



GARDINER CITY COUNCIL
AGENDA ITEM INFORMATION SHEET



Meeting Date	04/10/2019	Department	City Council
Agenda Item	4.5 Consider Approval of a New Liquor License for the Bench		
Est. Cost	n/a		
Background Information	<p>This agenda item is the consideration of the City Council to approve a new liquor license for The Bench.</p> <p>The original application is attached. This is due to a change in ownership.</p> <p>This Public Hearing was advertised on April 2, 2019.</p>		
Requested Action	'I move to approve the liquor/bottle club license renewal for Gardiner Sportsmen's Club.'		
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 04/02/2019 _____	EFFECTIVE DATE _____ _____
	2 nd Reading _____	Advertised _____ w/in 15 Days	
	Final to Dept _____	Updated Book _____	Online _____

BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008 (Regular Mail)
10 WATER STREET, HALLOWELL, ME 04347 (Overnight Mail)
TEL: (207) 624-7220 FAX: (207) 287-3434
EMAIL INQUIRIES:

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	
Good SOS & DBA: YES <input type="checkbox"/> NO <input type="checkbox"/>	

PRESENT LICENSE EXPIRES: _____

NEW application: ☒ Yes ☐ No

If business is NEW or under new ownership, indicate starting date:

March 15, 2019

Requested inspection (New Licensees/ Ownership Changes Only) Date: 3-15-2019 Business hours: 11:00 AM 1:00 PM

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS

INDICATE TYPE OF LICENSE:

- ☐ RESTAURANT (Class I,II,III,IV) ☐ RESTAURANT/LOUNGE (Class XI) ☒ CLASS A LOUNGE (Class X)
☐ HOTEL (Class I,II,III,IV) ☐ HOTEL, FOOD OPTIONAL (Class I-A) ☐ BED & BREAKFAST (Class V)
☐ GOLF COURSE (Class I,II,III,IV) ☐ TAVERN (Class IV)
☐ QUALIFIED CATERING
☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name:			Business Name (D/B/A) <u>The Bench</u>		
APPLICANT(S) --(Sole Proprietor) <u>Thomas Moody</u>		DOB: <u>10-12-1963</u>	Physical Location: <u>418 Water Street</u>		
		DOB:	City/Town	State	Zip Code
Address <u>418 Water Street</u>			Mailing Address		
City/Town <u>Garland</u>	State <u>ME</u>	Zip Code <u>04345</u>	City/Town	State	Zip Code
Telephone Number <u>582-4277</u>		Fax Number <u>N/A</u>	Business Telephone Number <u>207-582-4277</u>		Fax Number <u>N/A</u>
Federal I.D. # <u>35-2645393</u>			Seller Certificate #: or Sales Tax #: <u>X 1197939</u>		
Email Address: Please Print <u>Tpmody72@yahoo.com</u>			Website:		

1. If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: _____

2. State amount of gross income from period of last license:

ROOMS \$ _____ FOOD \$ _____ LIQUOR \$ _____

3. Is applicant a corporation, limited liability company or limited partnership? YES ☐ NO ☒

If Yes, please complete the Corporate Information required for Business Entities who are licensees.

4. Do you permit dancing or entertainment on the licensed premises? YES ☒ NO ☐

5. Do you own or have any interest in any another Maine Liquor License? ☒ Yes ☐ No (Use an additional sheet(s) if necessary.) If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

x Tiger Town Distort
License # 20 Name of Business Main St. Gardiner, Me City / Town Gardiner ME
Physical Location

6. If manager is to be employed, give name: _____

7. Business records are located at: 418 Water Street Gardiner, Maine 04345

8. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐

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

10. List name, date of birth, and place of birth for all applicants, managers, and bar managers.

Full Name (Please Print)	DOB	Place of Birth
Thomas P. Moody	10-12-63	Augusta, ME

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

Name: Thomas Moody	City: 82 Sherburne Ave. So. Gardiner	State: Maine
Name: _____	City: _____	State: _____
Name: _____	City: _____	State: _____

12. 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: _____

Disposition: _____ (use additional sheet(s) if necessary)

13. Will any law enforcement official benefit directly in your license, if issued?

Yes ☐ No ☒ If Yes, give name: _____

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

15. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: Area Leasing / Mark Warren 400 Water Street Gardiner, ME 04345

16. Describe in detail the premises to be licensed: (On Premise Diagram Required) The Bench, which is on File / See Diagram on page 7 of this App.

17. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?

YES ☐ NO ☐ Applied for: Feb. 5, 2019

18. 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? One Mile

Which of the above is nearest? Church

19. 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 & Enforcement 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: Bardonia, Maine 04345 on Feb 5, 2019, 20 19
Town/City, State Date

Please sign in blue ink

x Thomas P. Moody
Signature of Applicant or Corporate Officer(s)
Thomas P. Moody
Print Name

Signature of Applicant or Corporate Officer(s)

Print Name

FEE SCHEDULE

FILING FEE: (must be included on all applications).....\$ 10.00

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;

Class III & IV Malt & Vinous Only\$ 440.00

CLASS III & IV: 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 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.

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

All fees must accompany application, make check payable to the **Treasurer, State of Maine.**

This application must be completed and signed by the Town or City and mailed to:

Bureau of Alcoholic Beverages and Lottery Operations

Division of Liquor Licensing and Enforcement

8 State House Station, Augusta, ME 04333-0008 (Regular address)

10 Water Street, Hallowell, ME 04347 (Overnight address)

Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

TO STATE OF MAINE MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:

Hereby certify that we have complied with Section 653 of Title 28-A Maine Revised Statutes and hereby approve said application.

Dated at: _____, Maine _____
City/Town (County)

On: _____
Date

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

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§653. Hearings; bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises 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-premises license or transfer of the location of an existing on-premises 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-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application. [2003, c. 213, §1 (AMD).]

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant. [1995, c. 140, §5 (NEW).] [2003, c. 213, §1 (AMD).]

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime; [1987, c. 45, Pt. A, §4 (NEW).]

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c. 45, Pt. A, §4 (NEW).]

C. Conditions of record such as waste disposal violations, health or safety violations 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, §1 (AMD).]

E. A violation of any provision of this Title; [2009, c. 81, §1 (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; and [2009, c. 81, §2 (AMD).]

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages. [2009, c. 81, §3 (NEW).]

[2009, c. 81, §§1-3 (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).]

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause. [1993, c. 730, §27 (AMD).]

[1995, c. 140, §6 (AMD).]

4. No license to person who moved to obtain a license. [1987, c. 342, §32 (RP).]

5. 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.

[1995, c. 140, §7 (AMD); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF).]

