SOUTH PORTLAND CITY COUNCIL

POSITION PAPER OF THE CITY CLERK

SUBJECT:

ORDER #95-17/18 – Granting VanSleep, LLC, d/b/a Tru by Hilton Portland, ME, 369 Maine Mall Road, a Food Establishment/Hotel with Liquor License. Passage requires majority vote.

POSITION:

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 #95-17/18.

Empf Saley

CITY OF SOUTH PORTLAND

LINDA C. COHEN Mayor

SCOTT T. MORELLI City Manager

EMILY F. SCULLY City Clerk SALLY J. DAGGETT Jensen Baird Gardner & Henry

District CLAU	 . Z. N	Í ORGAI	N

District Two KATHERINE W. LEWIS

District Three EBEN C. ROSE

District Four LINDA C. COHEN

District Five ADRIAN T. DOWLING

At Large MAXINE R. BEECHER

At Large SUSAN J. HENDERSON

IN CITY COUNCIL ORDER #95-17/18

ORDERED, that VanSleep, LLC, d/b/a TRU by Hilton Portland, ME 369 Maine Mall Road, be granted a Food Establishment/Hotel with Liquor License.

Fiscal Note: Less than \$1,000

Dated: December 6, 2017



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	<u>_</u>	
All applicants require a	State Food License. Fa	ailure to do this may re	esult in your City Food Li	cense not being

Pleas	e fill out this a	ıрр	lication completely	even if this is	s a re	newal.		
Please check the license you								Total
	Liquor	Vpa tet	Vinous	Malt	40 × 40 × 40	Malt & Vinous		Fees:
Tavern			\ \	600.00				
Retail Store			300.00	300.00		300.00		
Restaurant	1,400.00		600.00	600.00		600.00		
Class A Catering	600.00							
Class A Lounge	2,100.00							
Club with Liquor (Non-profit)	600.00						Ī	
Hotel	1,700.00	\checkmark						\$1,700.00
Background Checks: (Page 3)			How Many 1			X 25.00	ĺ	25.00
Processing Fee:					_			20.00
						Total Due	e	\$1 745 00

	Please Check
1,5	Business Type:
Co	rporations, LLCs, and Partnerships
mu.	st complete a Corporate Officer List
	and submit with this application
	Individual or Sole Proprietor
	Corporation
V	Limited Liability Company (LLC)
	Partnership

u	Please Check One
\checkmark	New license
	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	There is one pool table in our lobb
Please complete the following information (print):			There is one poor toda in our load

Business	s Informa	ation
Business Name: VanSleep, LLC		
Location of Business: d/b/a Tru by Hilton Port	land Ma	
Telephone: 207.221.3131		Website: portlandairportarea.trubyhilton.com
Mailing Address		
369 Maine Mall Rd. South Portland, ME 0410)6	
Name of Manager at Establishment: Joe Baillargeon	1	orrespondence: paillargeon@hilton.com
Emergency Contact (Name and Phone Number): Joe Baillargeon 603.313.3090	•	ů

		Ov	vner Inforn	nation		
Owner Name: L. J	oe VanWhy					
Mailing Address:	Tm, b, 1194 D-		Cauth Danii	mal Malias C)440C	
C/O	Tru by Hilton Po	rtiand	South Portla	na, Maine C	14106	
Email Address: joe.l	baillargeon@hilt	on.com			Telephone: 207.221.3131	
	Fo	ood Est	ablishmen	t Informat	tion	
Seating Capacity: 5	5					
Type of Food Serve	d: Continental Br	eakfast, p	repared food	s out of 24/	7 gift shop	
	<u> </u>	Days	and Hours of o	peration:		
Sunday	Monday Tu	esday	Wednesday	Thursday	Friday	Saturda
t: 6AM-10AM	√	/	\checkmark	V	V	V
]
governing the abov of license or revoca the premises will be Althorized Signatu	ation if one has be paid prior to issu	en granted rance of th Print N	I. Applicant age license. Rullerscon lame and Title	rees that all t	Manage Date	its pertaining to $ \omega > 0.4$
	11111	FC	OR CITY USE O	NLY		
Date of Payment: 1	113111	Police Incommence and				
Fire Chief						
Comments:	Approved	Yes	No Appr	oved By:		
Comments: Health Officer Comments:	Approved Approved	Yes		oved By:		

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

Name of Company: VanSleep, LLC	
If applicant is a partnership, Limited Liability Company, or corporation, list name dates as well as title of each member/manager/officer/partners. If applicant is not requires a background check be conducted on all corporate officers, a \$25 fee partners and out to the City of South Portland).	ow and/or city ordinance
Name full name, including middle initial and malden name, if applicable	Date of Birth
L. Joe VanWhy	
Address	Titlo
3108 S. Schiller St. Tampa, FL 33629	Owner
Name full name, including middle initial and maiden name, if applicable	Date of Birth
Address	Title
The state of the s	The second secon
Name full name, including middle initial and maiden name, if applicable	Date of Birth
AND DESCRIPTION OF THE PROPERTY OF THE PROPERT	Title State Manager Advantage Manager
Address	
Name full name, including middle initial and maiden name, if applicable	Date of Birth
	·
Address	Title Constant
2.2	
Signature of Authorized Officer L. Jul VANWhy, manager	
C. The NAWAY, wanted	

BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS DIVISION OF LIQUOR LICENSING AND ENFORCEMENT 8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008 10 WATER STREET, HALLOWELL, ME 04347

TEL: (207) 624-7220 FAX: (207) 287-3434

EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV

DIVISION USE ONLY					
License No:					
Class:	Ву:				
Deposit Date:					
Amt. Deposited:					
Cash Ck Mo:					

				Cash Cl	k Mo:	
NEW application	on: 🗏 Yes 🗌 N	0	PRE	SENT LICENSE EXPIR	re	
			TRO	SERT MEDIUS BATIK	<u></u>	
INDICATE TYP	E OF PRIVILEGE:	■ MALT	■vinous	☐ SPIRITUOUS		
		II	NDICATE TYI	PE OF LICENSE:		
☐ RESTAURAN	T (Class I,II,III,IV)	☐ REST	AURANT/LOU	JNGE (Class XI)	□CLASS A LOU	JNGE (Class X)
☐ HOTEL (Clas	ss I.II.III.IV)	≡ ноте	EL, FOOD OPT	IONAL (Class I-A)	□BED & BREA	KFAST (Class V)
CLUB w/o Cat	· · · · · · ·		with CATERI	· ·		E (Class I,II,III,IV)
☐ TAVERN (CI	- ', '		LIFIED CATE	•		2 (01000 1,11,111,111,111)
D MAYNI (C	1435 1 4)	•		FOR FEE SCHEDULE		-
				BE ANSWERED IN FU	LT.	
Corporation Name		TAN YOUR	1101(2112021	Business Name (D/B/A)		
VanSleep	, LLC			Tru by Hilton	Portland	
APPLICANT(S) -	-(Sole Proprietor)	Ι	OOB:	Physical Location: 369 Maine Mall Ro	l.	
			DOB:	City/Town South Portland	State ME	Zip Code 04106
Address 3108 S. Schille	er St.			Mailing Address 369 Maine Mall Rd	l.	
City/Town	(State	Zip Code	City/Town	State	Zip Code
Tampa	FL		33629	South Portland	ME	04106
Telephone Number 207.221.3131		ax Number 07.756.66	522	Business Telephone Nun 207.221.3131		Fax Number .756.6622
Federal I.D. # 81-1310493				Seller Certificate #: or Sales Tax #: Ap	plied	
Email Address:	4 471	<u> </u>		Website:	<u>-</u>	
Please Print JO	e.baillarged	n@hilt	on.com	portlandairportarea	a.trubyhilton.co	om
If business is NEW	or under new owners	hip, indicate	starting date:	Opening Date 12/21/201	7	
Requested inspection	on date: 12/11/2017		Busine	ss hours: 24/7		
1. If premise is a H	lotel or Bed & Breakf	ast, indicate i	number of room	s available for transient gu	iests: 98	
2. State amount of	gross income from pe	riod of last li	cense: ROOMS	\$ \$ <u>n/a</u> FOOD \$ <u>1</u>	n/a LIQUO	or \$ n/a
	rporation, limited liab lete the Corporate Inf			tnership? YES 🗏 1 ess Entities who are licens	NO 🗆 ees.	
	ave any interest in any cense Number, Name			nse? ■ Yes □ No y other Maine Liquor Lice		
4122	Van Eastland LLC		(Use	an additional sheet(s) if no	ecessary.)	
License # 363 Maine Mali Rd	Name of Business	nd, ME 04106				
Physical Location	City / Town			The state of the s	***************************************	

5. Do you permit dancing or entertainment on the lic	-	S 🗆 NO 🗏		
6. If manager is to be employed, give name: Joe Ba				
7. Business records are located at: 369 Maine Mall	Rd. South Portland	i, ME 04106		
8. Is/are applicants(s) citizens of the United Stat	tes? YES 🗏	NO 🗆		
9. Is/are applicant(s) residents of the State of Ma	ine? YES	NO \square		
10. List name, date of birth, and place of birth for Use a separate sheet of paper if necessary.	er all applicants, mana	gers, and bar	· managers. C	Give maiden name, if marrie
Name in Full (Print	Clearly)		DOB	Place of Birth
Joe Baillargeo	n			New Britain, CT
Residence address on all of the above for previous	ous 5 years (Limit ans	wer to city &	z state	
South Portland, ME; Rutland, V7	Ր: Colchester. ՝	VT: Milto	n. VT: Ea	st Bridgewater, MA
, , , , , , , , , , , , , , , , , , , ,	,	, , , , , , , , , , , , , , , , , , , ,	, ,	
11. Has/have applicant(s) or manager ever been of any State of the United States? YES	NO 🗏			
Name:		Date of Cor	viction:	
Offense:		Location: _		
Disposition:	(1	se additiona	l sheet(s) if ne	ecessary)
2. Will any law enforcement official benefit fina Yes No Yes If Yes, give name:				
3. Has/have applicant(s) formerly held a Maine	liquor license? YE	s 🗆 no l		
4. Does/do applicant(s) own the premises? Yes	□ No ■ If No	give name ar	nd address of	owner: Joe VanWhy
		<u>3108 S.</u>	Schiller St.	Tampa, FL 33629
Describe in detail the premises to be licensed: pantry area.	(On Premise Diagra	am Required	1) Hotel lobby	, restrooms, guest laundry,
6. Does/do applicant(s) have all the necessary per YES □ NO ■ Applied for: Eating & Lodgi		State Depart	ment of Hum	an Services?
7. What is the distance from the premises to the measured from the main entrance of the premior parish house by the ordinary course of trave	ises to the main entra			
Which of the above is nearest? Church				
8. Have you received any assistance financially of self in the establishment of your business?	or otherwise (includin YES 🔲 NO 🗷	g any mortga	ages) from an	y source other than your-
If YES, give details:				

The Division of Liquor Licensing & Enforcement 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 MAINE on NVV Z, 2017 Town/City, State Please sign in blue ink					
Town/City, State Please sign in blue ink					
	A Tempo bight in parts				
Please sign in blue ink Signature of Applicant or Corporate Officer(s) Signature of Applicant or Corporate Officer(s)					
Little VAN WAN					
	Print Name Print Name				
FEE SCHEDULE					
FILING FEE: (must be included on all applications)					
<i>a.</i> •	O. C. C. T. T. C.	\$ 900.00			
	Class I Spirituous, Vinous and Malt				
Class I-A	Spirituous, Vinous and Malt, Optional Food (Hotels Only)				
Class II	Spirituous 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				
Class IV	Malt Liquor Only				
Class V	Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)				
Class X	Spirituous, Vinous and Malt Class A Lounge	\$2,200.00			
Class XI	Spirituous, Vinous and Malt – Restaurant Lounge\$1,500.00 CLASS XI: Restaurant/Lounge; and OTB.				

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 applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval and signatures for liquor licenses prior to submitting them to the bureau.

All fees must accompany application, make check payable to the Treasurer, State of Maine.

This application must be completed and signed by the Town or City 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.

TO STATE OF MAINE MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:

Hereby certify that we have complied with Section 653 of Title 28-A Maine Revised Statutes and hereby approve said application.

Dated at	t :		, Ma	aine		
On:		City/Town Date		(County)	······································	
The und	ersigned beir	ıg: \Box	Municipal Officers	☐ County Commissioners	of the	
□City	☐ Town	☐ Plantation	☐ Unincorporated Pl	ace of:		Maine
			THIS ADDDOVAL	EVDIDES IN 60 DAVS		

THIS APPROVAL EXPIRES IN 60 DAYS

NOTICE - SPECIAL ATTENTION

§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. [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-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. [2003, c. 213, §1 (AMD).]

- 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. [1995, c. 140, §5 (NEW).] [2003, c. 213, §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 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; [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; [2009, c. 81, \$1 (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; and [2009, c. 81, §2 (AMD).]
- 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. [2009, c. 81, §3 (NEW).]

 [2009, c. 81, §\$1-3 (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).]
- 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. [1993, c.730, §27 (AMD).] [1995, c.140, §6 (AMD).]
 - 4. No license to person who moved to obtain a license. [1987, c. 342, §32 (RP) .]
- **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.

[1995, c. 140, \$7 (AMD); 1999, c. 547, Pt. B, \$78 (AMD); 1999, c. 547, Pt. B, \$80 (AFF) .]

Please be sure to include the following with your application:

Completed the application and sign the form.

Signed check with correct license fee and filing fee.

Your local City or Towns signature(s) are on the forms.

Be sure to include your ROOM, FOOD and LIQUOR gross income for the year (if applicable).

Enclose diagram for all businesses, auxiliary locations, extended decks and storage areas.

Complete the Corporate Information sheet for all ownerships except sole proprietorships.

If you have any questions regarding your application, please contact us at (207) 624-7220.

Bureau of Alcoholic Beverages and Lottery Operations Division of Liquor Licensing & Enforcement 8 State House Station, Augusta, ME 04333-0008 10 Water Street, Hallowell, ME 04347 Tel: (207) 624-7220 Fax: (207) 287-3434

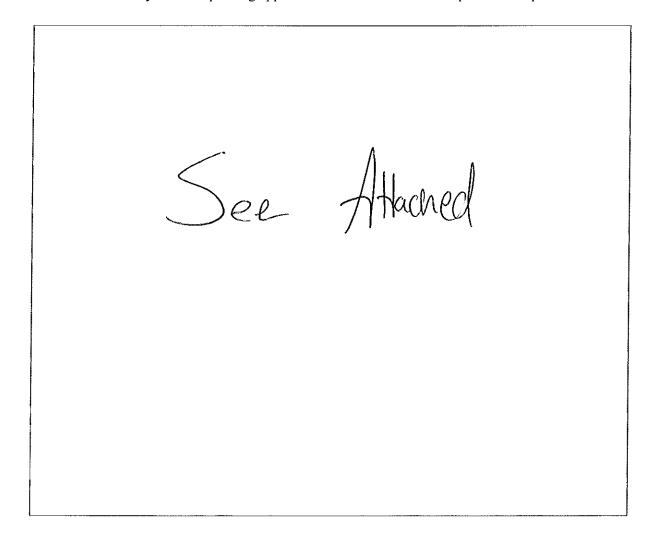
Email Inquiries: MaineLiquor@maine.gov

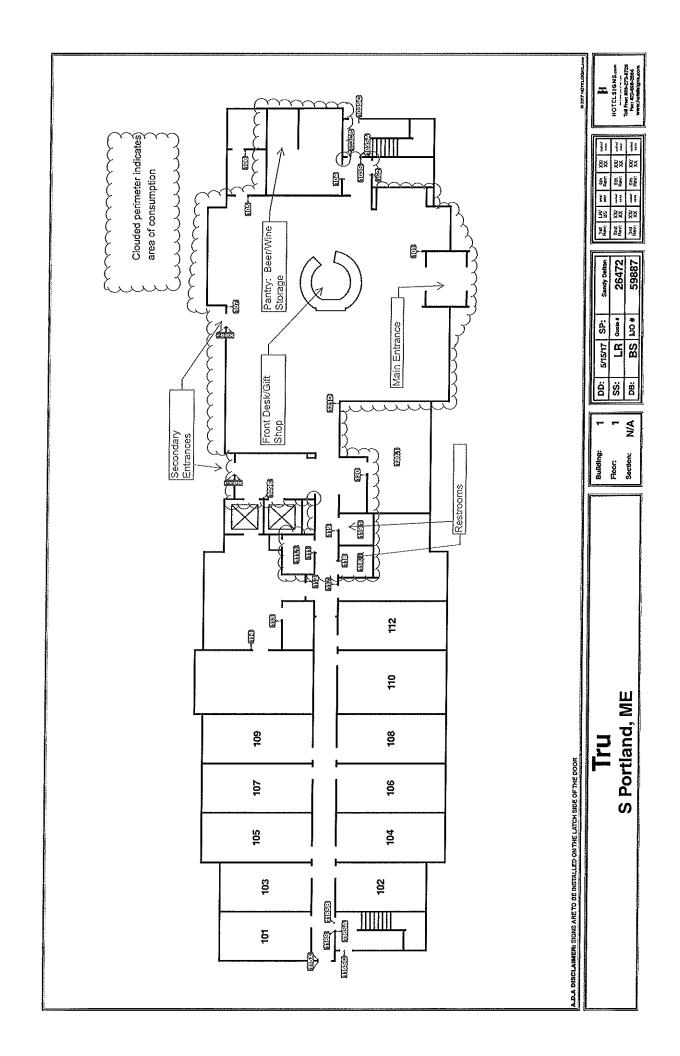
	DIVISION USE ONLY
	Approved
	Not Approved
BY	

ON PREMISE DIAGRAM

In an effort to clearly define your license premise and the area 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, restrooms, decks and all areas that you are requesting approval from the Division for liquor consumption.







Division of Alcoholic Beverages and Lottery Operations Division of Liquor Licensing and Enforcement

Corporate Information Required for Business Entities Who Are Licensees

For Office Use Only:		
License #:		
SOS Checked:		
100% Yes □ No □		

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752.

Please clearly complete th	is form in its entirety.			
1. Exact legal name: Va	nSleep, LLC			
2. Doing Business As, if a	my: Tru by Hilton Portland			
3. Date of filing with Secu	retary of State: 02/01/2016	State in which y	ou are formed:	Maine
4. If not a Maine business	entity, date on which you were auth	orized to transa	ct business in the	e State of Maine:
	esses for previous 5 years, birth dates additional sheets as needed)	s, titles of office	rs, directors and	list the percenta
NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Joe VanWhy	3108 S. Schiller Street Tampa, FL 33629		Owner	100
(Stock	ownership in non-publicly traded co	 mpanies must a	 dd up to 100%.)	
			,	
6. If Co-Op # of members:	(list primar	y officers in the	above boxes)	

7. Is any principal person involved with the entity	a law enforcement official?
Yes No If Yes, Name:	Agency:
8. Has any principal person involved in the entity traffic violations, in the United States?	ever been convicted of any violation of the law, other than minor
Yes No	
9. If Yes to Question 8, please complete the follow	ving: (attached additional sheets as needed)
Name:	
Date of Conviction:	
Offense:	
Disposition:	
	· · · · · · · · · · · · · · · · · · ·
Signature:	
Signature of Duly Authorized Person Date	2017
De Baillage O Print Name of Duty Authorized Person	
Submit Completed Forms to:	

Bureau of Alcoholic Beverages

Division of Liquor Licensing and Enforcement

8 State House Station, Augusta, Me 04333-0008 (Regular address)

10 Water Street, Hallowell, ME 04347 (Overnight address)

Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434

Email Inquiries: MaineLiquor@Maine.gov