



**GARDINER CITY COUNCIL
AGENDA ITEM INFORMATION SHEET**



Meeting Date	01/06/2021	Department	City Clerk
Agenda Item	4.c Consider Approval of a Liquor License Renewal, Games of Chance and Liquor/Bottle Club (1-50 seats) Victualers Licenses and an Outside Consumption Permit for Gardiner Elks Lodge #1293		
Est. Cost	n/a		

Background Information

Attached under item 3.b is the Public Hearing notice for a renewal liquor license application for Gardiner Elks Lodge #1293. The full application is attached hereto.

The City Council is also being asked to approve a liquor/bottle club (1-50 seats) victualers license, a games of chance victualers license and an outside consumption permit for the organization.

Requested Action	'I move to approve the liquor license renewal application and the victualers liquor/bottle club license, the victualers games of chance license, and an outdoor consumption permit for Gardiner Elks Lodge #1293.'
City Manager and/or Finance Review	The City Manager recommends the above action.
Council Vote/ Action Taken	
Departmental Follow-Up	

City Clerk Use Only	1 st Reading _____	Advertised <u>12/28/2020</u>	EFFECTIVE DATE _____
	2 nd Reading _____	Advertised _____ w/in 15 Days	
	Final to Dept _____	Updated Book _____	Online _____



**APPLICATION FOR A
LICENSE/BUSINESS/EVENT**

Date Received in Clerk's 0-3-1016
 Received by: BT
 Office Amount Received \$135
 Approved _____ Denied _____

Business Name	Gardiner Elks 1293
Business Location	148 Cobbesee Ave GARDINER ME 04345
Business Mailing Address	148 Cobbesee Ave GARDINER ME 04345
Owner Name	Gardiner Elks Lodge 1293
Mailing Address (if different)	
Phone Number	207 582-6520
Business Number	
Type of Business	FRATERNAL ORGANIZATION
Description of Business (attach paper if necessary)	charity & community work

Type of License Being Applied for: (check all that apply)

Doing Business As (One-time Registration)	\$10	
Special Event - Exhibitions & Shows (Minor)	\$50	
Special Event - Exhibitions & Shows (Major)	\$100	
Street Sellers (Annual)	\$50	
Street Sellers (Per Event)	\$20	
Street Sellers (Farmer's Market) (Annual)	\$10	
Junkyards (<100 ft highway) (Annual)	\$200	
Junkyards (>100 ft highway) (Annual)	\$50	
Automobile Recycling Business (5-year)	\$250	
Other	\$	
Victualers License to Sell Food (Annual)	\$50	
Victualers License - One Day (Festival)	\$25	
Victualers Non-profit License to sell food (Annual)	\$10	
Roving/On Wheels/Lunch Wagon (Annual)	\$100	
Roving/On Wheels/Lunch Wagon (Non-profit)	\$10	
Roving/On Wheels/Lunch Wagon (3-Day)	\$25	
Taxicabs/Vehicles for Hire	\$50	
Sales (Special, OOB, etc) (Per Event/Sale)	\$25	
Beano/Bingo/Games of Chance/Pinball Machines (Annual)	\$10	✓
Shooting Galleries/Pool Hall/Bowling Alley (Annual)	\$50	
Pawn (Annual)	\$50	
Tavern Keeper (Annual)	\$25	
Liquor/Bottle Club (1-50 seats) (Annual)	\$75	
Liquor/Bottle Club (51-100 seats) (Annual)	\$100	✓
Liquor/Bottle Club (101+ seats) (Annual)	\$150	
Catering Off-Premises (liquor is served) (per event)	\$10	
Entertainment/Special Amusement License (Annual)	\$75	
Outside Consumption Permit (Annual)	\$25	✓

pull tickets

Please send application and payment (payable to City of Gardiner) to:
 City Clerk's Office, 6 Church Street, Gardiner, ME 04345

Alisha Ballard

From: Rick Sieberg
Sent: Thursday, December 3, 2020 2:13 PM
To: Alisha Ballard
Subject: RE: Gardiner Elks- Multi Licenses

No problems for the FD with this.

