



GARDINER CITY COUNCIL  
AGENDA ITEM INFORMATION SHEET



Meeting Date	01/03/2024	Department	City Clerk
Agenda Item	3k. Public hearing regarding a Liquor License for Johnson Hall		
Est. Cost	N/A		

Background Information	please see attached documentation.		
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Requested Action	Mayor Hart opens and closes the public hearing		
City Manager and/or Finance Review			
Council Vote/ Action Taken			
Departmental Follow-Up			

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



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

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Restaurant<br>(Class I, II, III, IV)  | <input type="checkbox"/> Class A Restaurant/Lounge<br>(Class XI)         | <input type="checkbox"/> Class A Lounge<br>(Class X)  |
| <input type="checkbox"/> Hotel<br>(Class I, II, III, IV)   | <input type="checkbox"/> Hotel – Food Optional<br>(Class I-A)            | <input type="checkbox"/> Bed & Breakfast<br>(Class V) |
| <input type="checkbox"/> Golf Course (included optional licenses, please check if apply)<br>(Class I, II, III, IV) | <input type="checkbox"/> Auxiliary                                       | <input type="checkbox"/> Mobile Cart                  |
| <input type="checkbox"/> Tavern<br>(Class IV)  | <input checked="" type="checkbox"/> Other: <u>Theater Class III + IV</u> |   |
| <input type="checkbox"/> Qualified Caterer   | <input type="checkbox"/> Self-Sponsored Events (Qualified Caterers Only) |   |

*Refer to Section V for the License Fee Schedule on page 9*

5. Business records are located at the following address:

280 Water St. Gardiner, ME 04345

6. Is the licensee/applicant(s) citizens of the United States?  Yes  No

7. Is the licensee/applicant(s) a resident of the State of Maine?  Yes  No

**NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.**

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

Yes  No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, 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

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

Yes  No

If yes, please provide details: \_\_\_\_\_

11. 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

12. 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
Michael Miclon	7/31/1967	Lewiston, ME
Pamela Rideout	6/21/1966	Caribou, ME

Residence address on all the above for previous 5 years

Name Michael Miclon	Address: 17 Turner St. Buckfield, ME 04220
Name Pamela Rideout	Address: 62 Adams St. Gardiner, ME 04345
Name	Address:
Name	Address:

13. 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:

\_\_\_\_\_

14. 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: \_\_\_\_\_

15. 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: \_\_\_\_\_

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

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

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

\_\_\_\_\_

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

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

We are an opera house that offers shows to the public for music, comedy, & family shows. We will have 2 bar areas one on the first floor for smaller shows. And then one on our second floor for shows we have on the 3rd floor a Hole Seat opera house.

20. 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: Christ Church - Episcopal

Distance: 0.3 miles

**Section II: Signature of Applicant(s)**

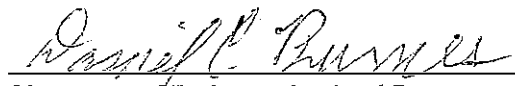
By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary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

*Please sign and date in blue ink.*

Dated: 12/14/23

  
Signature of Duly Authorized Person

Michael Mickler  
Printed Name Duly Authorized Person

  
Signature of Duly Authorized Person

Daniel C. Burnes  
Printed Name of Duly Authorized Person

**Section III: For use by Municipal Officers and County Commissioners only**

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.

Dated: \_\_\_\_\_

Who is approving this application?  Municipal Officers of \_\_\_\_\_

County Commissioners of \_\_\_\_\_ County

- Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

**This Application will Expire 60 Days from the date of  
Municipal or County Approval unless submitted to the Bureau**

Included below is the section of Maine’s liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§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.

**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.

**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.

**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.

**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;

**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;

**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;

**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;

**D-1.** Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

**E.** A violation of any provision of this Title;

**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



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.

**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. Repealed

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.

4. Repealed

**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.

#### **Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine**

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
  - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its Retail Beverage Alcohol Dealers permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.

## Section V: Fee Schedule

**Filing fee required.** In addition to the license fees listed below, a filing fee of \$10.00 must be included with all applications.

