

**South Berwick
Town Council Meeting
April 12, 2016**

Chairman John C. Kareckas called the meeting to order at 6:30pm. Councilors present included John James, and Thomas Chase. Town Manager Perry A. Ellsworth was also in attendance. Laura Leber arrived during the executive session. Russell Abell was not present.

Executive Session

1. On a motion by Mr. James, seconded by Mr. Chase, it was unanimously voted to enter executive session at 6:30pm, pursuant to 1MRSA §405.6A, to interview a candidate for the Conservation Commission.

The Manager reported the following to the Clerk:

On a motion by Mr. James, seconded by Mr. Chase, it was unanimously voted to end the executive session at 6:44pm and return to the regular meeting with the Clerk present.

Approval of Minutes

1. Council 03-22-16: On a motion by Mrs. Leber, seconded by Mr. Chase, it was unanimously voted to adopt the minutes as written.

2. Public Hearing Budget 04-05-16: On a motion by Mr. James, seconded by Mr. Chase, it was unanimously voted to adopt the minutes as written. Mrs. Leber abstained from voting because she was not present at the hearing.

Treasurer's Warrant

1. On a motion by Mr. James, seconded by Mr. Chase, it was unanimously voted to sign the warrant dated April 7, 2016 in the amount of \$959,663.68.

Reports & Correspondence

1. Manager Ellsworth presented four Great Works School students (A. J. Gori, Gavin Bradley, Nathan Lavoie, and Harry English Yohman) with Certificates of Appreciation. The boys were concerned with local residents not having enough heat during the winter. To help with the need they decided to sell hot chocolate at the school and were able to raise \$162. Half of the funds will be donated to South Berwick and half to Eliot. The boys stated that they wanted to help their community and selling hot chocolate was a fun way to do it.

Public Comment

1. Mylene Hollick, Pond Rd, asked for the status of the possible speed reduction in front of the high school. It was explained that the issue is still being discussed with the State MDOT.

Town Manager's Report

-Mr. Ellsworth introduced Calvin Hichens. He has been working as an intern with the Police Department. He is attending Great Bay Community College working toward his Associates Degree in Criminal Justice.

-Friday at 10:30am there will be a meeting on the Vine Street Bridge.

-Tuesday is a meeting regarding the (railroad) right-of-way in front of the school. Changes may need to be made in order to have the area designated as a school zone.

-Still working on the Police Department site assessment. We should also have the assessment for the Town Hall for the next meeting.

-The meeting with the school and Eliot will be on Wednesday morning at the library.

-Commented that he has made another offer on the Police/Dispatch Contract.

-Fern Houliares' last day will be Friday, April 22nd. Jeanette Lemay, currently the Treasurer in Lebanon, has been hired as Fern's replacement.

-Announced that the Business Office will be closed on Tuesday, May 3rd so staff can attend elections training.

-Commented that there is the potential for work to be done on the fascias and moldings on the downtown buildings.

New Business

1. On a motion by Mr. James, seconded by Mr. Chase, it was unanimously voted to appoint Vanessa Levin to the Conservation Commission with a term to expire June 30, 2017.
2. The Council briefly discussed the necessity to update the Non-Stormwater Discharge Ordinance. Several changes will need to be made by September.

On a motion by Mr. James, seconded by Mrs. Leber, it was unanimously voted to hold a public hearing on Tuesday, May 24, 2016 to receive public comment on the proposed changes to Chapter 96, Non-Stormwater Discharge Ordinance.

3. On a motion by Mr. James, seconded by Mr. Chase, it was unanimously voted to adopt the Manager's proposed budget for fiscal year 2016/2017.

On a motion by Leber, seconded by Mr. Chase it was unanimously voted to sign the warrant calling the town meeting on May 17, 2016.

4. On a motion by Mr. James, seconded by Mrs. Leber, it was unanimously voted to accept the 2016 Speed Enforcement Grant in the amount of \$1,590. [The Town match is \$397.50, bring the total to \$1,987.50]

5. Mr. Kareckas stated that the Council has been pleased with the Manager's work. He is generous of his time and has exceeded expectations.

Councilor Comments

1. Mr. Chase:

- Thanked the Great Works School kids for the community involvement.
- Thanked Cal Hichens for his help in PD.
- Wished Joshua Hollick good luck on working toward his Eagle Scout badge.

2. Mr. James:

- Thanked everyone for attending.
- Asked about Joshua Hollick's Eagle Scout project. Mr. Hollick does not know what it will be yet.
- Made note of the road clean up day in a couple of weeks. He noted that many of our roads are littered with trash and it will be nice to have it taken care of.

3. Mr. Kareckas:

- Made note of two recent passings, Owen Stevens and Norma Tutelian. Mr. Stevens had been a long time resident and business owner as the local Veterinarian for many years. He was also a very prominent civic leader. Mrs. Tutelian was a former Town Councilor and Crosswalk Guard. Condolences to their families and friends.
- Thanked Councilor James for mentioning the road cleanup. He commented that we need to better appreciate what we have and take better care of it.

Adjournment

On a motion by Mr. James, seconded by Mrs. Leber, it was unanimously voted to adjourn the meeting at 7:25pm.

Attest:

Barbara Bennett, CCM

**South Berwick
Town Council Meeting
April 19, 2016**

Chairman John C. Kareckas called the meeting to order at 6:34pm. Councilors present included John James and Laura Leber. Town Manager Perry A. Ellsworth was also in attendance. Councilors Russell Abell and Thomas Chase and Town Clerk Barbara Bennett were not present.

New Business

1. On a motion by Mr. James, seconded by Mrs. Leber, it was unanimously voted to rescind the vote taken on April 12, 2016 to sign the town meeting warrant. [Article 23 had a wrong date, no dollar amounts were changed, and the warrant had not been posted]
2. On a motion by Mrs. Leber, seconded by Mr. James, it was unanimously voted to sign the corrected warrant calling the town meeting on May 17, 2016.

Mrs. Leber expressed her displeasure at having to meet again to sign the warrant. She added that it should have been properly reviewed before being presented to the Council.

Adjournment

On a motion by Mr. James, seconded by Mrs. Leber, it was unanimously voted to adjourn the meeting at 6:40pm.

Attest:

Barbara Bennett, CCM

These minutes were compiled by the Clerk after watching the audio/video recording of the meeting.

