

**South Berwick Town Council
Public Hearing
Zoning Ordinance – Mobile Vending
December 9, 2014**

Chairman John C. Kareckas opened the hearing at 6:30pm. Councilors present included Jean Demetracopoulos, Russell H. Abell, and John James. Town Manager Perry A. Ellsworth was also in attendance. Laura Leber was not present.

The purpose of the hearing was to receive public comment on the proposed amendments to sections 140-9 Definitions, 140-58 Restaurants, and 140-58A Outdoor Sales of the Zoning Ordinance.

Bill Straub, Planning Board Vice-chair, explained that the proposed changes to the ordinance will clarify what must be approved by the Planning Board and what needs a permit from the Code Enforcement Officer. When discussing the changes, the Board focused primarily on restaurants, take out restaurants and merchandising of non-food items and their definitions. The most significant change would require restaurants to be in an enclosed building that is permanently attached to the land. Mr. Straub went on to explain that there are exemptions, such as special events or festivals authorized by the Town Council and the seasonal sale of produce and plants.

No one in the audience wished to speak.

The hearing was closed at 6:45pm.

Attest:

Barbara Bennett, CCM

South Berwick Town Council December 9, 2014

Chairman John C. Kareckas called the meeting to order at 6:30pm. Councilors present included Jean Demetracopoulos, Russell H. Abell, and John James. Town Manager Perry Ellsworth was also in attendance. Laura Leber was not present.

Approval of Minutes

1. Council 11-25-14: On a motion by Mr. Abell, seconded by Mrs. Demetracopoulos, it was unanimously voted to adopt the minutes as written.

Treasurer's Warrant

1. On a motion by Mrs. Demetracopoulos, seconded by Mr. James, it was unanimously voted to sign the warrant dated December 4, 2014 in the amount of \$732,872.36.

Public Comment

1. Kelsey Vaillancourt, student, was present to observe the meeting for her civics class.

Reports & Presentations

1. Mr. Ellsworth made note of the letters from both the school superintendent and Central Elementary principal informing parents of the change for dropping off kids at Central School during the Avesta construction.

Town Manager's Report

- Read a letter from Senator Dawn Hill congratulating the Fire Department on its courageous actions fighting a mutual aid fire in Berwick.
- The Avesta Housing project ground breaking will take place on Wednesday December 17.
- The highway crew has been doing a wonderful job with their limited resources.
- Thanked Public Works Director Jon St. Pierre for his help in getting the Avesta project together.
- The next meeting with the school board will be Wednesday December 17.

Unfinished Business

1. Avesta Housing documents:

-Amendment to Purchase & Sale: On a motion by Mrs. Demetracopoulos, seconded by Mr. James, it was unanimously voted to sign the amendment (amount of \$151,881.00) to the Purchase and Sale Agreement (dated 10/16/12) contingent on the loan closing on December 12, 2014 and receipt of funds on December 15, 2014.

-Amendment to & Assignment of Construction Coordination Agreement: On a motion by Mrs. Demetracopoulos, seconded by Mr. Abell, it was unanimously voted to sign the amendment to the Construction Coordination Agreement contingent on the loan closing on December 12, 2014 and receipt of funds on December 15, 2014.

-Quitclaim Deed with Covenants: On a motion by Mrs. Demetracopoulos, seconded by Mr. Abell, it was unanimously voted to sign the Quitclaim Deed contingent on the loan closing on December 12, 2014 and receipt of funds on December 15, 2014.

-Transfer Tax & REW Forms: On a motion by Mr. Abell, seconded by Mr. James, it was unanimously voted to authorize the Town Manager to sign the Real Estate Transfer Tax Declaration and REW -3 form contingent on the loan closing on December 12, 2014 and receipt of funds on December 15, 2014.

-Access, Utilities and Stormwater Easement: On a motion by Mr. Abell, seconded by Mrs. Demetracopoulos, it was unanimously voted to sign the Access, Utilities and Stormwater Easement contingent on the loan closing on December 12, 2014 and receipt of funds on December 15, 2014.

-Drainage Easement: On a motion by Mrs. Demetracopoulos, seconded by Mr. Abell, it was unanimously voted to accept the Drainage Easement contingent on the loan closing on December 12, 2014 and receipt of funds on December 15, 2014.

-Access Easement: On a motion by Mr. Abell, seconded by Mrs. Demetracopoulos, it was unanimously voted to accept the Access Easement contingent on the loan closing on December 12, 2014 and receipt of funds on December 15, 2014.

-Parking Space Lease Agreement: On a motion by Mrs. Demetracopoulos, seconded by Mr. James, it was unanimously voted to sign the Parking Space Lease Agreement contingent on the loan closing on December 12, 2014 and receipt of funds on December 15, 2014.

-Memorandum of Lease (Parking): On a motion by Mr. Abell, seconded by Mrs. Demetracopoulos, it was unanimously voted to sign the Memorandum of Lease contingent on the loan closing on December 12, 2014 and receipt of funds on December 15, 2014.

-Extended Low-Income Housing Commitment Agreement: On a motion by Mr. Abell, seconded by Mr. James, it was unanimously voted to sign the Extended Low-Income Housing Commitment Agreement (for 28 units) contingent on the loan closing on December 12, 2014 and receipt of funds on December 15, 2014.

-Agreement and Landlord's Consent to Assignment of Lease and Leasehold Mortgage, Security Agreement and Fixture Filing: On a motion by Mrs. Demetracopoulos, seconded by Mr. Abell, it was unanimously voted to sign the Agreement and Landlord's Consent to Assignment of Lease contingent on the loan closing on December 12, 2014 and receipt of funds on December 15, 2014.

-Settlement Statement: On a motion by Mrs. Demetracopoulos, seconded by Mr. James, it was unanimously voted to sign the Settlement Statement contingent on the loan closing on December 12, 2014 and receipt of funds on December 15, 2014.

-Council Order #1: Chairman Kareckas read the order.

BE IT ORDERED, that under and pursuant to the provisions of the Charter of the Town of South Berwick, Maine, it is hereby approved and voted that

VOTED and Approved: Said Council Members are authorized to execute the Closing Documents referenced hereafter and to bind the Town to the terms of such documents:

1. Purchase and Sale Agreement, as Amended
2. Construction Coordination Agreement, as Amended
3. Quitclaim Deed
4. Transfer Tax and REW form
5. Access and Utility Easement
6. Parking Space Lease Agreement
7. Memorandum of Lease
8. Extended Use Agreement
9. Agreement & Landlord's Consent to Assignment of Lease and Leasehold Mortgage, Security Agreement
Fixture Filing
10. Settlement Statement
11. A construction contract for the work required in the Construction Coordination Agreement, as Amended

VOTED and Approved: To additionally authorize Perry Ellsworth, the Town Manager in his discretion, and with review of the Town's legal counsel, to execute or approve such administrative amendments as may be necessary to the above referenced Closing documents, if deemed by him advisable after this date, for example changes required by various lenders associated with the transaction which do not materially in the judgment of the Town Manager alter the rights or obligations of the Town and to further authorize the said Town Manager order to effect the above referenced transaction and Closing by approving and executing in his said capacity additional administrative documents related to such Closing as may be necessary or convenient to carry out the full purpose and intent of the foregoing vote including the above referenced construction contract.

Voted and Approved: To ratify and approve prior documents execute by prior officials of the Town including the Purchase and Sale Agreement date October 16, 2012.

On a motion by Mrs. Demetracopoulos, seconded by Mr. James, it was unanimously voted to approve Council Order #1 as presented.

2. On a motion by Mr. Abell, seconded by Mr. Mrs. Demetracopoulos, it was unanimously voted to accept the Young Street (Avesta) construction bid in the amount of \$338,899 from Mick Construction and authorize the Town Manager to administer the bid pending the closing of the sale and leasing of property to Avesta Housing.

New Business

1. On a motion by Mrs. Demetracopoulos, seconded by Mr. Abell, it was unanimously voted to approve the renewal of a liquor license for Fogarty's Restaurant.
2. On a motion by Mr. Abell, seconded by Mrs. Demetracopoulos, it was unanimously voted to hold a public hearing on Tuesday, December 23, 2014 at 6:30pm to receive comment on the application for a new liquor license for El Sobos Tacos.
3. On a motion by Mr. Abell, seconded by Mrs. Demetracopoulos, it was unanimously voted to authorize the Town Manager to sell the 1988 Custom E-One Hurricane Pumper and its associated equipment.
4. On a motion by Mr. James, seconded by Mrs. Demetracopoulos, it was unanimously voted to authorize the Town Manager to dispose of three surplus police cruisers: one 2004 Ford Crown Vic, and two 2006 Crown Vic's.
5. On a motion by Mr. Abell, seconded by Mr. James, it was unanimously voted to appoint Barbara M. Bennett as Registrar of Voters with a term to expire December 31, 2016.
6. On a motion by Mrs. Demetracopoulos, seconded by Mr. Abell, it was unanimously voted to adopt the amendments to the Zoning Ordinance, sections 140-9, 140-58 and 140-58A.

Council Member Comments

1. Mrs. Demetracopoulos:
 - Stated that she was able to enjoy the wonderful Women's Holiday Art Sale and Home for the Holidays.
 - Stated that a meeting should be scheduled for the Manager's performance evaluation as soon as possible.
2. Mr. Abell:
 - Stated that he will not be able to attend the December 23 meeting.
3. Mr. Kareckas:
 - Commented that the new LED lights at the transfer station and monument look great.
 - Stated that he would like to invite the Historic District Commission to the first meeting in January to review the proposed changes to the ordinance.

Adjournment

On a motion by Mr. James, seconded by Mrs. Demetracopoulos, it was unanimously voted to adjourn the meeting at 8:38pm.

Attested:

Barbara Bennett, CCM

TOWN OF SO. BERWICK
CHECK REGISTER

Check Number	Account	Date Paid	Amount
00036034	132500 SECRETARY OF STATE M/V	12/23/2014	8,638.20
00036035	189999 REFUNDS	12/23/2014	200.00
00036036	060758 1ST RESPONDER NEWSPAPER	12/23/2014	130.00
00036037	010210 ACETO CONSTRUCTION	12/23/2014	2,240.00
00036038	010336 AGGREGATE RECYCLING CORP	12/23/2014	2,329.45
00036039	020225 BAKER & TAYLOR	12/23/2014	323.83
00036040	021300 BERNSTEIN SHUR	12/23/2014	2,730.00
00036041	022850 BUSINESS EQUIPMENT UNLIMITED	12/23/2014	118.00
00036042	021584 WILLIAM BISHOP	12/23/2014	100.00
00036043	022240 GARY BOUCHER	12/23/2014	68.12
00036044	022503 SHARON BRASSARD	12/23/2014	40.57
00036045	022640 BURKE'S TREE SERVICE	12/23/2014	1,700.00
00036046	030500 CENTRAL MAINE POWER/CREDIT, COLL	12/23/2014	82.00
00036047	030510 CENTRAL MAINE POWER	12/23/2014	4,220.18
00036048	030695 RICHARD CHUTE	12/23/2014	232.07
00036049	030954 ROGER CLEMENT	12/23/2014	40.00
00036050	031355 TERRIE COLLINS	12/23/2014	100.00
00036051	141384 CRITICAL ALERT SYS	12/23/2014	24.16
00036052	032900 DANIELS ELECTRIC CORPORATION	12/23/2014	3,855.00
00036053	032710 D.J.'S MUNICIPAL SUPPLY	12/23/2014	643.79
00036054	040800 DOUCETTE EXCAVATING	12/23/2014	1,650.00
00036055	050203 EASTERN INDUSTRIAL AUTOMATION	12/23/2014	145.97
00036056	050815 TREASURER, STATE OF MAINE	12/23/2014	574.21
00036057	060100 HOWARD P FAIRFIELD INC	12/23/2014	558.61
00036058	060300 FAVORITE FOODS INC	12/23/2014	669.75
00036059	060763 FISHER AUTO PARTS	12/23/2014	122.58
00036060	010525 G&K SERVICES	12/23/2014	641.56
00036061	070200 P GAGNON & SON INC	12/23/2014	310.36
00036062	070600 GEORGE GORMAN	12/23/2014	304.30
00036063	191330 HANNAFORD'S	12/23/2014	577.20
00036064	080248 HANSCOM'S TRUCK STOP INC	12/23/2014	7,072.03
00036065	081305 HARRISON SHRADER ENTERPRISES	12/23/2014	410.73
00036066	080450 HARVARD PILGRIM HEALTH CARE	12/23/2014	27,088.52
00036067	080501 BRUCE HASTY'S PLUMB/HEATNG	12/23/2014	350.43
00036068	080740 RON CURRIERS HILLTOP CHEVROLET	12/23/2014	348.69
00036069	081394 HUSSEY EXCAVATION INC	12/23/2014	450.00
00036070	087011 INT'L ACADEMIES EMER DISPATCH	12/23/2014	50.00
00036071	089050 INDUSTRIAL PROTECTION SERVICES	12/23/2014	288.00
00036072	100150 JANETOS MARKET	12/23/2014	127.59
00036073	100170 JDR CONSULTING	12/23/2014	1,150.00
00036074	100870 KENNEBUNK SAVINGS BANK	12/23/2014	40,000.00
00036075	141367 KONE INC	12/23/2014	213.29
00036076	120510 LAWSON PRODUCTS INC.	12/23/2014	1,109.89
00036077	071170 M W GRENIER ENTERPRISES LLC	12/23/2014	421.00
00036078	130626 MAINE OXY/SPEC AIR GASES	12/23/2014	210.00
00036079	131690 MAINE BACKFLOW PREVENTION	12/23/2014	150.00
00036080	133195 MAINE TURNPIKE AUTHORITY	12/23/2014	3.00
00036081	133795 MICK BODYWORKS	12/23/2014	193.51
00036082	127000 CORRINE J MAHONY	12/23/2014	2,160.00
00036083	134900 MORTON SALT	12/23/2014	36,523.76
00036084	134940 MOUNTAIN GROOMING EQUIPMENT	12/23/2014	18,674.75
00036085	140105 NAPA OF SOMERSWORTH	12/23/2014	1,359.29
00036086	140797 NATURE'S WAY MARKET	12/23/2014	30.38
00036087	140600 NEPTUNE INC	12/23/2014	120.95
00036088	140809 NEW ENGLAND COACH	12/23/2014	3,600.00
00036089	160050 PEMBROOKE OCCUPATIONAL HEALTH	12/23/2014	62.00

