

# TOWN OF CHINA

571 Lakeview Drive  
China, ME 04358



Telephone 207-445-2014  
Fax 207-445-3208  
E-mail chiname@fairpoint.net  
www.china.govoffice.com

## **Select Board Meeting**

**Monday – 09/09/2013 – Town Office Meeting Room**

**7:00 P.M.**

## **Minutes**

The meeting was opened by the Chair at 7:00 pm. Board members present were Paul MacDonald, Peter Foote, Joann C. Austin, Steven Hughes, and Irene L. Belanger. Others present were Sheri Wilkens, Dale Worster, Dolly Batteese, Janet Preston, Jenny Clair, Robert Fletcher, Beth Preston, Sheldon Bumps, and the Town Manager. Those present were led in the Pledge of Allegiance to the American Flag by Paul MacDonald.

On a motion by Selectperson Joann C. Austin and a second by Selectperson Steven Hughes, the Board voted 5-0 to accept the minutes of the 08/26/2013 Select Board meeting as presented

On a motion by Selectperson Irene L. Belanger and a second by Selectperson Steven Hughes, the Board voted 5-0 to accept Payroll Warrant #17 for \$21,296.58, CRLA Payroll Warrant #18 for \$649.14, and Payables Warrant #19 for \$361,329.74 as presented.

## **Unfinished Business:**

- **Public Comment:** There was not any public comment at this time.
- **Recycling Coordinator:**

### **Recycling Report -**

**Update on Commodities Market (Recycling Items) and Other Items:** Select Board member and Recycling Coordinator Paul MacDonald provided information about current recycling commodity market pricing and information about the inventory of recyclable currently at the transfer station. Paul said that he felt the transfer station looked very clean and organized. He went on to say that in about three weeks another load of recycled cardboard would be sold on the commodities market.

Selectperson MacDonald reported that a door to the main transfer station building needs replacement and the cost will be approximately \$4995. Paul wants the town to obtain a quote for loads of recycled metal when the town is ready to ship out a full load.

Paul reported on a new competitor in the metal recycling business out of Chelsea. The prices from Mr. Clark seem to be very competitive.

Selectperson Steve Hughes said that he met the new employee at the transfer station and was favorably impressed.

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- **RSU#18 and K.V.C.O.G – Selectperson Irene L. Belanger:** Selectperson Irene L. Belanger provided a brief report on current events at RSU#18 and also at the KVCOG.

## **New Business:**

- **Public Comment:** There was not any public comment at this time.
- **Solid Waste Flow and Control Ordinance and Solid Waste Ordinance – November Ballot Consideration:** On a motion by Selectperson Paul MacDonald and a second by Selectperson Steven Hughes, the Board voted 5-0 to put a question on the November Ballot asking voters to accept amendments/revisions to the Solid Waste Flow Control Ordinance and Transfer Station Ordinance with a recommendation of “yes”.
- **China Lake Access Feasibility Committee – November Ballot Consideration:** On a motion by Selectperson Irene L. Belanger and a second by Selectperson Paul MacDonald, the Board voted 5-0 to put a question on the November Ballot as presented with a recommendation of “yes”.

There were comments and questions from the audience. China Lake Access Feasibility Committee members responded.

- **Foreclosure Sales – Sealed Bid Summary and Proposed Further Action:** On a motion by Selectperson Steven Hughes and a second by Selectperson Paul MacDonald, the Board voted 5-0 to reject all bids and redo the bidding process once again. The prices bid on the Sears Drive property were not acceptable to the Select Board. There were not any bids for the other property off the Neck Road. The Select Board agreed that a requirement for a minimum bid of \$20,000 is to be included in the re-bidding for the Sears Drive property.
- **Restaurant Liquor License Renewal Approval – China Dine-ah:** On a motion by Selectperson Joann C. Austin and a second by Selectperson Irene L. Belanger, the Board voted 5-0 to accept and sign a liquor license application as presented for Norman S. Elvin/China Dine-ah.
- **Main Municipal Association Voting Credentials for the Maine Municipal Association Annual Meeting:** On a motion by Selectperson Steven Hughes and a second by Selectperson Joann C. Austin, the Board voted 3-0-2(Belanger, MacDonald) to designate Irene L. Belanger as the official Voting Delegate and Paul MacDonald as the alternate voting delegate for China to the Maine Municipal Association Annual Business Meeting scheduled to be held Wednesday, October 2, 2013 at 1:30 p.m. at the Augusta Civic Center.

## **Manager’s Communications (Non-Action Items):**

- **Public Comment:** There was not any public comment at this time.
- **Committees: he Thurston Park II TBD, China Historical Society Committee TBD, China Library Feasibility Committee, the Fourth Wednesday of Each Month at 6:30 P.M. in the Town Office Meeting Room; and China Lake Access Feasibility Committee, Monday, September 16, 2013 at 6:30 P.M. in the Town Office and Friday September, 2012 at 3:00 p.m. in the Town Office Meeting Room:** The respective dates, times, and places of the meetings were announced.

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- **November Election – Nomination Papers, Deadline for Questions on the Ballot:** The deadlines for returning nomination papers and for having final ballot questions were announced.
- **Time-Warner Cable Contract – Negotiators Assigned:** It was agreed that there would be good to have a small group of people negotiate possible terms of a new contract with TW Cable. The group would make a recommendation to the Select Board.
- **Free Pesticide Disposal – Date, Time, and Location:** The Town Manager noted that the Maine Board of Pesticides Control will team up with the MDEP to dispose of banned pesticides or pesticides that have become caked, frozen, or otherwise rendered unusable. He went on to say that the free disposal program is open to homeowners, family owned farms, and greenhouses. All people need to do is register by 09/27/2013. There will be four sites throughout the state where participants will be able to bring their obsolete pesticides.

On a motion by Selectperson Paul MacDonald and a second by Selectperson Steven Hughes, the Board voted 5-0 to adjourn at 7:38 p.m.

Respectfully submitted,

Joann C. Austin, Secretary  
China Select Board

Assessors' Meeting  
09/09/2013

On a motion by Selectperson Irene L. Belanger and a second by Selectperson Paul MacDonald, the Board voted 5-0 to open the Assessors' meeting at 7:39 p.m. Assessors present were Peter Foote, Steven Hughes, Joann C. Austin, Irene L. Belanger, and Paul MacDonald. Others present were the Town Manager.

- I. Abatement(s) and Supplemental Tax Assessments: On a motion by Selectperson Steven Hughes and a second by Selectperson Paul MacDonald, the Board voted 5-0 to accept and sign the abatements and supplemental tax assessments as presented. Copies will be on file at the town office.

Adjourn: On a motion by Selectperson Steven Hughes and a second by Selectperson Paul MacDonald, the Board voted 5-0 to adjourn at 7:41 p.m.

Respectfully submitted,  
Joann C. Austin, Secretary

**Department of Public Safety  
Division**

**Liquor Licensing & Inspection**



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.

<b>BUREAU USE ONLY</b>	
License No. Assigned:	
Class:	
Deposit Date:	
Amt. Deposited:	

**PRESENT LICENSE EXPIRES** 10-17-13

**INDICATE TYPE OF PRIVILEGE:**  MALT  SPIRITUOUS  VINOUS

**INDICATE TYPE OF LICENSE:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI)       |
| <input type="checkbox"/> HOTEL-OPTIONAL FOOD (Class I-A)           | <input type="checkbox"/> HOTEL (Class I,II,III,IV)          |
| <input type="checkbox"/> CLASS A LOUNGE (Class X)                  | <input type="checkbox"/> CLUB-ON PREMISE CATERING (Class I) |
| <input type="checkbox"/> CLUB (Class V)                            | <input type="checkbox"/> GOLF CLUB (Class I,II,III,IV)      |
| <input type="checkbox"/> TAVERN (Class IV)                         | <input type="checkbox"/> OTHER: _____                       |

**REFER TO PAGE 3 FOR FEE SCHEDULE**

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

<b>1. APPLICANT(S)</b> –(Sole Proprietor, Corporation, Limited Liability Co., etc.) <u>Norman S. Elvin</u> <b>DOB:</b> <u>1-25-54</u>			<b>2. Business Name (D/B/A)</b> <u>China Dine-ah</u>		
<b>DOB:</b>			<b>Location (Street Address)</b> <u>281 Lakeview Drive</u>		
<b>DOB:</b>			<b>City/Town</b> <u>China</u> <b>State</b> <u>ME</u> <b>Zip Code</b> <u>04358</u>		
<b>Address</b> <u>32 Buena Vista Drive</u>			<b>Mailing Address</b> <u>same</u>		
<b>City/Town</b> <u>Augusta</u> <b>State</b> <u>ME</u> <b>Zip Code</b> <u>04330</u>			<b>City/Town</b> <u>same</u> <b>State</b> _____ <b>Zip Code</b> _____		
<b>Telephone Number</b> <u>207-567-0438</u> <b>Fax Number</b> _____			<b>Business Telephone Number</b> <u>207-445-5700</u> <b>Fax Number</b> <u>207-445-5702</u>		
<b>Federal I.D. #</b> <u>51 061 701 200</u>			<b>Seller Certificate #</b> <u>1099128</u>		

3. If premises are a hotel, indicate number of rooms available for transient guests: \_\_\_\_\_
4. State amount of gross income from period of last license: ROOMS \$ N/A FOOD \$ 876,620.49 LIQUOR \$ 58,381.25
5. Is applicant a corporation, limited liability company or limited partnership? YES  NO

complete Supplementary Questionnaire ,If YES

6. Do you permit dancing or entertainment on the licensed premises? YES  NO
7. If manager is to be employed, give name: Sherril Glidden
8. If business is NEW or under new ownership, indicate starting date: NA (M-F Tu-Th 7am-8pm F&S 7am-9pm Sun 3-7pm)  
Requested inspection date: \_\_\_\_\_ Business hours: ↑
9. Business records are located at: 169 Riverside Drive, Augusta ME & 281 Lakeview Drive, China, ME
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
Norman S. Elvin	1-25-54	MAINE
Sherril D. Glidden	8-11-56	MAINE
Meagan Rogers	5-24-84	MAINE

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

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) American Family Dining - Breakfast, Lunch & Dinner

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? 1.3 Which of the above is nearest? church

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: \_\_\_\_\_

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: China, Maine on 8/30, 20 13  
Town/City, State Date

Please sign in blue ink

Signature of Applicant or Corporate Officer(s)  
Norman S. Elvin

Signature of Applicant or Corporate Officer(s)

Print Name

Print Name

**NOTICE – SPECIAL ATTENTION**

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners 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 Catering, 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: **TREASURER, STATE OF MAINE. – DEPARTMENT OF PUBLIC SAFETY, LIQUOR LICENSING AND INSPECTION DIVISION, 164 STATE HOUSE STATION AUGUSTA ME 04333-0164.** Payments by check subject to penalty provided by Sec. 3, Title 28A, MRS.

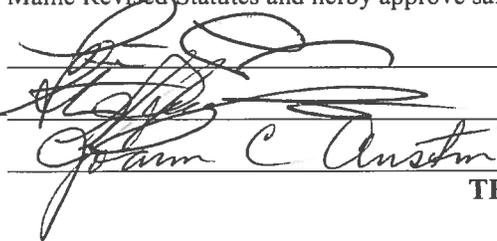
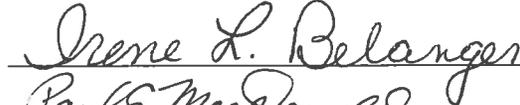
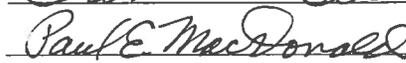
\$910.00

STATE OF MAINE

Dated at: China, Maine Kennebec ss  
City/Town (County)  
On: September 9, 2013  
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, Maine Revised Statutes and hereby approve said application.

