

PUBLIC HEARING 05.28.13

Chapter 3: Administrative Code

Article XIII: Library Advisory Board

§ 3-56 Establishment.

There shall be a Library Advisory Board as established by the Town Council for the general supervision and general administration of the Town Library. ~~Five Seven~~ members shall be appointed by the Town Council.

§ 3-57 Terms of members.

Each member of the Board shall be appointed for a term of three years, except that the first Board shall consist of three members appointed for three years, two members for two years and two members for one year.

§ 3-58 Employment of library personnel.

The Library Advisory Board shall be responsible with the advice and consent of the Town Council for the employing of such library personnel as may be approved and appointed by the Town Manager.



**South Berwick Town Council  
South Berwick Planning Board  
Public Hearing  
Zoning Ordinance  
May 14, 2013**

Council Vice-Chairman David H. Webster opened the hearing at 6:30pm. Councilors present included John C. Kareckas and Russell Abell. Bill Straub was the only Planning Board member present. Town Manager Perry A. Ellsworth was also in attendance. Councilors Gerald W. MacPherson, Sr. and Jean Demetracopoulos and Planning Board members John Stirling, Joel Moulton, Terrence Parker, and Warren Spencer were not present.

The purpose of the hearing was to receive public comment on the proposed amendments to sections 140-9 Definitions and 140-58 Restaurants and take-out restaurants of the Zoning Ordinance. The proposed changes consist primarily of a clearer definition of Restaurant and the inclusion of §58A Outdoor Sales of Food or Merchandise.

Bill Straub explained that the amendments would clarify the requirements for mobile vending; mobile vendors would be required to get a permit or Planning Board approval.

Mr. Kareckas asked for clarification of the exemptions (140-58A, sub C3) regarding special events as they may pertain to groups like the boosters. Mr. Straub stated that the ordinance would allow exemptions for Town sanctioned special events or festivals.

**Comment was made that the word 'special' could be removed (so regular events such as baseball games would not be prohibited from having concessions).**

Andrew Parker, Strawberry Festival Chairman, stated that issues have come up on Festival day regarding non-sanctioned vendors. He stated that the only approved vendors for the Festival are located on Central School grounds.

Mr. Abell questioned the effect the ordinance will have on ice-cream trucks. Mr. Straub stated that the Planning Board had not discussed them specifically and the intent was not to regulate them. Mr. Ellsworth stated that the intent is to regulate retail businesses that operate from a mobile cart or trailer from setting up in one location on a regular basis to conduct business.

The hearing was closed at 6:51pm.

Attest:

Barbara Bennett, CCM



## **South Berwick Town Council May 14, 2013**

Vice-Chairman David H. Webster called the meeting to order at 7:01pm. Councilors present included John C. Kareckas, and Russell H. Abell. Town Manager Perry Ellsworth was also in attendance. Councilors Gerald W. MacPherson, Sr. and Jean Demetracopoulos were not present.

### **Approval of Minutes**

1. Council 4-23-13: On a motion by Mr. Abell, seconded by Mr. Kareckas, it was unanimously voted to adopt the minutes **after correcting the Manager's comment** (under Council Member Comments #1) to show the Strawberry Festival Committee would be purchasing a memorial bench, not Sobo Central.

### **Treasurer's Warrant – May 14, 2013**

On a motion by Mr. Kareckas, seconded by Mr. Abell, it was unanimously voted to sign the warrant in the amount of \$754,862.02.

### **Public Comment**

No one in the audience wished to address Council.

### **Reports & Correspondence**

1. Letter from MDOT: The speed limits on Portland Street will be adjusted down; new signs will be installed soon.
2. Have received a notification that the MDOT is conducting a traffic study at Route 236 & Vine Street.