Rick Sieberg
Fire Chief | City of Gardiner
6 Church Street
Gardiner, ME 04345
C: 207-620-0217
p: 207-582-4535
e: rick.sieberg@gardinermaine.com

From: Alisha Ballard <ABallard@gardinermaine.com>
Sent: Thursday, December 3, 2020 2:08 PM
To: Christine Landes <CLandes@gardinermaine.com>; Tracey Desjardins <TDesjardins@gardinermaine.com>; Kristopher McNeill <kmcneill@gardinermaine.com>; Rick Sieberg <rick.sieberg@gardinermaine.com>; Jerry Douglass <JDouglass@gardinermaine.com>; Jim Toman <JToman@gardinermaine.com>
Subject: Gardiner Elks- Multi Licenses

Please review the attached application for three licenses for the Gardiner Elks.

Thank you,

Alisha Ballard
City Clerk / Registrar of Voters
6 Church Street,
Gardiner Maine 04345
P: 207-582-4200
F: 207-528-6895
E: aballard@gardinermaine.com

Alisha Ballard

From: Tracey Desjardins
Sent: Friday, December 4, 2020 8:33 AM
To: Alisha Ballard; Christine Landes; Kristopher McNeill; Rick Sieberg; Jerry Douglass; Jim Toman
Subject: RE: Gardiner Elks- Multi Licenses

The only issue I have would be them following the State order during Covid. I recommend they work with CEO to make sure they are and continue to be in compliance with the mandate. There has been state filed complaints regarding this issue when they hold public events.

Tracey K. Desjardins

Economic Development Director/Planning
6 Church Street
Gardiner, ME 04345
Office: 207-582-4200 Cell: 207-242-1907 Fax: 207-582-6895
e: tdesjardins@gardinermaine.com
w: www.gardinermaine.com

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Under Maine's Freedom of Access ("Right to Know") law, all e-mail and e-mail attachments received or prepared for use in matters concerning the City of Gardiner, business or containing information relating to city business are likely to be regarded as public records which may be inspected by any person upon request, unless otherwise made confidential by law. If you have received this message in error, please notify us immediately by return email. Thank you for your cooperation

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E: aballard@gardinermaine.com

Alisha Ballard

From: Jim Toman
Sent: Thursday, December 3, 2020 3:59 PM
To: Alisha Ballard
Subject: Re: Gardiner Elks- Multi Licenses

PD is fine with issuance

Chief James M. Toman
Gardiner Police Department
207-582-5150

Sent from my iPhone

On Dec 3, 2020, at 2:08 PM, Alisha Ballard <ABallard@gardinermaine.com> wrote:

Please review the attached application for three licenses for the Gardiner Elks.

Thank you,

Alisha Ballard

City Clerk / Registrar of Voters

6 Church Street,

Gardiner Maine 04345

P: 207-582-4200

F: 207-528-6895

E: aballard@gardinermaine.com

<Gardiner Elks- Games of Chance-Liquor-Outside Consumption.pdf>

Alisha Ballard

From: Kristopher McNeill
Sent: Friday, December 4, 2020 9:32 AM
To: Alisha Ballard; Christine Landes; Tracey Desjardins; Rick Sieberg; Jerry Douglass; Jim Toman
Subject: RE: Gardiner Elks- Multi Licenses

No issues. I have had to speak to them several times about Covid compliance though

Kris McNeill
Code Enforcement Officer

kmcneill@gardinermaine.com

FIRST PREVENTERS: A First Preventer may go under the title of building inspector, building official, code enforcement officer, fire chief, fire marshal, building safety official, electrical inspector, plumbing inspector, plan reviewer or health officer. But the labels merely obscure their common mission: to prevent harm by ensuring compliance with building safety codes before a disaster occurs. From hurricanes to tornados, floods, wildfires and earthquakes, building safety codes administered by First Preventers play a major role in saving lives, protecting property and reducing recovery costs often paid for by taxpayer dollars.