TOWN OF SO. BERWICK
CHECK REGISTER

Check Number	-----Account-----	Date Paid	Amount
00038688	189999 REFUNDS	04/26/2016	1,360.00
00038689	132500 SECRETARY OF STATE M/V	04/26/2016	23,978.30
00038690	141265 911 CARES	04/26/2016	255.55
00038691	010285 ADMIRAL FIRE & SAFETY INC	04/26/2016	14.50
00038692	011422 KERA ASHLINE	04/26/2016	61.59
00038693	020225 BAKER & TAYLOR	04/26/2016	1,495.66
00038694	021300 BERNSTEIN SHUR	04/26/2016	222.00
00038695	022850 BUSINESS EQUIPMENT UNLIMITED	04/26/2016	713.50
00038696	021668 BLOW BROS	04/26/2016	55.00
00038697	022240 GARY BOUCHER	04/26/2016	134.53
00038698	022595 TODD BRODEUR	04/26/2016	300.00
00038699	030725 CITIZENS BANK (CHG)	04/26/2016	780.56
00038700	030920 CLEAN-O-RAMA	04/26/2016	246.76
00038701	031440 COMFORT INN	04/26/2016	89.00
00038702	031880 COMPUTER PROJECTS OF ILLINOIS	04/26/2016	343.20
00038703	041000 DOVER MOTOR MART FM	04/26/2016	7,919.71
00038704	050785 ELIMINATOR INC	04/26/2016	5,719.50
00038705	050802 PERRY ELLSWORTH	04/26/2016	604.01
00038706	060240 FARWELL'S AUTO SERVICE	04/26/2016	1,594.70
00038707	070200 P GAGNON & SON INC	04/26/2016	405.49
00038708	070210 GALLS LLC	04/26/2016	400.17
00038709	180478 GENEST PRECAST	04/26/2016	1,322.00
00038710	071180 GROUP DYNAMIC INC	04/26/2016	159.50
00038711	191330 HANNAFORD'S	04/26/2016	181.22
00038712	080248 HANSCOM'S TRUCK STOP INC	04/26/2016	826.64
00038713	080440 HARTIGAN COMPANY	04/26/2016	2,617.40
00038714	080450 HARVARD PILGRIM HEALTH CARE	04/26/2016	35,072.05
00038715	080500 BEVERLY HASTY	04/26/2016	55.53
00038716	081055 FERN HOULIARES	04/26/2016	267.19
00038717	081394 HUSSEY EXCAVATION INC	04/26/2016	200.00
00038718	100640 K & S OVERHEAD DOOR CO	04/26/2016	142.50
00038719	100900 KENNEBUNKPORT PTA	04/26/2016	650.00
00038720	071170 M W GRENIER ENTERPRISES LLC	04/26/2016	50.00
00038721	133195 MAINE TURNPIKE AUTHORITY	04/26/2016	10.50
00038722	133285 MARKET BASKET	04/26/2016	131.00
00038723	133795 MICK BODYWORKS INC	04/26/2016	62.83
00038724	134300 MAINE MUNICIPAL EMPLOYEES	04/26/2016	4,680.83
00038725	134450 MMTCTA	04/26/2016	110.00
00038726	140105 NAPA AUTO PARTS	04/26/2016	713.60
00038727	140600 NEPTUNE INC	04/26/2016	348.45
00038728	141300 NORTH COUNTRY TRACTOR INC	04/26/2016	27.33
00038729	160230 PERMA-LINE CORP	04/26/2016	26.25
00038730	200700 PIKE INDUSTRIES INC	04/26/2016	835.85
00038731	160320 PINE TREE WASTE INC	04/26/2016	1,931.58
00038732	160692 READY REFRESH	04/26/2016	117.74
00038733	180431 RELYCO	04/26/2016	114.00
00038734	180455 REVISION ENERGY LLC	04/26/2016	225.00
00038735	180477 RICE'S AUTOMOTIVE CENTER	04/26/2016	44.75
00038736	132500 SECRETARY OF STATE M/V	04/26/2016	20,574.08
00038737	191530 SIRCHIE FINGER PRINT LAB INC	04/26/2016	52.40
00038738	191753 FOREST SMITH	04/26/2016	675.00
00038739	193408 SO MAINE PLANNING & DEV	04/26/2016	5,144.11
00038740	191950 SO BERWICK HOUSE OF PIZZA	04/26/2016	33.90
00038741	193605 SOUTHWORTH-MILTON INC	04/26/2016	5,447.98
00038742	193640 STAPLES	04/26/2016	567.14
00038743	200125 TASER INTERNATIONAL	04/26/2016	945.93

TOWN COUNCIL
Agenda Information Sheet

Meeting Date: April 26, 2016	NB #1
Agenda Item: Liquor License renewal for Thistle Pig Restaurant	
Department Head Recommendation:	
This is a request to renew a liquor license for Thistle Pig Restaurant. The Police Chief had nothing to report.	
Town Manager's Recommendation	
Requested Action	
Council wishes.	
Vote	

**BUREAU OF ALCOHOLIC BEVERAGES
DIVISION OF LIQUOR LICENSING & ENFORCEMENT
8 STATE HOUSE STATION
AUGUSTA, ME 04333-0008**



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 5/18/16

INDICATE TYPE OF PRIVILEGE: MALT SPIRITUOUS VINOUS

INDICATE TYPE OF LICENSE:

RESTAURANT (Class I,II,III,IV)

HOTEL-OPTINONAL FOOD (Class I-A)

CLASS A LOUNGE (Class X)

CLUB (Class V)

TAVERN (Class IV)

RESTAURANT/LOUNGE (Class XI)

HOTEL (Class I,II,III,IV)

CLUB-ON PREMISE CATERING (Class I)

GOLF CLUB (Class I,II,III,IV)

OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

1. APPLICANT(S) –(Sole Proprietor, <u>Corporation</u> , Limited Liability Co., etc.)		2. Business Name (D/B/A)	
DOB: _____		Thistle Pig Restaurant Inc.	
jennifer Fecteau DOB: 8/17/81		279 Main Street	
Benjamin Hastey DOB: 6/2/84		Location (Street Address)	
Address 489 Emenys Bndge Rd		South Berwick ME 03908	
City/Town _____ State _____ Zip Code _____		City/Town same as above State _____ Zip Code _____	
Mailing Address _____		Mailing Address _____	
City/Town South Berwick ME State _____ Zip Code 03908		City/Town _____ State _____ Zip Code _____	
Telephone Number 207-704-0624 Fax Number _____		Business Telephone Number 207-704-0624 Fax Number _____	
Federal I.D. # 464616899		Seller Certificate # _____	

EMAIL ADDRESS: *jenrae207@gmail.com

3. If premises is 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

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: Jennifer Fecteau - owner - Front manager
8. If business is NEW or under new ownership, indicate starting date: _____
 Requested inspection date: ASAP? if needed Business hours: 11am-10pm
9. Business records are located at: 279 Main Street South 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
<u>Benjamin Hasty</u>	<u>6/2/84</u>	<u>Sanford, ME</u>
<u>Jennifer Fecteau</u>	<u>8/17/81</u>	<u>Biddeford, ME</u>

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

South Berwick, ME +
Kittling 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 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:
Jon Stirling 70 Knigh Pond Rd South Berwick ME

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required)
Restaurant 56 seats total. no outside seating.

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? 1/4 mile Which of the above is nearest? school
1/2 mile -> church

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: Loan - 6 year term Susan Tuveson, Ron Tuveson Investors.

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 April 1st, 20 16
Town/City, State Date

Jennifer Fecteau
Signature of Applicant or Corporate Officer(s)
Jennifer Fecteau
Print Name

Please sign in blue ink

[Signature]
Signature of Applicant or Corporate Officer(s)
BENJAMIN C. HASTY
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** Spirituous, 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** Spirituous, 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** Spirituous 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** Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)\$ 495.00
CLASS V: Clubs without catering privileges.

 - Class X** Spirituous, Vinous and Malt – Class A Lounge\$2,200.00
CLASS X: Class A Lounge

 - Class XI** Spirituous, Vinous and Malt – Restaurant Lounge\$1,500.00
CLASS XI: Restaurant/Lounge; and OTB.
-

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, Mai 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 located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of exist 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, 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 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 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 application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of 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 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 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 appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

Name: _____ Agency: _____

9. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes No

10. If Yes to Question 9, please complete the following: (attached additional sheets as needed)

Name: _____

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:



Signature of Duly Authorized Person

4/1/16

Date



Print Name of Duly Authorized Person

If you have questions regarding the legal name or assumed (DBA) name on file with the Secretary of State's office, please call (207) 624-7752. The SOS can only speak to the information on file with their office, not the filing of this supplemental information – please direct any questions about this form to our office at the number below.

Submit Completed Forms To: Bureau of Alcoholic Beverages and Lottery
Operations Division of Liquor Licensing Enforcement
8 State House Station Augusta, Me 04333-0008
Telephone Inquiries: (207) 624-7220
Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov