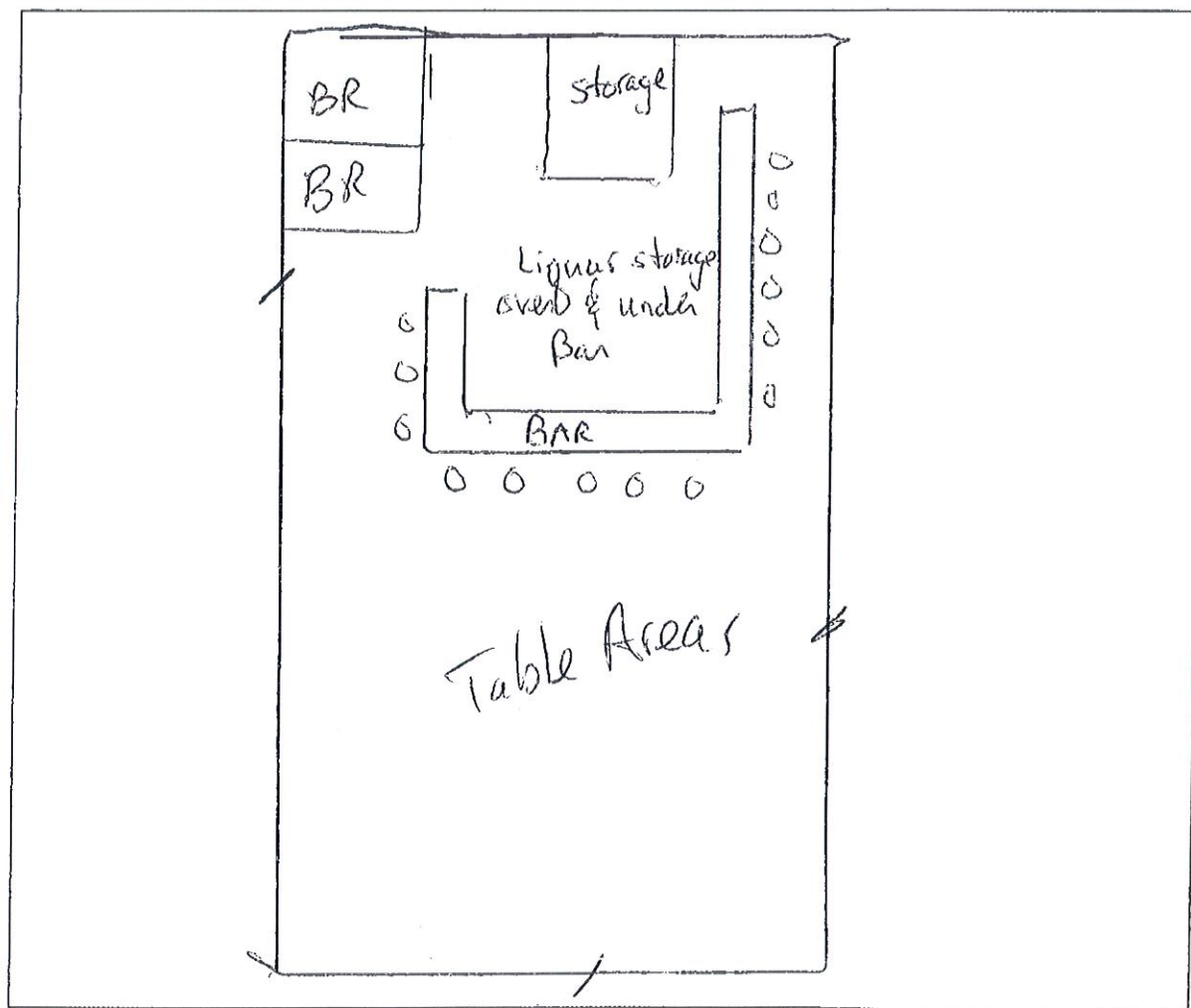
Bureau of Alcoholic Beverages and Lottery Operations
Division of Liquor Licensing & Enforcement
8 State House Station, Augusta, ME 04333-0008
10 Water Street, Hallowell, ME 04347 (overnight)
Tel: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries:



ON PREMISE DIAGRAM (Facility Drawing/ Floor Plan)

In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas with the following: • Entrances • Office area • Kitchen • Storage Areas • Dining Rooms • Lounges • Function Rooms • Restrooms • Decks • All Inside and Outside areas that you are requesting approval.



/ = Door



Division of Alcoholic Beverages and Lottery
Operations
Division of Liquor Licensing and Enforcement

**Corporate Information Required for
Business Entities Who Are Licensees**

For Office

License #: _____

SOS Checked: _____

100% Yes ☐

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752.

Please clearly complete this form in its entirety.

1. Exact legal name: _____
2. Doing Business As, if any: _____
3. Date of filing with Secretary of State: _____ State in which you are formed: _____
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 and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %

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

6. If Co-Op # of members: _____ (list primary officers in the above boxes)

7. 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

8. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

Name: _____

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:

Signature of Owner or Corporate Officer

Date

Print Name of Owner or Corporate Officer

Submit Completed Forms to:

Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, Me 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries:

Kelly Gooldrup

From: Barbara Skelton
Sent: Monday, March 25, 2019 12:40 PM
To: Kelly Gooldrup; Christine Landes; Al Nelson; Thomas Fiorelli; Tony Laplante; Jim Toman
Subject: RE: New Liquor License - The Bench

The CEO has no concerns with issuing this license.

Barbara E. Skelton
Code Enforcement Officer/Assistant Planner
City of Gardiner

ceo@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.

From: Kelly Gooldrup
Sent: Monday, March 25, 2019 12:05 PM
To: Barbara Skelton <ceo@gardinermaine.com>; Christine Landes <CLandes@gardinermaine.com>; Al Nelson <ANelson@gardinermaine.com>; Thomas Fiorelli <TFiorelli@gardinermaine.com>; Tony Laplante <TLaplante@gardinermaine.com>; Jim Toman <JToman@gardinermaine.com>
Subject: New Liquor License - The Bench

Please review the attached new liquor license for The Bench. Ownership has changed. They are currently working under the previous owners license which expires in July until theirs is approved.

