



**GARDINER CITY COUNCIL
AGENDA ITEM INFORMATION SHEET**



| | | | |
|---------------------|---|-------------------|------------|
| Meeting Date | 09/07/2022 | Department | City Clerk |
| Agenda Item | 4. b Liquor License Application- Canton Village | | |
| Est. Cost | | | |

| | |
|-------------------------------|--|
| Background Information | Public Hearing to consider approving a liquor license application for Canton Village . |
|-------------------------------|--|

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|---|---|
| Requested Action | Approve the license request as presented. |
| City Manager and/or Finance Review | |
| Council Vote/ Action Taken | |
| Departmental Follow-Up | |

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

| |
|---|
| Date Received in Office <u>8/20/12</u> |
| Received by: <u>K. McNeil</u> |
| Office Amount Received \$ <u> </u> |
| Approved <u> </u> Denied <u> </u> |

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

| | |
|--|--|
| Business Name | <u>Canton Village</u> |
| Business Location | <u>428 Water St Gardiner, Me 04346</u> |
| Business Mailing Address | <u>↓</u> |
| Owner Name | <u>Xiao Jun Qiu</u> |
| Mailing Address (if different) | <u>21 Maple St Gardiner, Me 04346</u> |
| Phone Number | |
| Business Number | <u>207-582-1396 / 207-582-1421</u> |
| Email Address | |
| Type of Business | <u>Food & Beverage</u> |
| Description of Business (attach paper if necessary) | <u>Chinese Restaurant</u> |
| Business Hours | <u>S-T 11am-9pm F+S 11am-10pm</u> |

Staff contacts for Licensing

| | |
|--|---|
| | <p>Code Enforcement Officer Kristopher McNeil P: 207-582-6892 C: 207-620-4853 E: kmcneill@gardinermaine.com</p> |
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City Hall Office Hours

Monday, Tuesday, Thursday: 8:00-4:00 Wednesday: 12:00 - 6:00 Friday: 8:00 - 12:00

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

| | |
|----------|--|
| * | See Code Enforcement Officer after talking with the City Clerk |
| C | This License will need to go before council. Please ask the City Clerk for next meeting date. |

Type of License Being Applied for:

(check all that apply)

| | | | |
|------------|--|--------------|---|
| * | Doing Business As (One-time Registration) | \$10 | |
| | Special Event - Exhibitions & Shows (Minor) | \$50 | |
| C | Special Event - Exhibitions & Shows (Major) | \$100 | |
| * | Street Sellers (Annual) | \$50 | |
| * | Street Sellers (Per Event) | \$20 | |
| * | Street Sellers (Farmer's Market) (Annual) | \$10 | |
| * C | Junkyards (<100 ft highway) (Annual) | \$200 | |
| * C | Junkyards (>100 ft highway) (Annual) | \$50 | |
| * C | Automobile Recycling Business (5-year) | \$250 | |
| C | Victualers License to Sell Food (Annual) | \$50 | |
| C | Victualers License – One Day (Festival) | \$25 | |
| C | Victualers Non-profit License to sell food (Annual) | \$10 | |
| * C | Food Truck (Annual) | 100 | |
| * C | Food Truck (Non-profit) | 10 | |
| * C | Food Truck (3-Day) | 25 | |
| C | 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 | |
| C | Pawn (Annual) | \$50 | |
| C | Tavern Keeper (Annual) | \$25 | |
| * C | Liquor/Bottle Club (1-50 seats) (Annual) | \$75 | |
| * C | Liquor/Bottle Club (51-100 seats)(Annual) | \$100 | ✓ |
| * C | Liquor/Bottle Club (101+ seats) (Annual) | \$150 | |
| C | Catering Off-Premises (liquor is served) (per event) | \$10 | |
| C | Entertainment/Special Amusement License (Annual) | \$75 | |
| * C | Outside Consumption Permit (Annual) | \$25 | |

Office use only:

Received in Clerk's Office by Kathy Carter Date 8/20/22

Approved by:

CM _____ Police _____ Fire _____ PW/B&G _____ CEO _____ ED _____

Please see attached email verification.

City Council Approval (If necessary)

City Council hereby finds that:

1. The proposed License is consistent with the goal of promoting the use of City owned property for recreational, entertainment or charitable events; and
2. That the proposed License can be conducted in the location proposed without endangering the public safety or disturbing the peace and order of the City of Gardiner; subject to the attached list of conditions:

Dated this _____ day of _____, 20_____.

Municipal Officer of the City of Gardiner

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

- Restaurant (Class I, II, III, IV) Class A 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 (included optional licenses, please check if apply) (Class I, II, III, IV) Auxiliary Mobile Cart
- Tavern (Class IV) Other: _____
- Qualified Caterer 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:

428 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

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:

Mark Warren 409 Water St Gardiner ME 04345 207-582-2659

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 |
|------------------------|------------------------|
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**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.

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.

**MAINE DEPT OF
PUBLIC SAFETY**

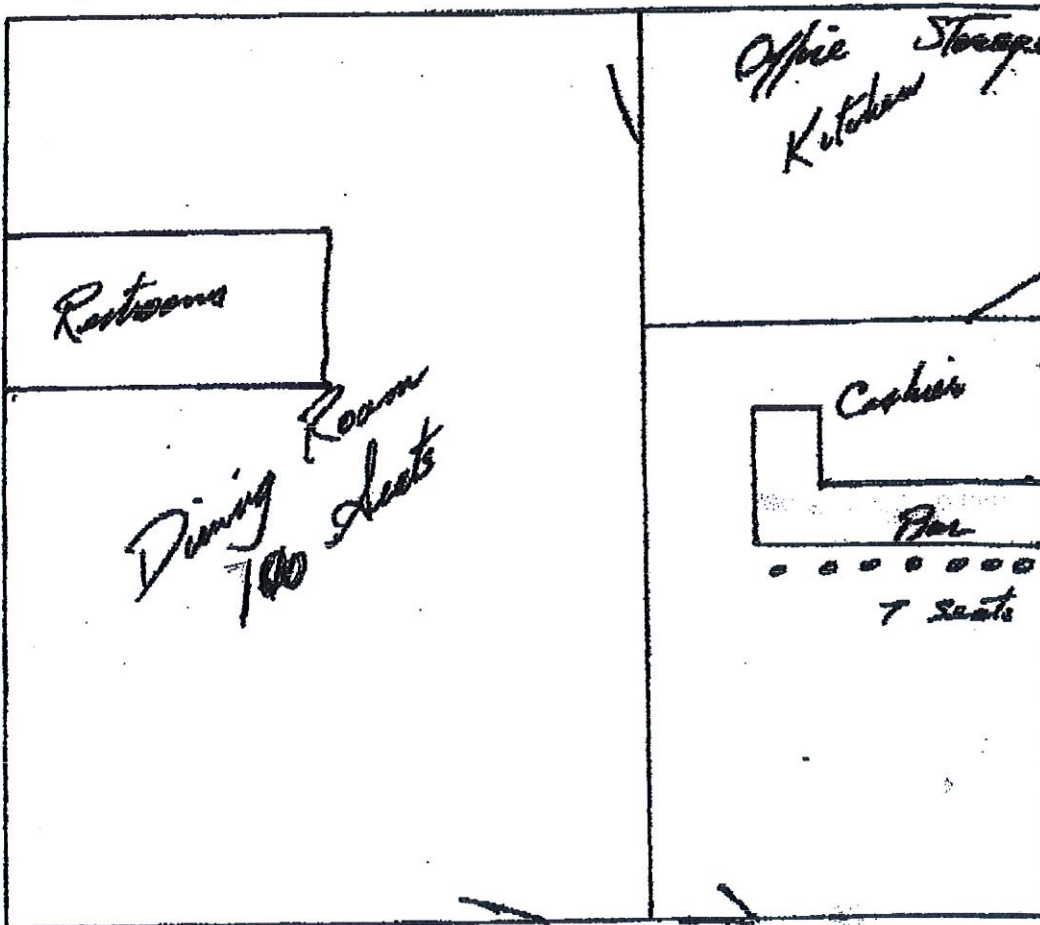
STATE OF MAINE
Liquor Licensing & Inspection Division
164 State House Station
Augusta ME 04333-0164
Tel: (207) 624-7220 Fax: (207) 287-3424



**SUPPLEMENTAL APPLICATION FORM
ON-PREMISE DIAGRAM**

In an effort to clearly define your license premise and the areas that consumption and storage of liquor is allowed, The Liquor Licensing & Inspection Division is requiring 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 of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, decks and all areas that you are requesting approval from the Department for liquor consumption.