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

- The road construction project is going well and is on target.
- Met with Mr. Gallo regarding the donation of 1 acre of land at the Town Forest for the parking lot.
- Have started conversations with the Great Works Regional Land Trust regarding their possible purchase of town property.
- Have spoken with Avesta. The new QAP (Quality Assurance Points) needed for financing are being modified. More information is forth coming.
- No one will be in the offices on Wednesday; everyone will be attending a training workshop.
- LD 1496 (tax reform bill): have met with staff to analyze the numbers and the affect they would have on South Berwick. The Maine Municipal Legislative Policy Committee has agreed to support the legislation, but only with modifications. Mr. Ellsworth stated that the consensus was that it **won't pass because it is too complex and came about too quickly.**

Mr. Abell stated that the larger concept sounds reasonable but when looked at on a case by case basis it is does not appear to be equitable.

-Mr. Kareckas commented that it would be simple to just increase the sales, meals and lodging tax.

### **New Business**

1. On a motion by Mr. Kareckas, seconded by Mr. Abell, it was unanimously voted to cancel the June 11<sup>th</sup> meeting.
2. On a motion by Mr. Kareckas, seconded by Mr. Abell, it was unanimously voted to sign the warrant calling the Referendum Election for SAD #35 on June 11<sup>th</sup>.
3. On a motion by Mr. Kareckas, seconded by Mr. Abell, it was unanimously voted to table action on the Zoning Ordinance amendments until the full board is present.

## Council Member Comments

1. Mr. Abell:

-Asked if there is a new traffic study being conducted. Mr. Ellsworth stated that there is a new study being conducted at the intersection of Route 236 and Vine Street. Traffic counts may also be being conducted.

2. Mr. Kareckas:

-Asked where things stand with **the Governor's proposal to** cut revenue sharing especially in the areas of BETR, BETE, Homestead Exemptions, and the Circuit Breaker program. Mr. Ellsworth stated that there may be modifications but many believe there will be very little change this year.

-Commented that he had not done the edits to the TIF documents yet.

-Made note that no action has been taken in regard to the request by Barry & Julie Person on Old **Emery's Bridge Road. He added that there is no reason we can't eliminate the Town's** responsibility to the road. Mr. Ellsworth stated that the Town would have to do a Road Discontinuance with no easements.

-Made note that there is a business directional sign for Monkey Business Bakery that should be removed. The business is no longer in South Berwick.

-Made note that the signage for Subway/Sunoco is in the right of way.

-Asked if the Council were interested in pursuing an ordinance that would exempt active military members from paying excise tax.

-Asked about the land off of Hooper Sands Road for timber harvesting. Mr. Ellsworth stated that **the property hasn't been walked yet.**

3. Mr. Webster:

-Commented that the curbstone around the island on Main & Portland Streets is coming loose and needs to be fixed.

Mr. Ellsworth commented that he is trying to schedule a meeting with surrounding towns; however too large a group may not be productive. He is working on getting a meeting together with Berwick for sometime in June.

## Adjournment

On a motion by Mr. Abell, seconded by Mr. Kareckas, it was unanimously voted to adjourn the meeting at 7:46pm.

Attested:

Barbara Bennett, CCM

TOWN OF SO. BERWICK  
CHECK REGISTER

Check Number	Account	Date Paid	Amount
00032701	209999 TAX REFUNDS	05/28/2013	2,988.56
00032702	132500 SECRETARY OF STATE M/V	05/28/2013	27,625.48
00032703	010585 AMAZON	05/28/2013	37.96
00032704	020225 BAKER & TAYLOR	05/28/2013	409.11
00032705	021375 H T BERRY COMPANY INC	05/28/2013	365.96
00032706	022850 BUSINESS EQUIPMENT UNLIMITED	05/28/2013	54.00
00032707	021576 JANETTE BIRCH	05/28/2013	51.47
00032708	030500 CENTRAL MAINE POWER/CREDIT,COLL	05/28/2013	40.00
00032709	030510 CENTRAL MAINE POWER	05/28/2013	1,930.89
00032710	030725 CITIZENS BANK (CHG)	05/28/2013	448.56
00032711	030920 CLEAN-O-RAMA	05/28/2013	210.25
00032712	031430 COMCAST	05/28/2013	117.84
00032713	031855 PATRICIA COUTURE	05/28/2013	161.00
00032714	031997 NANCY CROWLEY	05/28/2013	38.38
00032715	040133 DOREEN DEARBORN	05/28/2013	38.38
00032716	050500 KAREN EGER	05/28/2013	53.35
00032717	060280 SAM FAULKNER	05/28/2013	26.22
00032718	010525 G&K SERVICES	05/28/2013	832.46
00032719	070200 P GAGNON & SON INC	05/28/2013	807.18
00032720	070210 GALL'S INC	05/28/2013	291.92
00032721	070230 PAUL GALVIN	05/28/2013	18.86
00032722	071180 GROUP DYNAMIC INC	05/28/2013	148.50
00032723	191330 HANNAFORD'S	05/28/2013	447.63
00032724	080248 HANSCOM'S TRUCK STOP INC	05/28/2013	8,588.27
00032725	080450 HARVARD PILGRIM HEALTH CARE	05/28/2013	24,277.32
00032726	080500 BEVERLY HASTY	05/28/2013	29.15
00032727	080518 HAYDEE'S PEST FREE MGMT	05/28/2013	45.00
00032728	081055 FERN HOULIARES	05/28/2013	304.99
00032729	100150 JANETOS MARKET	05/28/2013	370.02
00032730	100220 JJ MACKAY DISPOSAL	05/28/2013	147.00
00032731	100380 JOHN DEERE LANDSCAPES	05/28/2013	29.38
00032732	141367 KONE INC	05/28/2013	200.27
00032733	120350 NORMAND LAUZE	05/28/2013	775.00
00032734	120510 LAWSON PRODUCTS INC.	05/28/2013	189.73
00032735	131660 MAINE ASSN/ASSESSORS	05/28/2013	80.00
00032736	131700 MAINE CHIEFS OF POLICE ASSOC.	05/28/2013	50.00
00032737	130670 MAINE RESOURCE/RECOVERY	05/28/2013	420.00
00032738	133195 MAINE TURNPIKE AUTHORITY	05/28/2013	19.40
00032739	133358 W.B.MASON	05/28/2013	230.98
00032740	133795 MICK BODYWORKS	05/28/2013	107.67
00032741	133925 MINUTEMAN TRUCKS INC	05/28/2013	140.29
00032742	134200 MAINE MUNICIPAL ASSO (INS)	05/28/2013	2,493.25
00032743	134300 MAINE MUNICIPAL EMPLOYEES	05/28/2013	3,855.47
00032744	134450 MMTCTA	05/28/2013	100.00
00032745	140600 NEPTUNE INC	05/28/2013	57.50
00032746	141426 NORTRAX/POWERPLAN	05/28/2013	616.55
00032747	200700 PIKE INDUSTRIES INC	05/28/2013	132.50
00032748	160320 PINE TREE WASTE INC	05/28/2013	2,221.59
00032749	191530 SIRCHIE FINGER PRINT LAB INC	05/28/2013	58.65
00032750	191533 CRAIG SKELTON	05/28/2013	36.30
00032751	191900 SO BERWICK EMERGENCY RESCUE	05/28/2013	119.16
00032752	192900 SO BERWICK WATER DISTRICT	05/28/2013	51.29
00032753	193640 STAPLES	05/28/2013	279.73
00032754	200100 TARASON ENTERPRISES INC	05/28/2013	345.00
00032755	201300 TWO-WAY COMMUNICATION SERV INC	05/28/2013	1,206.00
00032756	210553 UPSTART	05/28/2013	58.82

Check Number	Account	Date Paid	Amount
00032757	211500 VERIZON WIRELESS	05/28/2013	635.23
00032758	220100 VILLAGE MOTORS	05/28/2013	100.00
00032759	230300 WALMART COMMUNITY BRC	05/28/2013	13.68
00032760	230400 DAVID WALTERS	05/28/2013	447.00
00032761	231295 WINDHAM WEAPONRY	05/28/2013	68.68
00032762	238000 XPRESS OF MAINE	05/28/2013	1,604.00
00032763	240900 YORK COUNTY REGISTRY OF DEEDS	05/28/2013	37.92
* Total Not Prepaid			57,072.71
Total Prepaid			30,614.04
Grand Total			87,686.75

94,410.57

WARRANT NUMBER

\$ ~~87,686.75~~

DATE 05/23/2013

\*\*\* TREASURER'S WARRANT \*\*\*

THIS IS TO CERTIFY THAT THERE IS DUE AND CHARGEABLE TO THE APPROPRIATIONS LISTED ABOVE THE SUM SET AGAINST EACH NAME AND YOU ARE DIRECTED TO PAY UNTO THE PARTIES NAMED IN THIS SCHEDULE.

TOWN COUNCIL:

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**PUBLIC RECORD**

APPROVED \_\_\_\_\_

DATE \_\_\_\_\_

TOWN MANAGER

*00032764	134601	EXXON/MOBIL	05/28/2013	393.49
00032765	191900	SO BERWICK RESCUE	05/28/2013	6,330.33

TOWN COUNCIL

*Agenda Information Sheet*

<b>Meeting Date: May 28, 2013</b>	<b>Agenda Item NB 1</b>
<b>Subject: Links at Outlook Golf Club liquor license &amp; special amusement permit</b>	
<b>Information:</b>	
Application attached.  Chief Lajoie has no issues to report.	
<b>Staff Comments/Recommendation:</b>	
<b>Requested Action:</b>	
Motion to approve the renewal of the Link's liquor license & special amusement permit.	
<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** 6-16-13

**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 type="checkbox"/> TAVERN (Class IV)               | <input type="checkbox"/> OTHER: _____                       |

**REFER TO PAGE 3 FOR FEE SCHEDULE**

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

<b>1. APPLICANT(S)</b> –(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>Great Works Properties</u> DOB:			<b>2. Business Name (D/B/A)</b> <u>The Links at Outlook Golf Crs.</u>		
<u>Outlook Farm Golf Club</u> DOB:			<u>310 Portland Street / Route 4</u>		
Address <u>310 Route 4</u>			Location (Street Address) <u>South Berwick ME 03908</u>		
City/Town <u>South Berwick</u> State <u>ME</u> Zip Code <u>03908</u>			City/Town <u>South Berwick</u> State <u>ME</u> Zip Code <u>03908</u>		
Telephone Number <u>207-384-2109</u> Fax Number <u>207-384-8263</u>			Mailing Address <u>PO Box 385</u>		
Federal I.D. # <u>01-0477433</u>			Business Telephone Number _____ Fax Number _____		
			Seller Certificate # <u>1052044</u>		

3. If premises are a hotel, indicate number of rooms available for transient guests: \_\_\_\_\_
4. State amount of gross income from period of last license: ROOMS \$ \_\_\_\_\_ FOOD \$ 250,000 LIQUOR \$ 200,000
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: John Flynn / Jeff Maldonis
8. If business is NEW or under new ownership, indicate starting date: \_\_\_\_\_
- Requested inspection date: \_\_\_\_\_ Business hours: \_\_\_\_\_
9. Business records are located at: On-Site
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
John Flynn	11-15-68	Rochester, NH
Timothy Flynn III	4-18-64	Rochester, NH
Jeff Malduniz	1-6-71	Brighton, MA

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

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: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_  
Offense: \_\_\_\_\_ Location: \_\_\_\_\_  
Disposition: \_\_\_\_\_

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: \_\_\_\_\_

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) Function Facility  
Grill Room Patio

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? 3 miles 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 \_\_\_\_\_, 20 13  
Town/City, State Date

**Please sign in blue ink**

Signature of Applicant or Corporate Officer(s) John Flynn 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
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**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:             ف Municipal Officers             ف County Commissioners            of the  
ف City     ف Town     ف Plantation     ف 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, c589, §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, c45, 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, c730, §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.



**MAINE DEPT OF  
PUBLIC SAFETY**

STATE OF MAINE  
*Liquor Licensing & Inspection Division*  
164 State House Station  
Augusta ME 04330-0164  
Tel: (207) 624-7220 Fax: (207) 287-3424



**APPLICATION FOR AUXILIARY LICENSE - \$100.00**  
**Check Payable: Treasurer State of Maine**

The undersigned hereby applies for an auxiliary license and certifies that the applicant is the holder of a spirituous, vinous and malt restaurant, hotel license or club license located at a ski area / golf course.

1. Full Name of Applicant: Flynn John F  
(PLEASE PRINT) Last First Middle Initial

Date of Birth: 11-15-68 Telephone No. 384-2109 Fax: 384-4263

Address: PO Box 385 South Berwick ME 03908  
Mailing Address City/Town State Zip Code

2. Describe auxiliary premise and the location at the ski/golf area: Within Boundaries  
of Golf Course

3. Do you have all necessary permits from the Department of Human Services for your auxiliary premise?  
Yes  No

4. What is the distance from the premise to the nearest school, school dormitory, church, chapel or parish house, measured from the main entrance of the premise to the main entrance of the school, school dormitory, church chapel or parish house by the ordinary course of travel? 3 miles

Which of the above is nearest? School

**NOTE: The above application must be signed by the individual(s) or a duly authorized officer of the corporation executing the application and approved by the Municipal Officers/County Commissioner and filed with the Liquor Licensing & Inspection Division.**

Dated at: \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_  
City/Town State Date

J J Flynn

John Flynn

Signature of Individual(s), or Duly Authorized Officer of Corporation, or If Partnership by Members of Partnership

Print Name

**MAINE DEPT OF  
PUBLIC SAFETY**

STATE OF MAINE  
Liquor Licensing & Inspection Division  
164 State House Station  
Augusta ME 04330-0164  
Tel: (207) 624-7220 Fax: (207) 287-3424



**SUPPLEMENTARY QUESTIONNAIRE FOR  
Auxiliary Mobile Golf Cart License**

1. Exact Name Of Golf Course: The Links at Outlook Golf Course

2. Name, birth date and telephone number of each person authorized to operate and sell from mobile golf cart. (All operators of the mobile service bar must be 21 years of age and have successfully completed alcohol server education)

NAME	DATE OF BIRTH	TELEPHONE	T.I.P.S. I.D. number
Audrey Roy	9-6-89	603-312-3265	
Kaley Watkinson	4-19-89	207-752-2836	
Amy Berger	6-5-89	603-973-9361	

3. Are all operators of the mobile service bar employees of the golf course? yes

4. DOES THE OPERATOR OF THE MOBILE SERVICE BAR HAVE MEANS TO MAKE IMMEDIATE CONTACT WITH AN EMPLOYEE AT THE LICENSED ON-PREMISE LOCATION AT THE COURSE? YES  NO

Describe. All Have Cell Phones

5. How many additional security employees will be on the course to ensure adherence to the laws and rules applying to the selling, serving and consumption of alcohol? Three Course Rangers

6. Do you have signs on cart stating legal age for service and consumption? yes

7. Are signs posted stating that patrons may not bring alcoholic beverages on to the golf course or licensed premise? yes How Many? 4

Location. 1st Tee Box (2) Grill Room (3) Beverage Cart

(4) Entrance to Pro-Shop

TOWN COUNCIL

*Agenda Information Sheet*

<b>Meeting Date: May 28, 2013</b>	<b>Agenda Item NB 2</b>
<b>Subject: Pepperland Café liquor license &amp; special amusement permit</b>	
<b>Information:</b>	
Attached are the applications.  Chief Lajoie has no issues to report.	
<b>Staff Comments/Recommendation:</b>	
<b>Requested Action:</b>	
Motion to approve the renewal of Pepperland Café's liquor license & special amusement permit.	
<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.