**Please note:** For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

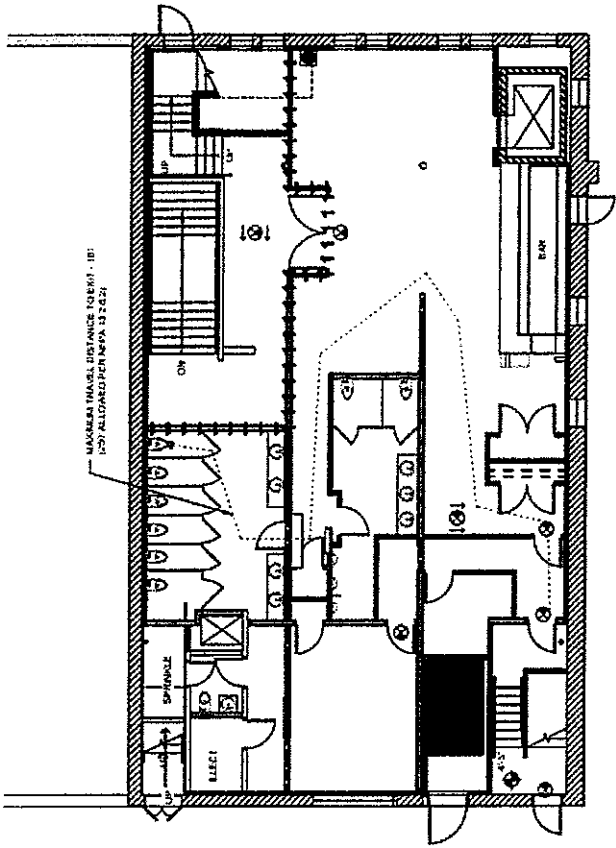
<b>Class of License</b>	<b>Type of liquor/Establishments included</b>	<b>Fee</b>
<b>Class I</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	\$ 900.00
<b>Class I-A</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> This class includes only hotels that do not serve three meals a day.	\$1,100.00
<b>Class II</b>	<b>For the Sale of Spirits Only</b> This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
<b>Class III</b>	<b>For the Sale of Wine Only</b> This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
<b>Class IV</b>	<b>For the Sale of Malt Liquor Only</b> This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
<b>Class III and IV</b>	<b>For the Sale of Malt Liquor and Wine Only</b> This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00
<b>Class V</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> This class includes only a Club without catering privileges.	\$ 495.00
<b>Class X</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> This class includes only a Class A Lounge	\$2,200.00
<b>Class XI</b>	<b>For the sale of liquor (malt liquor, wine and spirits)</b> This class includes only a Restaurant Lounge	\$1,500.00

## Section VI Premises Floor Plan

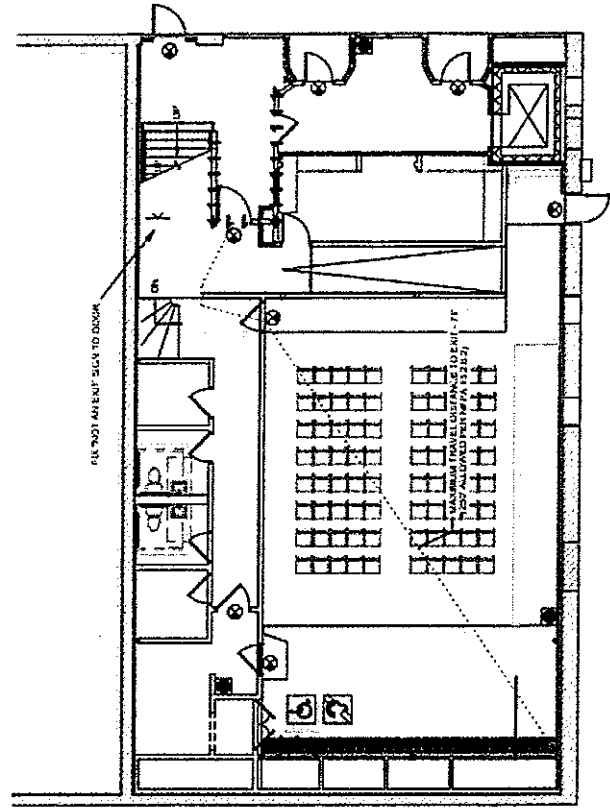
In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

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.

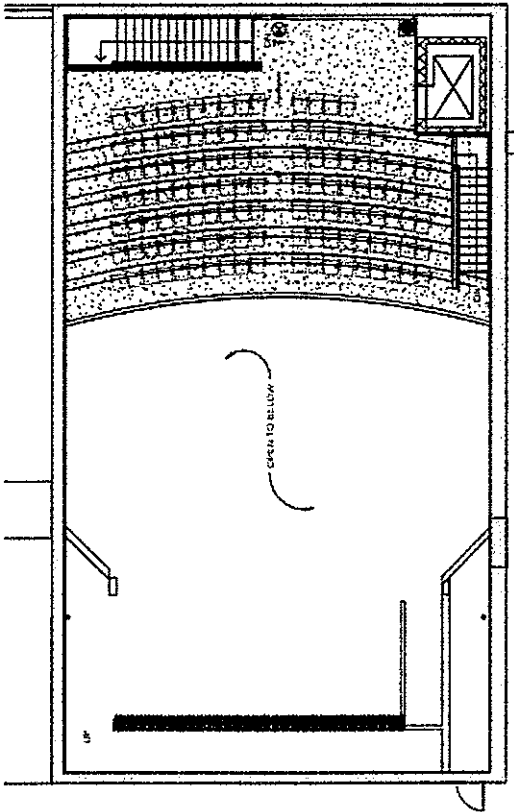
*See map attached  
on next page*



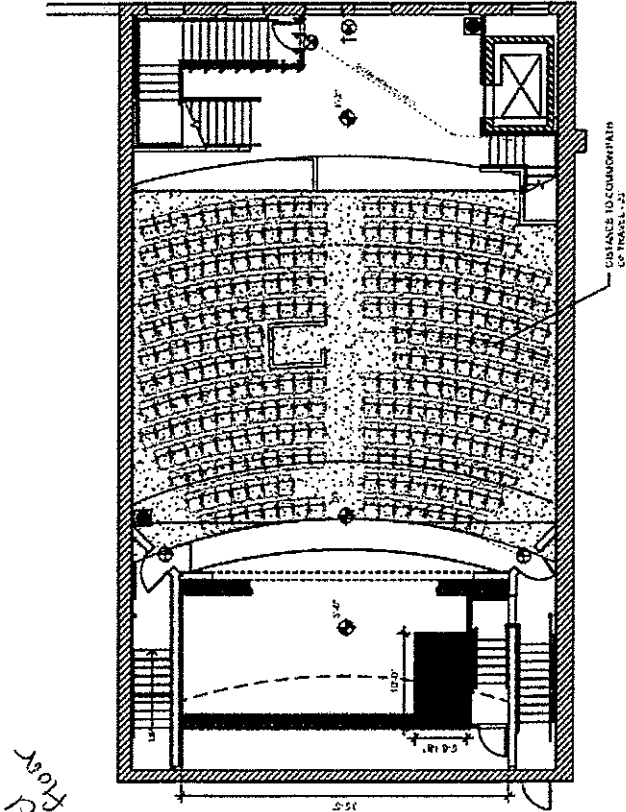
2 | 2ND FLOOR - LIFE SAFETY  
118' x 140'



1 | 1ST FLOOR - LIFESAFETY  
118' x 140'



4 | BALCONY - LIFE SAFETY  
118' x 140'



3 | 3RD FLOOR - LIFE SAFETY  
118' x 140'

3rd Floor

**Section VII: 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 I 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: Johnson Hall Inc.
2. Doing Business As, if any: Johnson Hall Opera House
3. Date of filing with Secretary of State: \_\_\_\_\_ State in which you are formed: Maine
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
Daniel Burnes	P.O. Box 206 Gardiner, ME 04345		Board President	0
Carolyn Kimberlin	33 Carlson Drive Gardiner, ME 04345		Board Vice President	0
Scott Nivus	P.O. Box 146 Smithfield, ME 04978		Board Treasurer	0

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

## Hailee Lovely

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**From:** Doug Clark  
**Sent:** Thursday, December 21, 2023 12:40 PM  
**To:** Hailee Lovely  
**Cc:** departmentheads; Kristopher McNeill; Andrew Carlton  
**Subject:** Re:  
**Attachments:** johnson hall liquor.pdf

Good with WW

Sent from my iPhone

On Dec 21, 2023, at 11:52 AM, Hailee Lovely <HLovely@gardinermaine.com> wrote:

Good morning, attached is a Liquor license application for Johnson Hall. If there are any issues please let me know. Thanks!

Hailee Lovely  
Deputy City Clerk | City of Gardiner  
6 Church Street  
Gardiner, ME 04345  
p: 207-582-4200 f: 207-582-6895  
e: [hlovely@gardinermaine.com](mailto:hlovely@gardinermaine.com)  
w: [www.gardinermaine.com](http://www.gardinermaine.com)

## Hailee Lovely

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**From:** Todd Pilsbury  
**Sent:** Thursday, December 21, 2023 2:37 PM  
**To:** Hailee Lovely  
**Subject:** RE:

All set with PD.

*Chief Todd H. Pilsbury*  
City of Gardiner Police Department  
(207)582-3211 (office)  
(207)215-5430 (cell)

**From:** Hailee Lovely <HLovely@gardinermaine.com>  
**Sent:** Thursday, December 21, 2023 11:53 AM  
**To:** departmentheads <departmentheads@gardinermaine.com>  
**Cc:** Kristopher McNeill <kmcneill@gardinermaine.com>; Andrew Carlton <ACarlton@gardinermaine.com>  
**Subject:**

Good morning, attached is a Liquor license application for Johnson Hall. If there are any issues please let me know.  
Thanks!

Hailee Lovely  
Deputy City Clerk | City of Gardiner  
6 Church Street  
Gardiner, ME 04345  
p: 207-582-4200 f: 207-582-6895  
e: [hlovely@gardinermaine.com](mailto:hlovely@gardinermaine.com)  
w: [www.gardinermaine.com](http://www.gardinermaine.com)

## Hailee Lovely

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**From:** Rick Sieberg  
**Sent:** Thursday, December 21, 2023 3:43 PM  
**To:** Hailee Lovely  
**Subject:** RE:

Hailee,

No problems for the FD.

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](mailto:rick.sieberg@gardinermaine.com)

**From:** Hailee Lovely <[HLovely@gardinermaine.com](mailto:HLovely@gardinermaine.com)>  
**Sent:** Thursday, December 21, 2023 11:53 AM  
**To:** departmentheads <[departmentheads@gardinermaine.com](mailto:departmentheads@gardinermaine.com)>  
**Cc:** Kristopher McNeill <[kmcneill@gardinermaine.com](mailto:kmcneill@gardinermaine.com)>; Andrew Carlton <[ACarlton@gardinermaine.com](mailto:ACarlton@gardinermaine.com)>  
**Subject:**

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w: [www.gardinermaine.com](http://www.gardinermaine.com)



## Hailee Lovely

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**From:** Melissa Lindley  
**Sent:** Friday, December 22, 2023 2:12 PM  
**To:** Hailee Lovely; departmentheads  
**Cc:** Kristopher McNeill; Andrew Carlton  
**Subject:** RE:

No issues for economic development

**Melissa Lindley**  
Economic Development Director & Public Information Officer



City of Gardiner  
6 Church Street, Gardiner, ME 04345  
office: 207-582-4200 cell: 207-242-1907  
[mlindley@gardinermaine.com](mailto:mlindley@gardinermaine.com)  
[www.gardinermaine.com](http://www.gardinermaine.com)

**From:** Hailee Lovely <HLovely@gardinermaine.com>  
**Sent:** Thursday, December 21, 2023 11:53 AM  
**To:** departmentheads <departmentheads@gardinermaine.com>  
**Cc:** Kristopher McNeill <kmcneill@gardinermaine.com>; Andrew Carlton <ACarlton@gardinermaine.com>  
**Subject:**

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w: [www.gardinermaine.com](http://www.gardinermaine.com)

## Hailee Lovely

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**From:** John Cameron  
**Sent:** Wednesday, December 27, 2023 10:23 AM  
**To:** Hailee Lovely  
**Cc:** Andrew Carlton  
**Subject:** RE:

Good with PW

**From:** Hailee Lovely <HLovely@gardinermaine.com>  
**Sent:** Wednesday, December 27, 2023 9:30 AM  
**To:** John Cameron <JCameron@gardinermaine.com>  
**Cc:** Andrew Carlton <ACarlton@gardinermaine.com>  
**Subject:** FW:

Hailee Lovely  
Deputy City Clerk | City of Gardiner  
6 Church Street  
Gardiner, ME 04345  
p: 207-582-4200 f: 207-582-6895  
e: [hlovely@gardinermaine.com](mailto:hlovely@gardinermaine.com)  
w: [www.gardinermaine.com](http://www.gardinermaine.com)

**From:** Hailee Lovely  
**Sent:** Thursday, December 21, 2023 11:53 AM  
**To:** departmentheads <[departmentheads@gardinermaine.com](mailto:departmentheads@gardinermaine.com)>  
**Cc:** Kristopher McNeill <[kmcneill@gardinermaine.com](mailto:kmcneill@gardinermaine.com)>; Andrew Carlton <[ACarlton@gardinermaine.com](mailto:ACarlton@gardinermaine.com)>  
**Subject:**

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Hailee Lovely  
Deputy City Clerk | City of Gardiner  
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e: [hlovely@gardinermaine.com](mailto:hlovely@gardinermaine.com)  
w: [www.gardinermaine.com](http://www.gardinermaine.com)

## Hailee Lovely

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**From:** Andrew Carlton  
**Sent:** Wednesday, December 27, 2023 10:39 AM  
**To:** Hailee Lovely  
**Subject:** Approvals

1. I am all set with the v. for River Road Variety
2. The L. license for Johnson Hall is all set.
3. The L. license for Gerads is all good
4. The v. license for KOC is all set.

Thank you!

*Andrew R. Carlton*

**City Manager**  
**6 Church Street**  
**Gardiner, Maine 04345**  
**207-582-4200**

**Public Notice**

**City of Gardiner**

Will hold a Public Hearing on January 3, 2024 to consider a Liquor License for Gerard's Pizza which is located at 233 Water Street, and a Liquor License for Johnson Hall which is located at 280 Water St, Gardiner. It will be held at 6:00 pm at Gardiner City Hall (6 Church St). For more information, visit City Hall during normal business hours or call 582-4200.