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Subject: Gardiner Elks- Multi Licenses

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Thank you,

Alisha Ballard

City Clerk / Registrar of Voters

6 Church Street,

Gardiner Maine 04345

P: 207-582-4200

F: 207-528-6895

E: aballard@gardinermaine.com

Alisha Ballard

From: Jerry Douglass
Sent: Friday, December 4, 2020 10:03 AM
To: Alisha Ballard; Christine Landes; Tracey Desjardins; Kristopher McNeill; Rick Sieberg; Jim Toman
Subject: RE: Gardiner Elks- Multi Licenses

No issues with Public Works

Thanks,

Jerry

Jerry Douglass, PWD
City of Gardiner
6 Church Street, 04345
207-504-2234
jdouglass@gardinermaine.com

From: Alisha Ballard <ABallard@gardinermaine.com>
Sent: Thursday, December 3, 2020 2:08 PM
To: Christine Landes <CLandes@gardinermaine.com>; Tracey Desjardins <TDesjardins@gardinermaine.com>; Kristopher McNeill <kmcneill@gardinermaine.com>; Rick Sieberg <rick.sieberg@gardinermaine.com>; Jerry Douglass <JDouglass@gardinermaine.com>; Jim Toman <JToman@gardinermaine.com>
Subject: Gardiner Elks- Multi Licenses

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Alisha Ballard

City Clerk / Registrar of Voters
6 Church Street,
Gardiner Maine 04345
P: 207-582-4200
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E: aballard@gardinermaine.com



STATE OF MAINE
 DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
 BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
 DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS: Yes <input type="checkbox"/> No <input type="checkbox"/>	

Section I: Type of License, Status and Applicant Information

1. New license or renewal of existing license? New Renewal

If a renewal, please provide the following information:

Your current license expiration date: 1/17/2021

The dollar amount of gross income for the licensure period that will end on the expiration date above:

Food: 11,500 Beer, Wine or Spirits: 52,500 Guest Rooms: N/A

2. Please indicate the type of alcoholic beverage to be sold: (check all that apply)

Malt Liquor (beer) Wine Spirits

3. Indicate the type of license applying for: (choose only one)

- | | | |
|---|--|---|
| <input type="checkbox"/> Restaurant
(Class I, II, III, IV) | <input type="checkbox"/> Class A Restaurant/Lounge
(Class XI) | <input type="checkbox"/> Class A Lounge
(Class X) |
| <input type="checkbox"/> Hotel
(Class I, II, III, IV) | <input type="checkbox"/> Hotel – Food Optional
(Class I-A) | <input type="checkbox"/> Bed & Breakfast
(Class V) |
| <input type="checkbox"/> Golf Course with auxiliary and mobile cart options
(Class I, II, III, IV) | <input type="checkbox"/> Tavern
(Class IV) | |
| <input type="checkbox"/> Qualified Caterer | <input type="checkbox"/> Self-Sponsored Events (Qualified Caterers Only) | |

Other: CLASS I CLUB WITH CATERING

Refer to Section VI For Fee Schedule

4. If application is for a **new** license or the business is under new ownership, indicate starting date:

Section II: Licensee/Applicant(s) Information

Legal Business Entity Applicant Name (corporation, LLC): GARDINER ELKS Lodge 1293	Business Name (D/B/A): BPO ELKS Lodge Gardiner 1293
Individual or Sole Proprietor Applicant Name(s): ELKS Lodge	Physical Location: 148 Cobbossee Ave Gardiner
Individual or Sole Proprietor Applicant Name(s): 148 Cobbossee Ave	Mailing address, if different:
Mailing address, if different from DBA address: 148 Cobbossee Ave Gardiner 04345	Email Address: bpoel293@gmail.com
Telephone # Fax #: 207-5826520	Business Telephone # Fax #: 207 5826520
Federal Tax Identification Number: 237055924	Maine Seller Certificate # or Sales Tax #: 237055924
Federal Basic Permit Number:	Website address:

1. Business records are located at the following address:

148 Cobbossee Ave Gardiner Me 04345

2. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

Yes No If Yes, complete Attachment 1 at the end of this application

3. Do you own or have any interest in any another Maine Liquor License? Yes No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address

4. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Dorelyn Lint KEARNS	Feb 13, 1951	Massillon Ohio
George T Luckhurst	Aug 3 1943	Schenectady, NY
Richard Thayer	Dec 31, 1938	Gardiner Me

Residence address on all of the above for previous 5 years

Name: Dorelyn Kearns Address: 134 High Holborn St Gardiner Me
 Name: George Ludkhurst Address: 1437 Hallowell Rd Litchfield Me
 Name: Richard Thayer Address: 37 Greenville St Hallowell Me
 Name: Address:

5. Is the licensee/applicant(s) citizens of the United States? Yes No
6. Is the licensee/applicant(s) a resident of the State of Maine? Yes No
7. For a licensee/applicant who is a business entity as noted in Section II, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?
- Yes No Not applicable – licensee/applicant(s) is a sole proprietor
8. Is the licensee/applicant(s) directly or indirectly giving aid or assistance in the form of money, property, credit, or financial assistance of any sort, to any person or business entity holding a liquor license granted by the State of Maine? Yes No
9. Will any law enforcement officer directly benefit financially from this license, if issued?
 Yes No
 If Yes, provide name of law enforcement officer and department where employed:

10. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? Yes No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____
 Offense: _____ Location: _____
 Disposition: _____

11. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? Yes No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

12. Has the licensee/applicant(s) formerly held a Maine liquor license? Yes No

13. Does the licensee/applicant(s) own the premises? Yes No

If No, please provide the name and address of the owner:

14. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: _____

15. Do you permit dancing or entertainment on the licensed premises? Yes No

If yes, please check that you have received authorization from the municipality in which you are doing business to conduct this type activity.

The licensee/applicant affirms that permission has been granted by the municipality for dancing or other allowed entertainment at this place of business.

16. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section III. (Use additional pages as needed)

2 Story Building with Closed in Porch
Downstairs has BAR & is Social Area
Upstairs is Hall with Bar & Kitchen

17. 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?

Name: Gardiner Regional Middle School

Distance: 1/4 mile

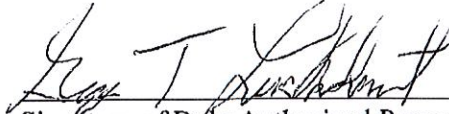
Section III: Signature; Fee; Delivery of application

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 12/1/2020


Signature of Duly Authorized Person*


Signature of Duly Authorized Person*

Dorelyn M Kears
Printed Name Duly Authorized Person

GEORGE T. LUCKHURST
Printed Name of Duly Authorized Person

*The person signing this application must appear in Section VIII on this application.

**Section IV: For use by Municipal Officers and County Commissioners only
Approval of an application for an on-premises liquor license –**

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application on this date: _____.

Check only one: City Town Unorganized Territory

Name of City/Town/Unorganized Territory: _____

Who is approving this application? Municipal Officers
 County Commissioners of _____ County