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE – SPECIAL ATTENTION

§ 653. Hearings; bureau review; appeal

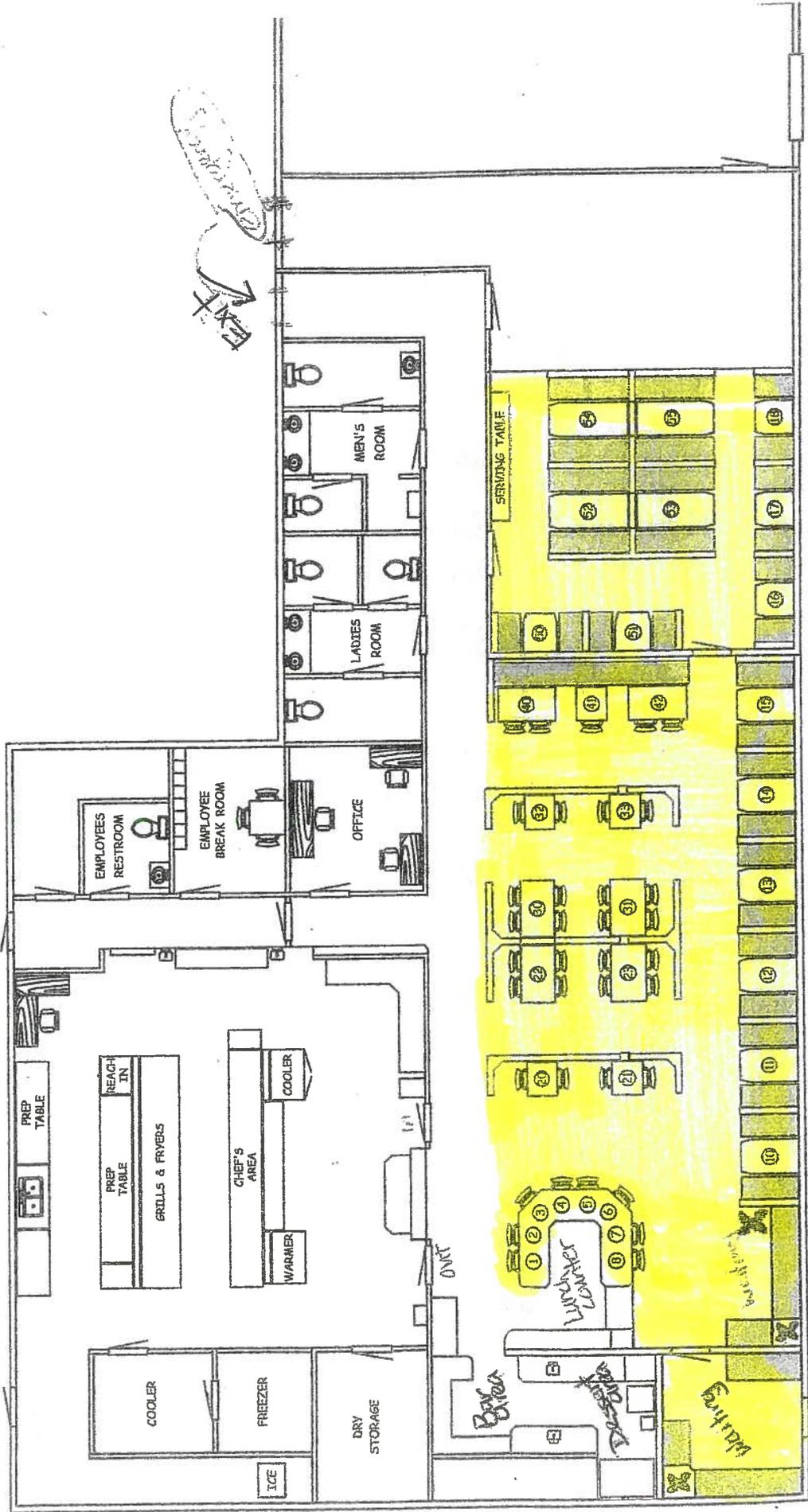
1. **Hearing.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise 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-premise license, 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 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-premise license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premise license that has been extended pending renewal with 120 days of the filing of the application. [1999, c.589, §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 violation 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, §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 section 601. [1989, c.592, §4 (new).]

[1993, c.730, §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 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).]
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 may appeal the decision to the District Court within 30 days of receipt. 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.



*Thermasis Diagram*



*Highlighted serving area*

*The China Diner-ah*

*Employee Entrance*

*Del. Entr.*

*Main Entrance*