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

**PRESENT LICENSE EXPIRES** 6/20/2013

**INDICATE TYPE OF PRIVILEGE:**  MALT  SPIRITUOUS  VINOUS

**INDICATE TYPE OF LICENSE:**

- |  |   |
|--|---|
| <input checked="" 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 type="checkbox"/> TAVERN (Class IV)                         | <input type="checkbox"/> OTHER: _____                       |

**REFER TO PAGE 3 FOR FEE SCHEDULE**

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

<b>1. APPLICANT(S)</b> —(Sole Proprietor, Corporation, Limited Liability Co., etc.)			<b>2. Business Name (D/B/A)</b>		
DOB:			PEPPERLAND CAFE		
KEVIN HAHN			DOB: 12/4/1972		
DOB:			Location (Street Address)		
Address			279 MAIN ST.		
429 MAIN ST.			City/Town	State	Zip Code
			SOUTH BERWICK ME 03908		
			Mailing Address		
City/Town			City/Town		
SOUTH BERWICK			SOUTH BERWICK		
State			State		
ME			ME		
Zip Code			Zip Code		
03908			03908		
Telephone Number		Fax Number		Business Telephone Number	
207 384 5535		207 384 5535		207 384 5535	
Federal I.D. #			Seller Certificate #		

3. If premises are a hotel, indicate number of rooms available for transient guests: \_\_\_\_\_
4. State amount of gross income from period of last license: ROOMS \$ \_\_\_\_\_ FOOD \$ \_\_\_\_\_ LIQUOR \$ \_\_\_\_\_
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: \_\_\_\_\_
8. If business is NEW or under new ownership, indicate starting date: \_\_\_\_\_
- Requested inspection date: \_\_\_\_\_ Business hours: \_\_\_\_\_
9. Business records are located at: 279 MAIN ST SOUTH BERWICK ME.
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
1. KEVIN PAUL HAHN	12-4-1972	GUAM, U.S.A.
2. KENDRA PAIGE DILORENZO WHITE	1-11-1977	Salem, MASS. USA.

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

1. SOUTH BERWICK, ME.  
2. SOUTH BERWICK, ME.

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: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

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: Smith Stearnley Trust - Agamenticus Rd - S. Berwick ME 03908

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) FULL SERVICE, FROM SCRATCH RESTAURANT

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? 350 yds 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: DECEASED BUSINESS PARTNER

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: \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_  
Town/City, State Date

Please sign in blue ink

Kevin Hahn  
Signature of Applicant or Corporate Officer(s)

\_\_\_\_\_  
Signature of Applicant or Corporate Officer(s)

Kevin Hahn

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.	

**FILING FEE**..... \$ 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 herby 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, c589, §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, c45, 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, c730, §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 receUpon 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.

\*\*\*\*\*

Name of Applicant for Permit: Pepperland Cafe (Kevin Hahn)

Address of Applicant: 479 Main St.

Telephone # of Applicant: 603 781 3918

Name of Business to be Conducted: Pepperland Cafe

Address of Business: 279 Main St.

Telephone # of Business: 384-5535

Nature of Business: Restaurant

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

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 #: \_\_\_\_\_

Signature Kevin Hahn Date 5/21/13

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

<b>Meeting Date: June 28, 2013</b>	<b>Item # NB 3</b>
<b>Agenda Item: Approve Council Transfer for General Assistance</b>	
<b>Town Manager's Recommendation</b>	
The General Assistance line of the Social Services budget is overspent. Recommend a Council Transfer in the amount of \$9,500 from the Undesignated Fund to account number 4510-2710.	
<b>Requested Action</b>	
Motion to transfer \$9,500 from the Undesignated Fund to Social Services-Assistance Grants (account number 4510-2710).	
<b>Vote</b>	