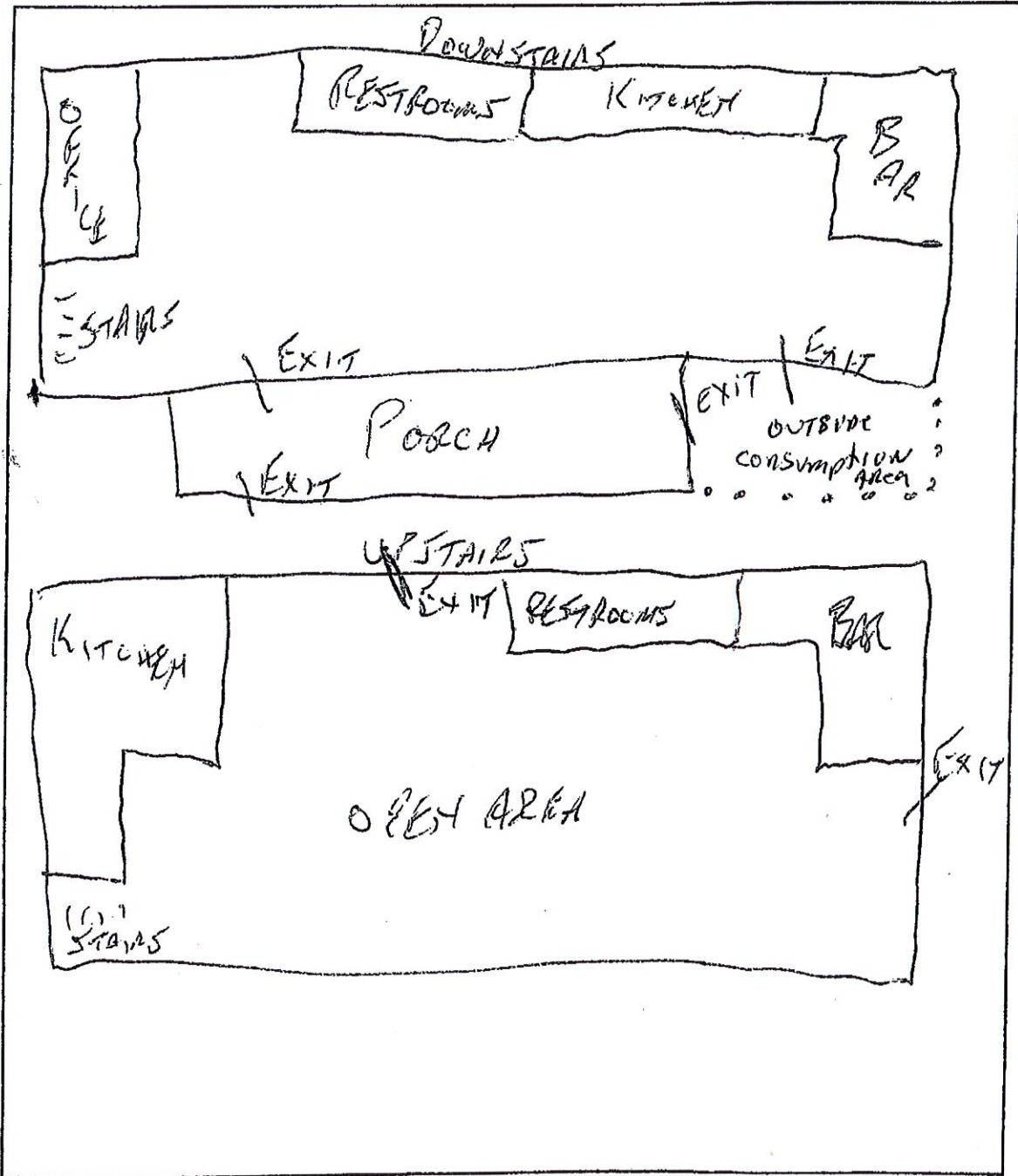
Signature of Officials	Printed Name and Title

This Approval Expires in 60 Days

Section VII Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.



Section VIII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section II of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: GARDINER ELKS LODGE 1293
2. Doing Business As, if any: FRATERNAL ORGANIZATION
3. Date of filing with Secretary of State: _____ State in which you are formed: April 1913
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership

(Ownership in non-publicly traded companies must add up to 100%.)