her property. She stated that the town has been taking care of the issue in the past, but has now been **told that it won't in the future. The town had installed a couple of drainage swales to direct water** toward the brook at the side/back of the property. The brook is not maintained and has become overgrown. Note was made that the homeowners association may own the brook. Mr. Ellsworth stated that he would look into the issue in the morning.

2. Mike Cote of Shapleigh introduced himself and stated that he is running for the District 4 County Commissioner seat.

### **Reports & Correspondence**

1. Choose to Be Healthy Proclamation: Several members of the Choose to be Healthy Coalition, including student Corinne Hoyt and Police Officer Jeff Upton, were present to request support for a proclamation promoting Prescription Drug Abuse Awareness Day.

2. Workers Compensation Fund update: South Berwick has received a \$10,781 dividend check from the Maine Municipal Association Workers Compensation **Fund "as a result of its good loss experience and loss prevention programs"**.

3. Thresher Memorial Project: **It is planned to erect a flagpole and monument in Kittery's Memorial Circle in April 2013, the 50<sup>th</sup> anniversary of the sinking.** The Thresher Memorial Project has requested Council support for the project. Mr. Ellsworth stated that the Town will post the information on the website.

### **Town Manager's Report**

-There will be a social at the library on Thursday evening.

-Have received the mylars for the Avesta project. The bases have been covered. The purchase and sales agreement has been completed. Bruce Whitney is donating his time to review the documentation.

-Will be meeting with the unions to discuss fact finding on Thursday.

-Will be away at the MMA Convention in early October.

-Have met with the interim Manager in Berwick to discuss continued collaboration.

-Looking at the phone and network packages.

-Has had a request from the Conservation Commission for a workshop.

### **Unfinished Business**

1. The Council discussed streaming the meetings:

On a motion by Mr. Kareckas, seconded by Mr. Webster, it was voted 4-1 (Mr. Burke opposed) to transfer \$1800 from the Undesignated Fund to account #4110-2450, Council Community Expenses.

On a motion by Mr. Kareckas, seconded by Mrs. Demetracopoulos, it was voted 4-1 (Mr. Burke opposed) to authorize a 6 month trial period with Town Hall Streams with the cost of the microphone and monthly fee to be paid from account #4110-2450.

**New Business**

1. On a motion by Mr. Kareckas, seconded by Mrs. Demetracopoulos, it was unanimously voted to adopt the proclamation promoting Prescription Drug Abuse Awareness Day.

2. Thresher Memorial:

Mr. Webster commented that the losses on the Thresher were devastating to the area; our families, friends, and neighbors were lost. He is in favor of the memorial and encouraged everyone to attend the ceremony in April.

On a motion by Mr. Kareckas, seconded by Mr. Webster, it was unanimously voted to authorize the **Manager to publish the Thresher Memorial Project letter on the Town's website.**

**Council Member Comments**

1. Mr. Kareckas:

- Understands that the County Budget Caucus did take place on September 5<sup>th</sup>.
- Commented that current County Commissioner David Bowles would like time at an upcoming meeting.

2. Mrs. Demetracopoulos:

- Commented that it would be nice to see memorial benches at the Town Hall; not just the pads for them.
- Commented that we should look into using timers or motion sensors for the lights in the upstairs bathrooms; they have been left on.

3. Mr. Webster:

- Commented that the roads are looking nice.
- Commented that he missed not being at the last meeting.

4. Mr. Burke:

- Apologized for being tardy to the meeting.

**Adjournment**

On a motion by Mrs. Demetracopoulos, seconded by Mr. Kareckas, it was unanimously voted to adjourn the meeting at 7:30pm.

Attested:

Barbara Bennett, CCM

TOWN OF SO. BERWICK  
CHECK REGISTER

Check Number	Account	Date Paid	Amount
00031233	133107 TREAS.STATE OF MAINE/DEP	10/09/2012	-256.00
00031339	209999 TAX REFUNDS	10/09/2012	27.00
00031340	209999 TAX REFUNDS	10/09/2012	1,837.70
00031341	189999 REFUNDS	10/09/2012	20.00
00031342	189999 REFUNDS	10/09/2012	18.64
00031343	189999 REFUNDS	10/09/2012	25.00
00031344	010336 AGGREGATE RECYCLING CORP	10/09/2012	2,413.37
00031345	010475 ALERT-ALL CORPORATION	10/09/2012	355.50
00031346	011100 LOUISE ANDERSON	10/09/2012	7.77
00031347	011250 TREASURER,STATE OF MAINE	10/09/2012	9.00
00031348	020790 APPLIED INDUSTRIAL TECH	10/09/2012	41.70
00031349	011422 KERA ASHLINE	10/09/2012	13.09
00031350	020225 BAKER & TAYLOR	10/09/2012	236.03
00031351	021095 BARBARA BENNETT	10/09/2012	260.36
00031352	021576 JANETTE BIRCH	10/09/2012	78.36
00031353	021668 BLOW BROS	10/09/2012	56.48
00031354	021770 BNY MELLON	10/09/2012	124,812.50
00031355	022240 GARY BOUCHER	10/09/2012	497.22
00031356	022300 BOWS AND BALLOONS BY BRINA	10/09/2012	195.00
00031357	030530 CENTRAL TIRE CO INC	10/09/2012	168.32
00031358	030500 CENTRAL MAINE POWER/CREDIT,COLL	10/09/2012	82.50
00031359	030510 CENTRAL MAINE POWER	10/09/2012	1,811.22
00031360	240400 CHILD ABUSE PREVENTION	10/09/2012	100.00
00031361	003725 CITIZENS BANK (CHG)	10/09/2012	360.00
00031362	030920 CLEAN-O-RAMA	10/09/2012	346.31
00031363	031425 COLONIAL LIFE & ACCIDENT INS.	10/09/2012	1,341.58
00031364	031430 COMCAST	10/09/2012	99.95
00031365	031570 CONSOLIDATED ELECTRICAL	10/09/2012	40.20
00031366	031579 CONSTELLATION NEW ENERGY	10/09/2012	2,195.28
00031367	031850 COUNSELING SERVICES INC	10/09/2012	375.00
00031368	040501 KEN DESMOND	10/09/2012	412.00
00031369	032710 D.J.'S MUNICIPAL SUPPLY	10/09/2012	497.40
00031370	050815 EMPLOYEE HEALTH & BENEFITS	10/09/2012	665.64
00031371	060100 HOWARD P FAIRFIELD INC	10/09/2012	417.32
00031372	070565 GORHAM LEASING GROUP	10/09/2012	96.56
00031373	071086 GREAT WORKS FAMILY PRACTICE	10/09/2012	480.00
00031374	191330 HANNAFORD'S	10/09/2012	100.52
00031375	080248 HANSCOM'S TRUCK STOP INC	10/09/2012	9,984.95
00031376	080575 HETL CHEM/FORENSNIC	10/09/2012	631.00
00031377	080650 HIGSMITH	10/09/2012	83.56
00031378	080998 HOME DEPOT	10/09/2012	134.98
00031379	090120 INLAND FISHERIES & WILDLIFE	10/09/2012	443.25
00031380	100150 JANETOS MARKET	10/09/2012	77.51
00031381	100380 JOHN DEERE LANDSCAPES	10/09/2012	190.00
00031382	100670 RAZEL KALLBERG	10/09/2012	770.00
00031383	100870 KENNEBUNK SAVINGS BANK	10/09/2012	24,822.34
00031384	120350 NORMAND LAUZE	10/09/2012	640.00
00031385	120530 LAW EN OFFICERS STREET REF	10/09/2012	130.90
00031386	120510 LAWSON PRODUCTS INC.	10/09/2012	41.76
00031387	120970 LIBBY SCOTT INC.	10/09/2012	108,659.21
00031388	133375 MAINE ENERGY RECOVERY CO.	10/09/2012	5,303.03
00031389	132400 MAINE SAD #35	10/09/2012	548,800.67
00031390	133358 W.B.MASON	10/09/2012	25.95
00031391	133795 MICK BODYWORKS	10/09/2012	376.56
00031392	134200 MAINE MUNICIPAL ASSO (INS)	10/09/2012	13,750.80
00031393	134400 MAINE MUNICIPAL ASSOCIATION	10/09/2012	75.00

Check Number	Account	Date Paid	Amount
00031394	127000 CORRINE J MAHONY	10/09/2012	1,300.00
00031395	135130 MTCCA/MMA	10/09/2012	10.00
00031396	140105 NAPA OF SOMERSWORTH	10/09/2012	670.19
00031397	140803 NEW ENGLAND BARRICADE CO	10/09/2012	389.52
00031398	140830 NEW ENGLAND FIRE SERV	10/09/2012	980.00
00031399	141350 NORTH COAST SERVICES, LLC	10/09/2012	19.88
00031400	141386 NORTHEAST RESOURCE RECOVERY	10/09/2012	50.00
00031401	150930 M H PARSONS & SONS LUMBER CO	10/09/2012	700.00
00031402	159995 HL PATTEN CONSTRUCTION	10/09/2012	396.00
00031403	200700 PIKE INDUSTRIES INC	10/09/2012	58.45
00031404	160360 PIQUETTE & HOWARD ELECTRIC	10/09/2012	520.00
00031405	168500 QUALITY FIRE PROTECTION	10/09/2012	572.50
00031406	180433 DAN REMICK	10/09/2012	500.00
00031407	180470 RICCI CONSTRUCTION INC	10/09/2012	105,095.25
00031408	190094 SANEL AUTO PARTS CO	10/09/2012	1,539.56
00031409	190705 SEACOAST SHIPYARD ASSOCIATION	10/09/2012	500.00
00031410	132500 SECRETARY OF STATE M/V	10/09/2012	34,376.48
00031411	191060 SEXUAL ASSAULT SUPPORT SERVICE	10/09/2012	100.00
00031412	191533 CRAIG SKELTON	10/09/2012	126.99
00031413	191880 SOUTH BERWICK CEMETARY ASSOC	10/09/2012	5,000.00
00031414	193407 SO MAINE PARENT AWARENESS	10/09/2012	250.00
00031415	191950 SO BERWICK HOUSE OF PIZZA	10/09/2012	61.00
00031416	193410 SO MAINE REGIONAL PLANNING CM	10/09/2012	1,242.30
00031417	200100 TARASON ENTERPRISES INC	10/09/2012	823.00
00031418	200545 TERMINIX INTERNATIONAL	10/09/2012	62.24
00031419	201140 MEREDITH TOWNE	10/09/2012	635.00
00031420	133125 TREAS, MAINE/ODRVS	10/09/2012	314.80
00031421	133105 TREASURER OF STATE/C.WPNS	10/09/2012	40.00
00031422	201300 TWO-WAY COMMUNICATION SERV INC	10/09/2012	246.00
00031423	193670 US BANK CORPORATE TRUST	10/09/2012	156,974.96
00031424	210750 VACUUM VILLAGE	10/09/2012	58.45
00031425	230300 WALMART COMMUNITY BRC	10/09/2012	62.15
00031426	230515 WATCH GUARD VIDEO	10/09/2012	316.75
00031427	231520 WOODFORDS FAMILY SERVICES	10/09/2012	175.00
00031428	240925 YORK COUNTY SHELTERS, INC	10/09/2012	100.00
00031429	241102 YORK HOSPITAL/DINING	10/09/2012	408.25
00031430	240500 YORK COUNTY COMMUNITY ACTION	10/09/2012	1,900.00
00031431	240900 YORK COUNTY REGISTRY OF DEEDS	10/09/2012	74.90
00031432	240450 TREASURER, YORK COUNTY	10/09/2012	363,010.34
Total Not Prepaid			1,533,167.61
Total Prepaid			1,672.34
Grand Total			1,534,839.95

**TOWN COUNCIL**  
***Agenda Information Sheet***

<b>Meeting Date: October 9, 2012</b>	<b>Item # NB 1</b>
<b>Agenda Item: Municipal Election Warrant</b>	
<b>Information:</b>	
The Municipal Election Warrant is attached for your signatures.	
<b>Requested Action</b>	
Motion to sign the Municipal Election Warrant for November 6, 2012.	
<b>Vote</b>	

**TOWN OF SOUTH BERWICK  
MUNICIPAL ELECTION WARRANT  
NOVEMBER 6, 2012**

State of Maine

County of York, ss.

To: Joseph Rousselle, resident of South Berwick, County of York, State of Maine,

Greetings:

In the name of the Town of South Berwick, you are hereby required to notify the inhabitants of said Town, qualified to vote in Town affairs to assemble at the R. P. Gagnon Assembly Hall, Town Hall, 180 Main Street, South Berwick, on Tuesday, the 6th day of November 2012 at 6:00 o'clock in the forenoon, then and there, to act on the following articles:

**ARTICLE 1:** To elect a moderator to preside at said meeting.

**ARTICLE 2:** To elect one Town Council member, for a three-year term, and one member of the Board of Directors of School Administrative District #35 for a three-year term.

The polls for voting on Article 2 by secret ballot will be opened at 6am and will be closed at 8pm. Absentee ballots will be processed at the polls on Election Day at 6am, 7am, 8am, 9am, 10am, 11am, noon, 1pm, 2pm, 3pm, 4pm, 5pm, 6pm, 7pm, and 8pm as necessary.

The Registrar of Voters will hold office hours while the polls are open to correct any errors on the voting list or change a name or address, and to accept new enrollments. A person not registered, as a voter may not vote in any election.

Given under our hands this 9th day of October 2012.

\_\_\_\_\_  
Gerald W. MacPherson, Sr., Chair

\_\_\_\_\_  
David H. Webster

\_\_\_\_\_  
Jean Demetracopoulos

\_\_\_\_\_  
John C. Kareckas

\_\_\_\_\_  
David Burke

**TOWN COUNCIL**  
***Agenda Information Sheet***

<b>Meeting Date: October 9, 2012</b>	<b>Item # NB 2</b>
<b>Agenda Item: Take action on Isadore on the Rocks Liquor &amp; Special Amusement Permit</b>	
<b>Town Manager's Recommendation</b>	
Isadore on the Rocks Tavern has applied for renewal of their liquor license and special amusement permit.	
<b>Requested Action</b>	
Motion to approve the Liquor License and Special Amusement Permit for Isadore on the Rocks.	
<b>Vote</b>	

**Department of Public Safety  
Division**



**Liquor Licensing & Inspection**

Promise by any person that he or she can expedite a liquor license through influence should be completely disregarded. To avoid possible financial loss an applicant, or prospective applicant, should consult with the Division before making any substantial investment in an establishment that now is, or may be, attended by a liquor license.

<b>BUREAU USE ONLY</b>	
License No. Assigned:	
Class:	
Deposit Date:	
Amt. Deposited:	

**PRESENT LICENSE EXPIRES** \_\_\_\_\_

INDICATE TYPE OF PRIVILEGE:  MALT  SPIRITUOUS  VINOUS

**INDICATE TYPE OF LICENSE:**

- |  |   |
|--|---|
| <input type="checkbox"/> RESTAURANT (Class I,II,III,IV)  | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI)       |
| <input type="checkbox"/> HOTEL-OPTIONAL FOOD (Class I-A) | <input type="checkbox"/> HOTEL (Class I,II,III,IV)          |
| <input type="checkbox"/> CLASS A LOUNGE (Class X)        | <input type="checkbox"/> CLUB-ON PREMISE CATERING (Class I) |
| <input type="checkbox"/> CLUB (Class V)                  | <input type="checkbox"/> GOLF CLUB (Class I,II,III,IV)      |
| <input checked="" type="checkbox"/> TAVERN (Class IV)    | <input type="checkbox"/> OTHER: _____                       |

**REFER TO PAGE 3 FOR FEE SCHEDULE**

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.)			2. Business Name (D/B/A)		
Robert E. Miller			Isidore On the Rocks Tavern		
DOB: , , !					
DOB:			Location (Street Address)		
DOB:			18 Portland St.		
Address			City/Town		State
338 Diamond Hill Rd			South Berwick		ME
			Zip Code		03908
			Mailing Address		
City/Town			City/Town		State
Berwick			South Berwick		ME
State			State		Zip Code
ME			ME		05901
Zip Code			Zip Code		
05901					
Telephone Number			Business Telephone Number		Fax Number
207 752-2854			207 704-0188		
Fax Number			Seller Certificate #		
			9152		
Federal I.D. #					
45-3033263					

3. If premises are a hotel, indicate number of rooms available for transient guests: N/A
4. State amount of gross income from period of last license: ROOMS \$ N/A FOOD \$ N/A LIQUOR \$ N/A
5. Is applicant a corporation, limited liability company or limited partnership? YES  NO

complete Supplementary Questionnaire ,If YES

6. Do you permit dancing or entertainment on the licensed premises? YES  NO
7. If manager is to be employed, give name: Melissa Miller
8. If business is NEW or under new ownership, indicate starting date: \_\_\_\_\_
- Requested inspection date: \_\_\_\_\_ Business hours: 3pm - 10pm
9. Business records are located at: 18 Portland St S. Berwick, ME 03908
10. Is/are applicants(s) citizens of the United States? YES  NO

11. Is/are applicant(s) residents of the State of Maine? YES  NO

12. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:  
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB,	Place of Birth
Robert Miller		
Melissa Calvert		

Residence address on all of the above for previous 5 years (Limit answer to city & state)

338 Diamond Hill Rd  
Berwick, ME 03901

13. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES  NO

Name: Robert Miller Date of Conviction: May 23, 2011  
Offense: Domestic Violence Location: York County  
Disposition: Off Probation May 24, 2012

14. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?  
Yes  No  If Yes, give name: \_\_\_\_\_

15. Has/have applicant(s) formerly held a Maine liquor license? YES  NO

16. Does/do applicant(s) own the premises? Yes  No  If No give name and address of owner: James Flynn  
169 Main St South Berwick, ME 03908

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required)  
Full service Restaurant & Bar

18. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?  
YES  NO  Applied for: \_\_\_\_\_

19. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? OVER 300 FT Which of the above is nearest? School

20. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES  NO

If YES, give details: \_\_\_\_\_

The Division of Liquor Licensing & Inspection is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: South Berwick, ME on 9/24/2012  
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Owner

Signature of Applicant or Corporate Officer(s)

Print Name

Print Name

**NOTICE – SPECIAL ATTENTION**

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval of their application for liquor licenses prior to submitting them to the bureau.

**THIS APPROVAL EXPIRES IN 60 DAYS.**

**FEE SCHEDULE**

<b>Class I</b>	Spirituos, Vinous and Malt .....	\$ 900.00
	<b>CLASS I:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
<b>Class I-A</b>	Spirituos, Vinous and Malt, Optional Food (Hotels Only) .....	\$1,100.00
	<b>CLASS I-A:</b> Hotels only that do not serve three meals a day.	
<b>Class II</b>	Spirituos Only .....	\$ 550.00
	<b>CLASS II:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
<b>Class III</b>	Vinous Only .....	\$ 220.00
	<b>CLASS III:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
<b>Class IV</b>	Malt Liquor Only .....	\$ 220.00
	<b>CLASS IV:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
<b>Class V</b>	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) .....	\$ 495.00
	<b>CLASS V:</b> Clubs without catering privileges.	
<b>Class X</b>	Spirituos, Vinous and Malt – Class A Lounge .....	\$2,200.00
	<b>CLASS X:</b> Class A Lounge	
<b>Class XI</b>	Spirituos, Vinous and Malt – Restaurant Lounge .....	\$1,500.00
	<b>CLASS XI:</b> Restaurant/Lounge; and OTB.	
<b>FILING FEE</b> .....		\$ 10.00

**UNORGANIZED TERRITORIES** \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All fees must accompany application, made payable to: **TREASURER, STATE OF MAINE. – DEPARTMENT OF PUBLIC SAFETY, LIQUOR LICENSING AND INSPECTION DIVISION, 164 STATE HOUSE STATION, AUGUSTA ME 04333-0164.** Payments by check subject to penalty provided by Sec. 3, Title 28A, MRS.

STATE OF MAINE

Dated at: \_\_\_\_\_, Maine \_\_\_\_\_ SS

City/Town

(County)

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

The undersigned being:  Municipal Officers  County Commissioners of the  
 City  Town  Plantation  Unincorporated Place of: \_\_\_\_\_, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE - SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.
    - A. The bureau shall prepare and supply application forms. [1993, c.730, §27(amd).]
    - B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (amd).]
    - C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premise license, for transfer of the location of an existing on-premise license or for renewal of an on-premise license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c.589, §1 (amd).]
  2. **Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:
    - A. Conviction of the applicant of any Class A, Class B or Class C crime: [1987, c.45, Pt.A§4 (new).]
    - B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c.45, Pt.A§4(new).]
    - C. Conditions of record such as waste disposal violations, health or safety violation or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c.730, §27 (amd).]
    - D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c.592, §3 (amd).]
    - E. A violation of any provision of this Title; and [1989, c.592, §3 (amd).]
    - F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601. [1989, c.592, §4 (new).]
- [1993, c.730, §27 (amd).]
3. **Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.
    - A. [1993, c.730, §27 (rp).]
  4. **No license to person who moved to obtain a license. (REPEALED)**
  5. **(TEXT EFFECTIVE 3/15/01) Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

SPECIAL AMUSEMENT PERMIT APPLICATION

AS DEFINED IN SECTION 201 OF THE TOWN OF SOUTH BERWICK SPECIAL AMUSEMENT ORDINANCE, NO LICENSEE FOR THE SALE OF LIQUOR TO BE CONSUMED ON HIS LICENSED PREMISES SHALL PERMIT, ON HIS LICENSED PREMISES, ANY MUSIC, EXCEPT RADIO OR OTHER MECHANICAL DEVICE, ANY DANCING OR ENTERTAINMENT OF ANY SORT UNLESS THE LICENSEE SHALL HAVE FIRST OBTAINED FROM THE MUNICIPALITY IN WHICH THE LICENSED PREMISES ARE SITUATED A SPECIAL AMUSEMENT PERMIT SIGNED BY AT LEAST A MAJORITY OF THE MUNICIPAL OFFICERS.

YOUR APPLICATION FOR A SPECIAL AMUSEMENT PERMIT SHOULD BE FILED ON THIS FORM WITH THE TOWN COUNCIL OR ITS DESIGNATED AGENT. PAYMENT OF A \$35 FEE IS REQUIRED AT THE TIME THE APPLICATION IS FILED. A COPY OF THE SPECIAL AMUSEMENT PERMIT ORDINANCE IS AVAILABLE UPON REQUEST FROM THE SOUTH BERWICK TOWN CLERK.

THE TOWN COUNCIL SHALL, PRIOR TO GRANTING A PERMIT, HOLD A PUBLIC HEARING WITHIN 30 DAYS OF THE DATE YOU FILE YOUR COMPLETED APPLICATION AT WHICH TIME TESTIMONY WILL BE RECEIVED FROM YOU OR YOUR DESIGNATED AGENT AND/OR ANY INTERESTED MEMBER OF THE PUBLIC. FAILURE TO ATTEND THE PUBLIC HEARING MAY RESULT IN A DELAY IN ISSUING THE PERMIT.

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Name of Applicant for Permit: Robert Miller

Address of Applicant: ~~68 Portland St~~ 338 Diamond Hill Rd. Berwick, ME 0390

Telephone # of Applicant: 207 704-0188 207 752-2854

Name of Business to be Conducted: Isidore on the Rocks

Address of Business: 18 Portland St.

Telephone # of Business: 207 704-0188

Nature of Business: Restaurant / Bar

Is Business a Corporation, Partnership or Proprietorship? (Circle One) LLC

Type of Entertainment Planned: MUSIC

Has Applicant ever had a license to conduct the Business described herein denied or revoked or has Applicant or any partner or corporate officer ever been convicted of a felony? NO

If yes, please provide full details on reverse side of this Application.

Current Liquor License #: 9152

Signature [Handwritten Signature] Date 9/24/12

**TOWN COUNCIL**  
***Agenda Information Sheet***

<b>Meeting Date: October 9, 2012</b>	<b>Item # NB 3</b>
<b>Agenda Item: Set Public Hearing Date for General Assistance Ordinance Appendices</b>	
<b>Information:</b>	
<p>When the reduced income limits were approved earlier this year, it was thought there would be no further amendments made to the appendices in October. However, the HUD numbers for housing have triggered some adjustments throughout the State. There are no changes to South Berwick's appendices at this time, but according to DHHS State law requires an annual public hearing and adoption process regardless.</p>	
<b>Town Manager's Recommendation:</b>	
<p>Schedule a public hearing. Suggested Date: 10/23/12</p>	
<b>Requested Action:</b>	
<p>Motion to hold a public hearing on Tuesday, October 23rd at 6:30pm to receive comment on the updated General Assistance Ordinance Appendices.</p>	
<b>Vote</b>	