

SOUTH PORTLAND CITY COUNCIL

POSITION PAPER OF THE CITY CLERK

SUBJECT:

ORDER #31-16/17 – GRANTING LYRIC MUSIC THEATER, 176 SAWYER STREET, A FE/RESTAURANT WITH VINOUS LICENSE. PASSAGE REQUIRES MAJORITY VOTE.

POSITION:

This is an existing business that is adding vinous service to their intermission concessions.

The application was submitted and signed off by the Police, Code and Fire Departments, as is required. A legal notice was placed in the South Portland-Cape Elizabeth Sentry. There have been no objections from the public.

REQUESTED ACTION:

Passage of ORDER #31-16/17.


CITY CLERK



CITY OF SOUTH PORTLAND

THOMAS E. BLAKE
Mayor

DON GERRISH
City Manager

SALLY J. DAGGETT
Jensen Baird Gardner & Henry

EMILY CARRINGTON
City Clerk

**IN COUNCIL
ORDER #31-16/17**

District One
CLAUDE V.Z. MORGAN

District Two
PATRICIA SMITH

District Three
EBEN ROSE

District Four
LINDA C. COHEN

District Five
BRAD FOX

At Large
MAXINE BEECHER

At Large
THOMAS E. BLAKE

ORDERED, that Lyric Music Theater, 176 Sawyer Street, be granted a Food Establishment/Restaurant with Vinous license. Passage requires majority vote.

Dated: August 15, 2016



City of South Portland
 Office of the City Clerk
 25 Cottage Road
 South Portland, ME 04106
 207-767-7628

**Application for a Food Establishment License
 With Alcoholic Beverages**

28A M.R.S.A. §653
 Code of Ordinances - Chapter 14 §100-106
 Valid _____ to _____

All applicants require a **State Food License**. Failure to do this may result in your City Food License not being issued. It is illegal to operate your business without all applicable licenses.
 Please fill out this application completely even if this is a renewal.

Please check the license you require:						Total Fees:
	Liquor	Vinous	Malt	Malt & Vinous		
Tavern			600.00			
Retail Store		300.00	300.00	300.00		
Restaurant	1,400.00	600.00	600.00	600.00	600.00	
Class A Catering	600.00					
Class A Lounge	2,100.00					
Club with Liquor (Non-profit)	600.00					
Hotel	1,700.00					
Background Checks: (Page 3)		How Many		X 25.00		
Processing Fee:					20.00	
Total Due					620.00	

Please Check Business Type:
 Corporations, Associations and partnerships must complete a Corporate Officer List and submit with this application

<input type="checkbox"/>	Individual
<input checked="" type="checkbox"/>	Corporation
<input type="checkbox"/>	Association
<input type="checkbox"/>	Partnership

Please Check One

<input checked="" type="checkbox"/>	New license
<input type="checkbox"/>	Renewal of license

Are there coin operated amusement devices on the premises? Yes No How many ____
 Are there Billiard/Pool Tables on the premises? Yes No
 Please complete the following information (print);

Business Information	
Business Name:	Lyric Music Theater
Location of Business:	176 Sawyer Street South Portland ME 04106
Telephone:	207-799-1421
Website:	www.lyricmusictheater.org
Mailing Address	Same as above
Name of Manager at Establishment:	Bruce M. Merrill
Email for correspondence:	lyricmusictheater@gmail.com

Owner Information

Owner Name:

Lyric Music Theater, not-for-profit corporation

Mailing Address:

176 Sawyer Street, South Portland ME 04106

Email Address:

lyricmusictheater@gmail.com

Telephone:

207-799-1421

Food Establishment Information

Seating Capacity:

181

Type of Food Served:

snacks at intermission

Days and Hours of operation:

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
X					X	X
in season					in season	in season

9 months typically a year

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above license and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

Bruce M. Merrill
Authorized Signature

Bruce Merrill, President
Print Name and Title

6/14/16
Date

FOR CITY USE ONLY

**BUREAU OF ALCOHOLIC BEVERAGES
DIVISION OF LIQUOR LICENSING & ENFORCEMENT
8 STATE HOUSE STATION
AUGUSTA, ME 04333-0008**



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 _____

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: Theater

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)		
Bruce M. Merrill			Lyric Music Theater		
DOB: _____			DOB: _____		
DOB: _____			DOB: _____		
Address			Location (Street Address)		
225 Commercial St.			176 Sawyer Street		
Suite 501			City/Town South Portland State ME Zip Code 04106		
City/Town			Mailing Address		
Portland State ME Zip Code 04103			same as above		
Telephone Number			City/Town		
Fax Number			State State Zip Code		
Business Telephone Number			City/Town		
207-799-1421			State State Zip Code		
Fax Number			City/Town		
Federal I.D. #			State State Zip Code		
Seller Certificate # 131443			City/Town		

EMAIL ADDRESS: lyricmusictheater@gmail.com

- 3. If premises is a hotel, indicate number of rooms available for transient guests: n/a
- 4. State amount of gross income from period of last license: ROOMS \$ 0 FOOD \$ 4 LIQUOR \$ 0
- 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: n/a

8. If business is NEW or under new ownership, indicate starting date: no

Requested inspection date: _____ Business hours: _____

9. Business records are located at: 176 Sawyer Street, South Portland 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
<u>Bruce M. Merrill</u>		<u>Suffern, NY</u>

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

Portland 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 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) not-for-profit community theater

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

YES NO Applied for: active business

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? .5 mile 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: ticket sales, donations, grants, bequests

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: South Portland, ME on June 14, 20 16
Town/City, State Date

Bruce M. Merrill
 Signature of Applicant or Corporate Officer(s)
BRUCE M. MERRILL
 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 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

Class I	Spirituos, 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	Spirituos, 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	Spirituos 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; Pool Halls; and Bed and Breakfasts.	
Class V	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
	CLASS V: Clubs without catering privileges.	
Class X	Spirituos, Vinous and Malt – Class A Lounge	\$2,200.00
	CLASS X: Class A Lounge	
Class XI	Spirituos, Vinous and Malt – Restaurant Lounge	\$1,500.00
	CLASS XI: 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: South Portland, Maine Cumberland 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, 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 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.

Corporate Officer List
 City of South Portland
 Office of City Clerk
 25 Cottage Road
 South Portland, ME 04106

Name of Company: Lyric Music Theater

If applicant is a partnership, association or corporation, list names, residences, and birth dates as well as title of each member. If applicant is new and/or city ordinance requires a background check be conducted on all corporate officers, a \$25 fee per name applies. (Check may be made out to the City of South Portland).

Name full name, including middle initial and maiden name, if applicable	Date of Birth
Bruce M. Merrill	
Address	Title
225 Commercial St. Ste 501, Portland ME 04101	President

Name full name, including middle initial and maiden name, if applicable	Date of Birth
Mary Meserve	
Address	Title
50 Glenridge Dr., Portland ME 04102	Exec. VP

Name full name, including middle initial and maiden name, if applicable	Date of Birth
James Fecteau	
Address	Title
17 Wolcott St, Portland ME 04102	Dir Finance

Name full name, including middle initial and maiden name, if applicable	Date of Birth
Patricia Shaw Sprague	
Address	Title
11 River Place Dr., South Portland ME 04106	Board Member

Bruce M. Merrill
 Signature of Authorized Officer

Corporate Officer List
City of South Portland
Office of City Clerk
25 Cottage Road
South Portland, ME 04106

Name of Company: Lyric Music Theater

If applicant is a partnership, association or corporation, list names, residences, and birth dates as well as title of each member. If applicant is new and/or city ordinance requires a background check be conducted on all corporate officers, a \$25 fee per name applies. (Check may be made out to the City of South Portland).

Name full name, including middle initial and maiden name, if applicable	Date of Birth	Title
<u>Donald Smith</u>		
<u>Address</u> <u>54 Hillcrest Ave, South Portland ME 04106</u>		<u>Board member</u>

Name full name, including middle initial and maiden name, if applicable	Date of Birth	Title
<u>Joelle Clingerman</u>		
<u>Address</u> <u>30 Lincoln St, # 119, Westbrook ME 04096</u>		<u>Board member</u>

Name full name, including middle initial and maiden name, if applicable	Date of Birth
<u>Sean Senior</u>	
<u>Address</u> <u>56 Sherman St, Portland ME 04101</u>	

Name full name, including middle initial and maiden name, if applicable	Date of Birth
<u>Cindy Kerr</u>	
<u>Address</u> <u>22 Old Colony Lane, Scarborough ME 04074</u>	

Bruce M. Merrill
Signature of Authorized Officer



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Corporate Officer List
 City of South Portland
 Office of City Clerk
 25 Cottage Road
 South Portland, ME 04106

Name of Company: Lyric Music Theater

If applicant is a partnership, association or corporation, list names, residences, and birth dates as well as title of each member. If applicant is new and/or city ordinance requires a background check be conducted on all corporate officers, a \$25 fee per name applies. (Check may be made out to the City of South Portland).

Name full name, including middle initial and maiden name, if applicable	Date of Birth
Joshua Chard	Title
Address	
54 Broadway, South Portland ME 04106	Board Member

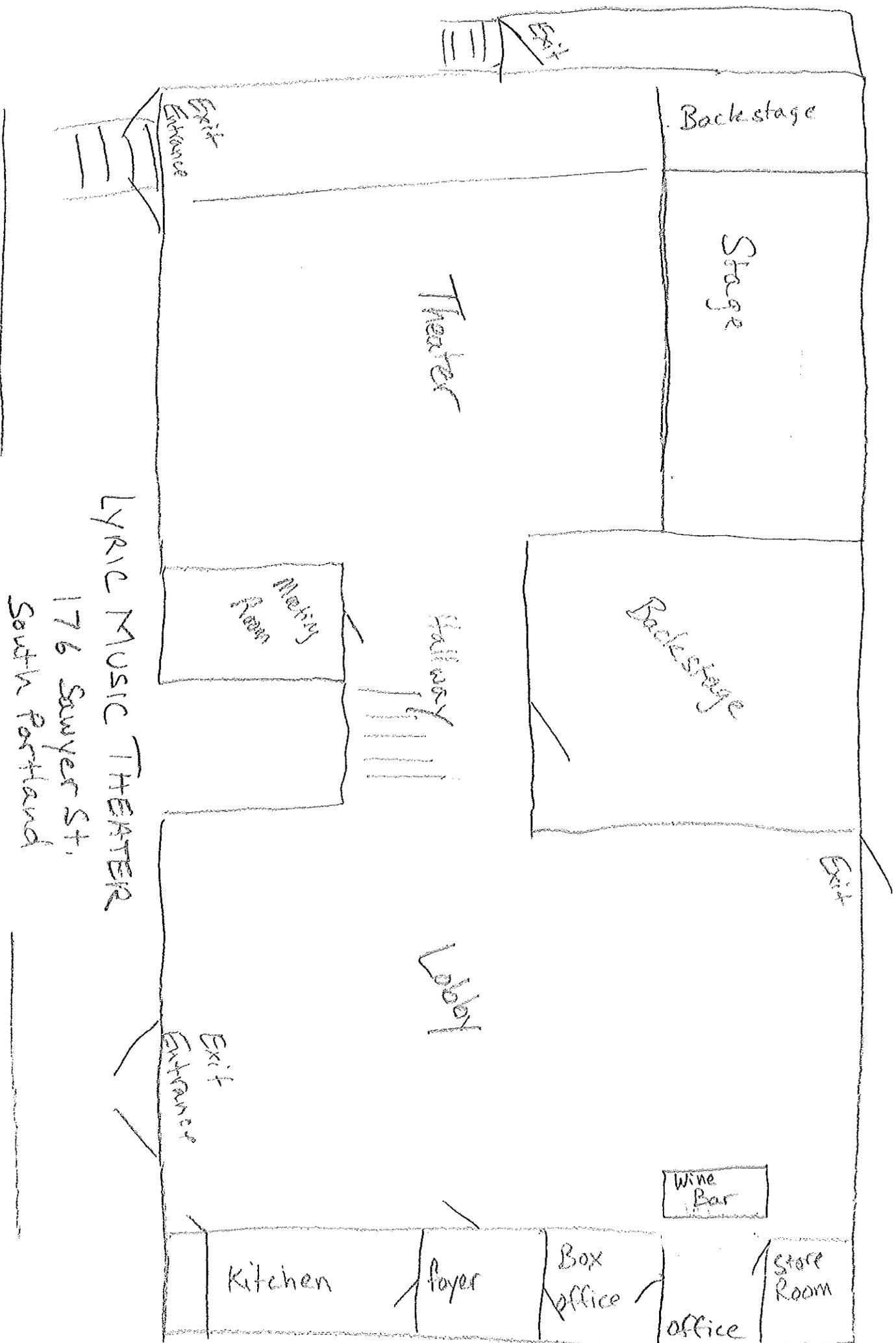
Name full name, including middle initial and maiden name, if applicable	Date of Birth
Louise Keezer	Title
Address	
50 Chase St, South Portland ME 04106	Board Member

Name full name, including middle initial and maiden name, if applicable	Date of Birth
Justin Bifford	Title
Address	
53 Epping St, Portland ME 04103	Board Member

Name full name, including middle initial and maiden name, if applicable	Date of Birth
Address	Title

James M. Merrill
 Signature of Authorized Officer

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LYRIC MUSIC THEATER

176 Sawyer St.
South Portland

← Sawyer Street →