Emergency Exit

Light Entrance

On/Off Prem Diag 2005

Kathleen Cutler

To: Kristopher McNeill
Subject: RE: liquor license application (Canton)

Kathleen Cutler
City Clerk/Tax Collector/Deputy Treasurer
City of Gardiner
6 Church St.
Gardiner, Maine 04345
(207) 582-2223
F-(207) 582-6895

From: Kristopher McNeill <kmcneill@gardinermaine.com>
Sent: Thursday, August 25, 2022 1:39 PM
To: Kathleen Cutler <KCutler@gardinermaine.com>; DepartmentHeads <departmentheads@gardinermaine.com>; Andrew Carlton <ACarlton@gardinermaine.com>
Subject: RE: liquor license application (Canton)

No issues Kathy

Kris McNeill
Code Enforcement Officer
City of Gardiner, Maine
Kmcneill@gardinermaine.com

----- Original message -----

From: Kathleen Cutler <KCutler@gardinermaine.com>
Date: 8/25/22 1:12 PM (GMT-05:00)
To: DepartmentHeads <departmentheads@gardinermaine.com>, Andrew Carlton <ACarlton@gardinermaine.com>, Kristopher McNeill <kmcneill@gardinermaine.com>
Subject: liquor license application (Canton)

Attached please find the liquor license application for Canton Village.

Kathleen Cutler
City Clerk/Tax Collector/Deputy Treasurer
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Gardiner, Maine 04345
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F-(207) 582-6895

Kathleen Cutler

From: Tracey Desjardins
Sent: Thursday, August 25, 2022 1:56 PM
To: Kathleen Cutler; DepartmentHeads; Andrew Carlton; Kristopher McNeill
Subject: RE: liquor license application (Canton)

No issues with EDD.

Tracey K. Desjardins

Director of Economic Development/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

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

From: Kathleen Cutler <KCutler@gardinermaine.com>
Sent: Thursday, August 25, 2022 1:12 PM
To: DepartmentHeads <departmentheads@gardinermaine.com>; Andrew Carlton <ACarlton@gardinermaine.com>; Kristopher McNeill <kmcneill@gardinermaine.com>
Subject: liquor license application (Canton)

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F-(207) 582-6895

Kathleen Cutler

From: Andrew Carlton
Sent: Thursday, August 25, 2022 2:35 PM
To: Kathleen Cutler; DepartmentHeads; Kristopher McNeill
Subject: RE: liquor license application (Canton)

This looks good to me.
Thanks,
Andy

Andrew R. Carlton

City Manager | City of Gardiner
6 Church Street
Gardiner, ME 04345
p: 207-582-4200 f: 207-582-6895
e: acarlton@gardinermaine.com
w: www.gardinermaine.com

From: Kathleen Cutler <KCutler@gardinermaine.com>
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To: DepartmentHeads <departmentheads@gardinermaine.com>; Andrew Carlton <ACarlton@gardinermaine.com>;
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Gardiner, Maine 04345
(207) 582-2223
F-(207) 582-6895

Kathleen Cutler

From: Jim Toman
Sent: Thursday, August 25, 2022 1:22 PM
To: Kathleen Cutler
Subject: RE: liquor license application (Canton)

PD is fine with issuance

From: Kathleen Cutler <KCutler@gardinermaine.com>
Sent: Thursday, August 25, 2022 1:12 PM
To: DepartmentHeads <departmentheads@gardinermaine.com>; Andrew Carlton <ACarlton@gardinermaine.com>;
Kristopher McNeill <kmcneill@gardinermaine.com>
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Attached please find the liquor license application for Canton Village.

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6 Church St.
Gardiner, Maine 04345
(207) 582-2223
F-(207) 582-6895

Kathleen Cutler

To: Rick Sieberg
Subject: RE: liquor license application (Canton)

Kathleen Cutler
City Clerk/Tax Collector/Deputy Treasurer
City of Gardiner
6 Church St.
Gardiner, Maine 04345
(207) 582-2223
F-(207) 582-6895

From: Rick Sieberg <rick.sieberg@gardinermaine.com>
Sent: Thursday, August 25, 2022 3:21 PM
To: Kathleen Cutler <KCutler@gardinermaine.com>
Subject: RE: liquor license application (Canton)

Kathy,

The FD is fine 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: Kathleen Cutler <KCutler@gardinermaine.com>
Sent: Thursday, August 25, 2022 1:12 PM
To: DepartmentHeads <departmentheads@gardinermaine.com>; Andrew Carlton <ACarlton@gardinermaine.com>;
Kristopher McNeill <kmcneill@gardinermaine.com>
Subject: liquor license application (Canton)

Attached please find the liquor license application for Canton Village.

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F-(207) 582-6895