



**Town of Hermon**

**Public Safety Building**

**Meeting Room**

**May 4, 2017**

**Council Meeting**

**7:00 PM**

**AGENDA**

**\*\*\* Televised live on Cable Channel 97.2 \*\*\***

Council Meetings may be viewed live online and are archived after the meeting  
has taken place – check hermon.net for link.

**\*\*\*ALL ITEMS ARE SUBJECT TO APPROPRIATE COUNCIL ACTION\*\*\***

- I. CALL TO ORDER BY CHAIRPERSON**
- II. PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. REVIEW CONSENT CALENDAR: REGULAR BUSINESS, APPOINTMENTS, SIGNATURES,  
And APPROVAL OF MINUTES:**
  - MINUTES. -APPROVE**
  - WARRANTS. –SIGN      May 5, 2017**
  - QUIT CLAIMS. – SIGN      M/L 022-030-000 / Account #1779**
- V. NEWS, PRESENTATIONS AND RECOGNITIONS**
  - **School Budget Presentation** by Superintendant Duran
- VI. PUBLIC ITEMS OR COMMENTS (*Items Not Already on Agenda*)**



**VII. PUBLIC HEARINGS**

- #1. Hold Public Hearing – Zone Change Request M/L 047-081-000**

**VIII. COMMITTEE REPORTS**

**IX. SCHEDULED AGENDA ITEMS**

**A. OLD BUSINESS**

- #2. Consider approving Zone Change Request**  
**#3. Schedule Public Hearing – FY2016-2017 Budget**

**B. NEW BUSINESS**

- #4. Schedule Public Hearing – Sports Arena Liquor License**

**C. WORKSHOPS**

**D. OTHER ITEMS (from Table Package)**

**X. APPOINTMENTS**

**XI. MANAGER STATUS REPORT:**

**XII. FINAL PUBLIC ITEMS OR COMMENT (*Items Not Already on Agenda*)**

**XIII. COUNCIL ITEMS:**

**XIV. EXECUTIVE SESSION:**

**XV. ADJOURNMENT:**

**Explanatory note #1:** All items in the CONSENT CALENDAR are considered routine and are proposed for adoption by the Town Council with one motion without DISCUSSION or deliberation. If DISCUSSION on any item is desired, any member of the Council or public may request the removal of an item for it to be placed in the regular agenda prior to the motion to approve the Consent Agenda.

**Explanatory Note #2:** In the interest of effect decision-making: At 10:00 p.m., the Chairman shall poll the Council and Town Manager to identify remaining items which shall be carried forward to the next Regular Meeting.

**Explanatory Note #3:** A Councilor who feels the need for the Council excusing his/her absence will make the request to the Town Manager or the Town Clerk prior to the meeting.

## MEMORANDUM

To: Members of the Hermon Town Council  
From: Howard Kroll, Town Manager  
Re: 4 May 2017 Town Council Meeting  
Date: 28 April 2017

### **#1. Presentation – FY18 Proposed Hermon School Budget**

The Hermon School Department Superintendent Patricia Duran is going to present to you the school department's proposed FY18 budget. Chair Thomas and Town Manager met with the School Board and Ms. Duran and heard her discuss what challenges they have in this year's budget.

### **#2 PUBLIC HEARING- Zone Change Request M/L 047-081-000**

The Planning Board and Town staff forwarded to you a request to hold a public hearing on 13 April 2017 to introduce an ordinance titled "Amendment to Chapter 154 Zone Change to Tax Map 47 Lot 811 § 154-006 (b) of the Hermon Town Code".

### **#3 Consider approving Zone Change Request M/L 047-081-000**

After hearing the public hearing to introduce an ordinance titled "Amendment to Chapter 154 Zone Change to Tax Map 47 Lot 811 § 154-006 (b) of the Hermon Town Code". You need to consider approving it for action.

***Town Manager recommends Town Council to approve the ordinance amendment.***

### **#4. Consider- Approving the authorization to hold a public hearing for the renewal of the Sports Arena's liquor license.**

Staff is seeking Town Council approval to authorize staff to hold a public hearing to consider the renewal of the Sports Arena's liquor license.

***Town Manager recommends Town Council to approve the authorization of holding a public hearing in regards to the Sports Arena's liquor license renewal.***

**Legal Notices**

**TOWN OF HERMON  
PUBLIC HEARING**

By Order of the Hermon Town Council, a public hearing has been scheduled for May 4, 2017 at 7:00pm to hear public comment regarding a proposed Zone Change to Map 47 Lot 81. Hearing will take place in the Public Safety Building Meeting Room.

April 25, 2017

**BUREAU OF ALCOHOLIC BEVERAGES  
DIVISION OF LIQUOR LICENSING & ENFORCEMENT  
164 STATE HOUSE STATION  
AUGUSTA, ME 04333-0164**



**DEPARTMENT USE ONLY**

LICENSE NUMBER:	CLASS:
DEPOSIT DATE	
AMT. DEPOSITED:	BY:
CK/MO/CASH:	

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.

PRESENT LICENSE EXPIRES 6/25/17

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: Bowling Center

REFER TO PAGE 3 FOR FEE SCHEDULE

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

1. APPLICANT(S) - (Sole Proprietor, Corporation, Limited Liability Co., etc.)		2. Business Name (D/B/A)	
<u>XL Golf</u> DOB:		<u>The Sports Arena</u>	
DOB:		Location (Street Address)	
DOB:		<u>1646 Hammond St.</u>	
Address <u>1646 Hammond St.</u>		City/Town <u>Herman</u> State <u>me</u> Zip Code <u>04401</u>	
City/Town <u>Herman</u> State <u>me</u> Zip Code <u>04401</u>		Mailing Address	
Telephone Number <u>(207) 848-5850</u> Fax Number		City/Town <u>Brewer</u> State <u>me</u> Zip Code <u>04412</u>	
Federal I.D. # <u>01-0487427</u>		Business Telephone Number <u>(207) 848-5850</u> Fax Number	
		Seller Certificate # <u>1009470</u>	

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 \$ 400,000 LIQUOR \$ 300,000
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: Galen L. Cole Jr.
8. If business is NEW or under new ownership, indicate starting date: \_\_\_\_\_

Requested inspection date: \_\_\_\_\_ Business hours: \_\_\_\_\_

9. Business records are located at: 1640 Hammond St

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
Galen L. Cole Jr	6/22/62	Bangor

Residence address on all of the above for previous 5 years (Limit answer to city & state)  
Bangor + Hammond + Brewer, 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 or indirectly 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: \_\_\_\_\_

17. Describe in detail the premises to be licensed: (Supplemental Diagram Required) Center Family Enter. Trunk Road

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? 1/2 mile Which of the above is nearest? Chapel

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: Machias Savings

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: \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_  
Town/City, State Date

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: \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_  
Town/City, State Date

Galen L. Cole Jr.  
 Signature of Applicant or Corporate Officer(s)  
Galen L. Cole Jr.  
 Print Name

**Please sign in blue ink**

\_\_\_\_\_  
 Signature of Applicant or Corporate Officer(s)  
 \_\_\_\_\_  
 Print Name

**NOTICE - SPECIAL ATTENTION**

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioner 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**

<b>Class I</b>	Spirituos, Vinous and Malt .....	\$ 900.00
	<b>CLASS I:</b> 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.	
<b>Class I-A</b>	Spirituos, Vinous and Malt, Optional Food (Hotels Only) .....	\$1,100.00
	<b>CLASS I-A:</b> Hotels only that do not serve three meals a day.	
<b>Class II</b>	Spirituos Only .....	\$ 550.00
	<b>CLASS II:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
<b>Class III</b>	Vinous Only .....	\$ 220.00
	<b>CLASS III:</b> 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.	
<b>Class IV</b>	Malt Liquor Only .....	\$ 220.00
	<b>CLASS IV:</b> 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.	
<b>Class V</b>	Spirituos, Vinous and Malt (Clubs without Catèring, Bed & Breakfasts) .....	\$ 495.00
	<b>CLASS V:</b> Clubs without catering privileges.	
<b>Class X</b>	Spirituos, Vinous and Malt - Class A Lounge .....	\$2,200.00
	<b>CLASS X:</b> Class A Lounge	
<b>Class XI</b>	Spirituos, Vinous and Malt - Restaurant Lounge .....	\$1,500.00
	<b>CLASS XI:</b> Restaurant/Lounge; and OTB.	

**FILING FEE**.....\$ 10.00

**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 fees must accompany application, made payable to the **Treasurer of Maine**. This application must be completed and mailed to Bureau of Alcoholic Beverages and Lottery Operations, Division of Liquor Licensing and Enforcement, 8 State House Station, Augusta ME 04333-0008. Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.





STATE OF MAINE

Dated at: \_\_\_\_\_, Maine \_\_\_\_\_ SS  
City/Town (County)

On: \_\_\_\_\_  
Date

The undersigned being:  Municipal Officers  County Commissioners of the  
 City  Town  Plantation  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, M 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 pl located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of ex on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal censes, 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 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 secti causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days befor date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c.140, §4 (am
- 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-premi cense, 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 application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all app tions pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications fil or after the effective date of this paragraph. This paragraph applies to an existing on-premise license that has been extended pending ren The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending ren 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 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 l 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 vic of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by pe patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses i ing 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 t censed 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 tion 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 th reau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public heari the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirer 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 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 c appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.



**State of Maine**  
**Bureau of Alcoholic Beverages**  
**Division of Liquor Licensing and Enforcement**

<b>For Office Use Only:</b>	
License #:	_____
Date Filed:	_____

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

For information required for Questions 1 to 4, this information is on file with the Maine Secretary of State's office and must match their record information. 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.

- Exact legal name: XL Golf
- Other business name for your entity (DBA), if any: The Sports Arena
- Date of filing with the Secretary of State: 2/21/94
- State in which you are formed: Maine
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: \_\_\_\_\_
- List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

Name	Address for Previous 5 years	Date of Birth	Ownership %
Galen L Cole Jr	Hampden + Brewer Me	6/20/62	100

- Is any principal person involved with the entity a law enforcement official?  
 Yes  No

8. If Yes to Question 7, please provide the name and law enforcement agency:

Name: \_\_\_\_\_ Agency: \_\_\_\_\_

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:**

Galen L. Cole Jr  
Signature of Duly Authorized Person

4/27/17  
Date

Galen L. Cole Jr  
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](mailto:MaineLiquor@Maine.gov)



Bureau of Alcoholic Beverages  
Division of Liquor Licensing & Enforcement  
164 State House Station  
Augusta, ME 04330-0164  
Tel: (207) 624-7220 Fax: (207) 387-3424

## 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 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 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 Division for liquor consumption.