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: December 23, 2014	Agenda Item NB #1
Agenda Item: Liquor License for Rob Miller – El Sobos Tacos	
Department Head Recommendation:	
<p>This is a request for a name change & renewal to an existing license (expires 12/31).</p> <p>The former business was On the Block Bistro. The business has changed names and is now El Sobos Tacos. The state's application form does not have anywhere for the customer to indicate these changes and make them obvious. According to Diane in liquor licensing a public hearing was not required because it is a renewal for the same business with a different name.</p>	
Town Manager's Recommendation	
Requested Action	
Council wishes	
Vote	

**BUREAU OF ALCOHOLIC BEVERAGES
DIVISION OF LIQUOR LICENSING & ENFORCEMENT
164 STATE HOUSE STATION
AUGUSTA, ME 04333-0164**



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.

DEPARTMENT USE ONLY	
LICENSE NUMBER:	CLASS:
DEPOSIT DATE	
AMT. DEPOSITED:	BY:
CK/MO/CASH:	

PRESENT LICENSE EXPIRES _____

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-OPTINONAL 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

1. APPLICANT(S) –(Sole Proprietor, Corporation, Limited Liability Co., etc.) <i>Robert E. Miller</i> DOB: <i>8/3/74</i>		2. Business Name (D/B/A) <i>El Sobos Tacos</i>	
DOB:		Location (Street Address) <i>12 Portland St.</i>	
Address <i>338 Diamond Hill Rd.</i>		City/Town <i>So. Berwick</i> State <i>ME</i> Zip Code <i>03908</i>	Mailing Address <i>12 Portland St.</i>
City/Town <i>Berwick</i> State <i>ME</i> Zip Code <i>03901</i>	City/Town <i>So. Berwick</i> State <i>ME</i> Zip Code <i>03908</i>	Business Telephone Number	
Telephone Number <i>207 752-2854</i> Fax Number	Fax Number		
Federal I.D. # <i>46-4102573</i>	Seller Certificate # <i>1106234</i>		

3. If premises is 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 \$ *100147.75* LIQUOR \$ *26629.65*

5. Is applicant a corporation, limited liability company or limited partnership? YES NO

If YES, complete Supplementary Questionnaire

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: *12 pm - 9 pm*

9. Business records are located at: *12 Portland St So. Berwick, ME 03908*

10. Is/are applicant(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	8/3/74	Dover, NH

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: Jim Flynn
169 Main St. So. Berwick, ME 03908

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) full service
restaurant and 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: So. Berwick, ME on 12/11, 20 14
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)

Robert Miller / owner

Print Name

Signature of Applicant or Corporate Officer(s)

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

Class I	Spirituos, Vinous and Malt	\$ 900.00
	CLASS I: 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.	
Class I-A	Spirituos, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
	CLASS I-A: Hotels only that do not serve three meals a day.	
Class II	Spirituos Only	\$ 550.00
	CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III	Vinous Only	\$ 220.00
	CLASS III: 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.	
Class IV	Malt Liquor Only	\$ 220.00
	CLASS IV: 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.	
Class V	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
	CLASS V: Clubs without catering privileges.	
Class X	Spirituos, Vinous and Malt – Class A Lounge	\$2,200.00
	CLASS X: Class A Lounge	
Class XI	Spirituos, Vinous and Malt – Restaurant Lounge	\$1,500.00
	CLASS XI: 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: 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 license 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 of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. 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.

TOWN COUNCIL

Agenda Information Sheet

Meeting Date: December 23, 2014	Agenda Item NB 2
Subject: Solid Waste Hauler License for Dorado Services Inc	
Information: Dorado Services has requested a renewal of their Solid Waste Hauler License The proper fees have been remitted for 2 trucks.	
Staff Comments/Recommendation: Recommend approval.	
Requested Action: Motion and vote to approve Dorado Services Inc. Solid Waste Hauler License through November 30, 2015.	
Vote:	

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: December 23, 2014	Item # 3
Agenda Item:	
Department Head: Town Manager	
Town Manager's Recommendation:	
Town Manager will present budget schedule and anticipated Town Meeting Date	
Requested Action:	
Vote	

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: December 23, 2014	Item # 4
Agenda Item: Set date for Town Manager's Performance Evaluation	
Department Head: Town Manager	
Town Manager's Recommendation:	
January 06, 2014	
Requested Action:	
Vote	