Thank you,

Kelly J. Gooldrup
City Clerk | Registrar of Voters
Notary Public | Dedimus Justice
City of Gardiner
6 Church Street
Gardiner, ME 04345
P: 207-582-4460 | F: 207-582-6895
E: kgooldrup@gardinermaine.com
W: www.gardinermaine.com



Kelly Gooldrup

From: Al Nelson
Sent: Monday, March 25, 2019 12:41 PM
To: Kelly Gooldrup; Barbara Skelton; Christine Landes; Thomas Fiorelli; Tony Laplante; Jim Toman
Subject: RE: New Liquor License - The Bench

FD has no issues

From: Kelly Gooldrup <KGooldrup@gardinermaine.com>
Sent: Monday, March 25, 2019 12:05 PM
To: Barbara Skelton <ceo@gardinermaine.com>; Christine Landes <CLandes@gardinermaine.com>; Al Nelson <ANelson@gardinermaine.com>; Thomas Florelli <TFiorelli@gardinermaine.com>; Tony Laplante <TLaplante@gardinermaine.com>; Jim Toman <JToman@gardinermaine.com>
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Kelly Gooldrup

From: Jim Toman
Sent: Tuesday, March 26, 2019 6:22 AM
To: Al Nelson
Cc: Kelly Gooldrup; Barbara Skelton; Christine Landes; Thomas Fiorelli; Tony Laplante
Subject: Re: New Liquor License - The Bench

PD is ok with issuance to new owner.

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

Sent from my iPhone

On Mar 25, 2019, at 12:40 PM, Al Nelson <ANelson@gardinermaine.com> wrote:

FD has no issues

From: Kelly Gooldrup <KGooldrup@gardinermaine.com>
Sent: Monday, March 25, 2019 12:05 PM
To: Barbara Skelton <ceo@gardinermaine.com>; Christine Landes <CLandes@gardinermaine.com>; Al Nelson <ANelson@gardinermaine.com>; Thomas Fiorelli <TFiorelli@gardinermaine.com>; Tony Laplante <TLaplante@gardinermaine.com>; Jim Toman <JToman@gardinermaine.com>
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P: 207-582-4460 | F: 207-582-6895
E: kgooldrup@gardinermaine.com
W: www.gardinermaine.com
<image001.jpg>

Kelly Gooldrup

From: Tony Laplante
Sent: Monday, April 1, 2019 9:25 AM
To: Kelly Gooldrup
Subject: RE: New Liquor License - The Bench

Pw no concerns

From: Kelly Gooldrup
Sent: Monday, April 1, 2019 9:08 AM
To: Tony Laplante <TLaplante@gardinermaine.com>
Subject: FW: New Liquor License - The Bench

From: Kelly Gooldrup
Sent: Monday, March 25, 2019 12:05 PM
To: Barb Skelton <ceo@gardinermaine.com>; Christine Landes <CLandes@gardinermaine.com>; Al Nelson <anelson@gardinermaine.com>; Thomas Fiorelli <TFiorelli@gardinermaine.com>; Tony LaPlante <tlaplante@gardinermaine.com>; Jim Toman <JToman@gardinermaine.com>
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Date Received: 3/25/19

Received by: RJG

Name of Business/Event/ Board/Committee: The Bench

Date of Event:

	Minor Special Event	Major Special Event	Liquor License	DBA License	Junk Yard Permit	Other License	Boards & Committees
<u>Paid</u>			3/25/19				
<u>Email DH & CM</u>							
<u>Email Gardiner</u>							
<u>Main Street</u>							
<u>Approved by:</u>							
<u>CM</u>			CM				
<u>PD</u>			3/26/19				
<u>FD</u>			3/25/19				
<u>PW&BG</u>			4/1/19				
<u>CEO</u>			3/25/19				
<u>ED</u>			3/26/19				
<u>Add to Agenda</u>			4/1/19				
<u>Legal Ad to KJ</u>			4/1/19				
<u>Add to Events</u>							
<u>Calendar</u>							
<u>Add to DBA List</u>							
<u>Issue License</u>							
<u>Notify Applicant of Council Meeting</u>			4/1/19				
<u>Notify Applicant of Approval or Denial</u>							
<u>Create Oath Sheet</u>							
<u>Swear in</u>							
<u>Contact Info to Board/Committee</u>							
<u>Update TRIO</u>							
<u>Update Website</u>							

Notes: