

Town of Mount Desert
Board of Selectmen
Agenda

Special Meeting
Monday, June 22, 2020

Location: Remote Access; see below on how to connect

I. Call to order at 4:00 p.m.

Public please hold comments until the BOS Chairman opens the agenda items for public comment

II. Public Hearing(s)

A. Michael C. Boland/DBA COPITA (Choco-Latte, LLC) Request for Liquor License

III. Appointments/Recognitions/Resignations

A. Consideration of appointment of Harry Kidder as a part-time seasonal employee in the Public Works Department at an hourly rate of \$15.00 per hour effective June 23, 2020 ending on or before October 17, 2020

B. Appointment of Marianne Hunt, Jane Vris, Cherie Weed, and Minot Weld as Ballot and Election Clerks for the Town of Mount Desert

IV. Other Business

A. Amend customer service hours of the Administrative Offices

B. Continued discussion regarding citizen proposal to allow main street restaurants to occupy the spaces that are scheduled to become pop up parks next year with tables summer of 2020

C. Consider extending the expiration dates on 2019 clam licenses due to COVID – 19 disruptions

V. Adjournment

The next regularly scheduled meeting is at 4:00 p.m., Monday, July 06, 2020 in via remote access:

The Town of Mount Desert is inviting you to a scheduled Zoom meeting. You can call in through any of the listed phone numbers or connect with a computer via the web link. You will need to **enter the meeting ID** to get access to the meeting.

Join Zoom Meeting

<https://zoom.us/j/248566175>

Meeting ID: 248 566 175

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+1 346 248 7799 US (Houston)

+1 408 638 0968 US (San Jose)

+1 669 900 6833 US (San Jose)

Meeting ID: 248 566 175 #

PUBLIC HEARINGS



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS: Yes <input type="checkbox"/> No <input type="checkbox"/>	

**Section I: Licensee/Applicant(s) Information;
Type of License and Status**

Legal Business Entity Applicant Name (corporation, LLC): MICHAEL C. BOLAND	Business Name (D/B/A): CHICO-LATE LAC DBA COPITA
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 102 MAIN STREET NORTHEAST HARBOR, MAINE 04660
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different: P.O. BOX 10 BAR HARBOR MAINE 04609
Mailing address, if different from DBA address: P.O. BOX 10 Bar Harbor MAINE 04609	Email Address: copitamaine@gmail.com
Telephone # Fax #:	Business Telephone # Fax #: (207) 276-8174
Federal Tax Identification Number: 46-5758044	Maine Seller Certificate # or Sales Tax #: 1169060 1169060
Retail Beverage Alcohol Dealers Permit:	Website address: copitamaine.com

1. New license or renewal of existing license? New Renewal

If a renewal, please provide the following information:

Your current license expiration date: _____

The dollar amount of gross income for the licensure period that will end on the expiration date above:

Food: \$ 200,000 Beer, Wine or Spirits: \$ 100,000 Guest Rooms: _____

2. Please indicate the type of alcoholic beverage to be sold: (check all that apply)

Malt Liquor (beer) Wine Spirits

3. 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 with auxiliary and mobile cart options (Class I, II, III, IV) Tavern (Class IV)
- Qualified Caterer Self-Sponsored Events (Qualified Caterers Only)
- Other: _____

Refer to Section V for the License Fee Schedule

4. If application is for a **new** license or the business is under new ownership, indicate starting date:

June 15 2020

5. Business records are located at the following address:

102 Main St. Northeast Harbor

6. 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

7. Do you own or have any interest in any another Maine Liquor License? Yes No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address
Pupunini Inc DBA HAVANA	7462	318 Main St. BAR HARBOR MAINE 04609
Islesford Dock Restaurant and Gallery	CAR-2017-10141	1 Main St. Islesford MAINE 04646

8. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
MICHAEL C. BOLAND	8/20/1967	PHILADELPHIA
Residence address on all the above for previous 5 years		
Name MICHAEL C. BOLAND	Address: 8 BARBERY LANE BAR HARBOR MAINE 04609	
Name	Address:	
Name	Address:	
Name	Address:	

9. Is the licensee/applicant(s) citizens of the United States? Yes No

10. Is the licensee/applicant(s) a resident of the State of Maine? Yes No

11. 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

12. Is the licensee/applicant(s) directly or indirectly giving aid or assistance in the form of money, property, credit, or financial assistance of any sort, to any person or business entity holding a liquor license granted by the State of Maine? Yes No

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:

Steve Parady 102 MAIN ST. Northeast Harbor, ME

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: _____

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

20. 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?

Name: Mi. Desert Elementary

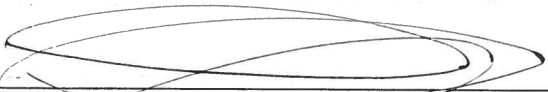
Distance: 1/2 mile

Section II: Signature; Fee; Delivery of application

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: _____



Signature of Duly Authorized Person*

Signature of Duly Authorized Person*

Michael Boland

Printed Name Duly Authorized Person

Printed Name of Duly Authorized Person

*The person signing this application must appear in Section VII on this application.

Section III: For use by Municipal Officers and County Commissioners only
Approval of an application for an on-premises liquor license

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 on this date: _____.

Check only one: City Town Unorganized Territory

Name of City/Town/Unorganized Territory: _____

Who is approving this application? Municipal Officers
 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

This Approval Expires in 60 Days

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.

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.

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.

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.

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;

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;

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;

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;

D-1. Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

E. A violation of any provision of this Title;

Section V: Fee Schedule

Filing fee required. In addition to the license fees listed below, a filing fee of \$10.00 must be included with all applications.

Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

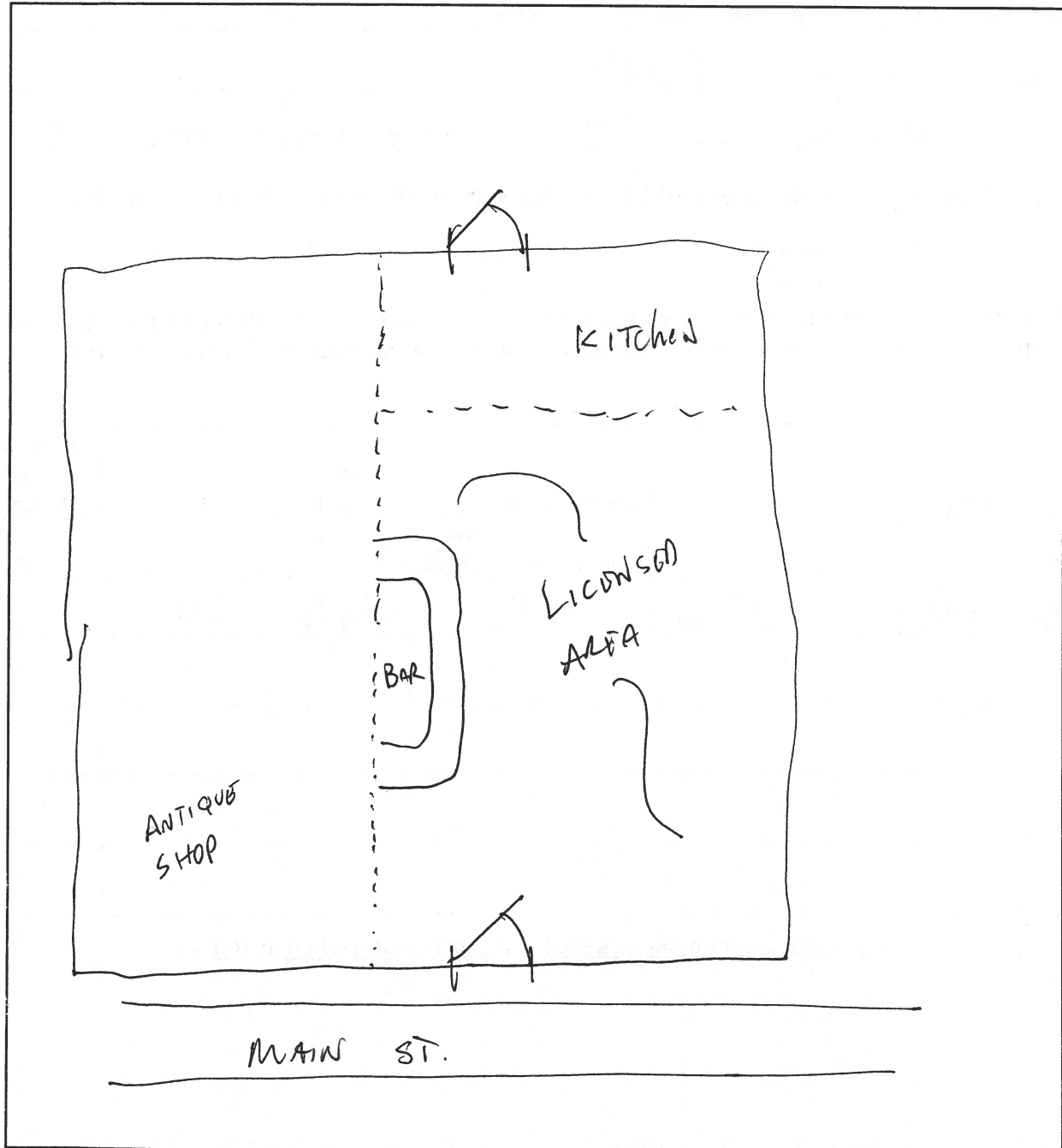
Class of License	Type of liquor/Establishments included	Fee
Class I	For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	\$ 900.00
Class I-A	For the sale of liquor (malt liquor, wine and spirits) This class includes only hotels that do not serve three meals a day.	\$1,100.00
Class II	For the Sale of Spirits Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
Class III	For the Sale of Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class IV	For the Sale of Malt Liquor Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class III and IV	For the Sale of Malt Liquor and Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00
Class V	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Club without catering privileges.	\$ 495.00
Class X	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Class A Lounge	\$2,200.00
Class XI	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Restaurant Lounge	\$1,500.00
Self-Sponsored Events	This class is for Qualified Caterers Only	\$ 700.00

+ plus
900
10
910

Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.



Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: CHOCOLATTE LLC
2. Doing Business As, if any: COPITA
3. Date of filing with Secretary of State: 2014 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
MICHAEL BOLAND	8 BAR BERRY LANE ^{BAR} HARRIS	8/20/67	PREB	75
CASSADY PAPPAS	2 WAUS ST. ^{OTTOR} CROSBY	9/24/74	VP	25

(Ownership in non-publicly traded companies must add up to 100%.)

Request Special Meeting

Town of Mount Desert Public Hearing

The Board of Selectmen will hold a Public Hearing at its regular meeting which begins at 4:00 p.m., Monday, June 22, 2020 in the Meeting Room, Town Hall, 21 Sea Street, Northeast Harbor for the consideration of:

A new liquor license for

Class I (malt liquor, wine, and spirits – Clubs with catering privileges)

Michael C. Boland D/B/A COPITA (CHOCO-LATTE, LLC), 102 Main Street, Northeast Harbor, ME

The Town of Mount Desert Municipal Offices are closed to the public. The Town of Mount Desert is inviting you to a scheduled Zoom meeting. You can call in through any of the listed phone numbers or connect with a computer via the web link. You **will need to enter the meeting ID** to get access to the meeting.

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Town of MOUNT DESERT

!!!CLEAN UP WEEK!!! June 8, 2020 thru June 12, 2020

The Town of Mount Desert Clean-up Week WILL HAPPEN! during the week of June 8th to be exact. Of course, this date is subject to change depending on circumstances surrounding the CV-19 situation at that time. The daily schedules, items to be collected, amount allowed, etc. have not changed from prior years. The plan is to follow the same routes we always have beginning in Northeast Harbor on June 8th. The rest of the schedule is shown below. This information can also be found on the town website

There will be only ONE pick-up of your items, so please have them out by 7:00 A.M on Monday to be on the safe side. Please note that your regular household trash will be collected on your regular pick up day.

The schedule for the week is flexible and will vary depending upon the volume of trash that is set out to be collected. Due to cost and time constraints, we are not able to back-track so please pay particular attention to the schedule. As stated above, there will be only one pick-up per residence.

Monday: We will start in Northeast Harbor.

Tuesday: We will start at the intersection of Routes 3 (Peabody Drive) & 198 (Sound Drive) and work towards Seal Harbor.

Wednesday: We will start in Otter Creek and work back towards Seal Harbor.

Thursday: We will start on Route 198 (Sound Drive) and work towards and into Somesville.

Friday: We will collect from the general area including Hall Quarry, Pretty Marsh and Beech Hill areas.

If we find a larger than expected volume of materials, the schedule might get pushed into the following week. As we always do, bags of leaves will be collected the beginning of the following week, either Monday the 15th or Tuesday the 16th.

One truck will collect materials that include small amounts of asphalt shingles, tarpaper, sheet rock, insulation, plastic bags, and other non-wood materials. Total amounts of all materials are limited to approximately the size of a pick-up truckload, 8' X 6' X 3.5', approximately six (6) cubic yards.

Another truck will collect a maximum of four tires per residence without rims (the rubber only) and metal appliances such as stoves, freezers, refrigerators, washing machines, and dryers. The doors must be completely removed from freezers and refrigerators. If they are not, they will not be picked up because we cannot dispose of them.

Another truck will collect burnable wood waste such as brush and tree limbs and a separate truck will collect lumber and other wooden materials. To be collected, all wood waste must be less than four-feet in length and less than six-inches in diameter. Amounts are limited to approximately the size of a pick-up truckload, 8' X 6' X 3.5', approximately six (6) cubic yards. Stumps will not be collected.

Engine blocks and vehicle motors with buses removed will be collected. They must be free of all fluids.

All materials must be in suitable containers or bundles able to be handled by one person.

Materials that will not be collected include batteries of any kind, boats, hazardous waste (petroleum products, antifreeze, etc.), universal waste (TV's, computer components, etc.).

The onsite supervisor will determine what is acceptable and what is not. That person will also determine acceptable load sizes. This information can be found on the town website and in prior years annual reports. If you have any questions, please contact Ben Jacobs, Highway Superintendent at 207-276-5744 or highway@mtdesert.org or Tony Smith, Public Works Director at 207-276-5743 or director@mtdesert.org. Your assistance and conformance with the guidelines set forth above will be greatly appreciated. Thank you very much.

NOTICE

ements to the following... ed in serving, submit... es to the Town Clerk by... rformaine.gov under "I... 8 for more information.

July 2021... uly 2021... uly 2023... 2023... ME expiring July 2023

IC NOTICE

POINTMENTS

ointments to the following interested in serving, submit itness to the Town Clerk by rharborne@gov under "1-4098 for more information.

ng July 2021
ig July 2021
ig July 2021
ily 2023
/ 2023
y in ME expiring July 2023

ng July 2023

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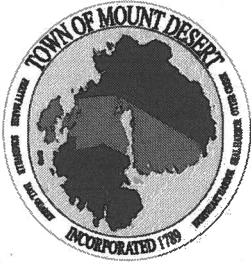
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APPOINTMENTS

RECOGNITIONS

RESIGNATIONS



Town of Mount Desert

21 Sea Street, P.O. Box 248
Northeast Harbor, ME 04662-0248
Telephone 207-276-5743 Fax 207-276-5742
www.mtdesert.org director@mtdesert.org

MEMO

To: Durlin Lunt, Town Manager
From: Tony Smith, Public Works Director
Re: Public Works Summer Helpers
Date: June 16, 2020

As you know, we typically hire four summer helpers each year, two for the packer trucks and one each for buildings & grounds and wastewater. To date, we have identified and had appointed one individual to work for us this summer.

Based on his interview and reference check, I now recommend Harry Kidder of Hancock be appointed as a part-time seasonal employee in the Public Works Department. This would be at an hourly rate of \$15.00 per hour effective June 23, 2020 ending on or before October 17, 2020. He will be assigned to one of the two packer trucks until the twice a week collection schedule ends September 12, 2020. He will then assist other divisions of public works as needed after that time. Harry accepted our verbal offer and understands he must be appointed by the Board of Selectmen. He also understands our offer is not an offer of full-time employment with us and is seasonal in nature.

Thank you for consideration of my recommendations.

Cc. Claire Woolfolk, Clerk
Ben Jacobs, Hwy. Supt.
Ed Montague, WW Supt.
Kathi Mahar, Treasurer



Town of Mount Desert

Claire Woolfolk, Town Clerk
21 Sea Street, P.O. Box 248
Northeast Harbor, ME 04662-0248

Telephone 207-276-5531 Fax 207-276-3232
E-mail townclerk@mtdesert.org Web Address www.mtdesert.org

MEMO

DATE: June 19, 2020

TO: Board of Selectmen

FROM: Claire Woolfolk, Town Clerk

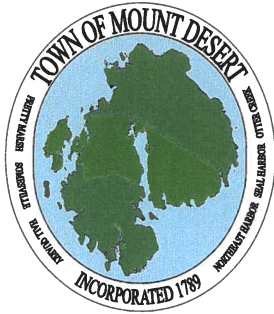
RE: Ballot Clerk Appointments

Title 30-A, MRSA, Section 2528(8) states that the municipal officers shall appoint the necessary number of ballot clerks as provided in Title 21-A, Section 503 for secret ballot elections. The Annual Town Meeting election July 14, 2020 is such an election.

Please appoint Marianne Hunt, Jane Vris, Cherie Weed, and Minot Weld as election/ballot clerks for the Town of Mount Desert.

Thank you.

OTHER BUSINESS



Town of Mount Desert

Durlin E. Lunt, Town Manager
21 Sea Street, P.O. Box 248
Northeast Harbor, ME 04662-0248

Telephone 207-276-5531 Fax 207-276-3232
Web Address www.mtdesert.org
manager@mtdesert.org

To: Board of Selectmen

From: Durlin E. Lunt

Date: June 18, 2020

Subject: Adjustment in Customer service hours

As the time between 8:30- 9:00 am is traditionally a low volume time for counter transactions, I would like to temporarily utilize this time to train, identify daily priorities, and reorganizing operational procedures and generally lend support in my role as Depart Head for Administration to work with the staff to help meet the challenges of operating at peak efficiency during this challenging time.

Many communities are making similar changes to achieve these goals, some reducing customer service times to as little as two days a week. Mount Desert does not need to make that large of an adjustment.

I would like to make this effective through October with the option of returning to you at that time to either extend or make permanent this adjustment as circumstances warrant. The start date for the change in hours will be Monday June 29, 2020.



TEMPORARY OUTDOOR RESTAURANT SEATING PERMIT APPLICATION

1: INTRODUCTION

In accordance with Governor Janet Mills' Rural Reopening Plan of May 8th, 2020, all restaurants and retail operations that provide temporary outdoor areas must adhere to strict mitigation standards intended to prevent the spread of COVID-19. The Town of Mount Desert is making a temporary use permit available to both restaurants that are located within Mount Desert.

2: REQUIREMENTS

- The area occupied shall be the identified sidewalk space abutting or in close proximity, which least infringes on public use, passage, and traffic as determined by, and at the complete discretion of, the Town of Mount Desert. The remaining area of unobstructed sidewalk must be at least 36 inches in width adjacent to your outside seating area that will allow for pedestrian traffic. Approved areas shall be for pedestrian use only and consistent with the Temporary Use Permit as issued by the Town.
- If an establishment already has its own adjacent side and/or rear areas, it is strongly encouraged to fully utilize them by placing its outside areas within those locations, and minimize any use of public sidewalks.
- The Permittee shall be responsible for placing physical barriers around permitted spaces as required by liquor license rules. For restaurants not serving alcohol no barriers are required.
- Moveable items must be under the immediate supervision of the Permittee's staff and secured against wind and theft.
- A restaurant's outdoor area must use non-permanent structures, which can be set up and broken down, but they will be allowed to be left in place until the expiration of the permit.

- Consumer-grade extension cords cannot be used to deliver electricity to an outside area; establishments wishing to extend any utility to an outside area are required to consult with a qualified professional after receiving approval from the Town.
- No temporary heating sources can be used without prior Fire Department approval.
- A permit, if granted, will only be valid during the hours of 7:00am to 9:00pm each day, Sunday through Saturday. In the event of extreme weather, the permitted area must be vacated upon notice from the town.
- All temporary outdoor areas shall be under the responsible direction and control of the restaurant or retail operation as identified in this application.
- All improvements (i.e., furniture, fixtures) used in the outdoor area must be temporary in nature and there shall be no penetration of sidewalk surfaces.
- The establishment must comply with all applicable city, state, and federal laws and regulations, including the Americans with Disability Act.

3: INSURANCE AND LIABILITY (PLEASE CONSULT WITH YOUR INSURANCE CARRIER REGARDING THE FOLLOWING ITEMS)

- The establishment understands and expressly assumes all the risk of operating and conducting business under this permit.
- As a condition of being granted this permit, during the term of this permit, the permittee shall defend, indemnify, save and hold the Town of Mount Desert, and its inhabitants, officers, employees and agents completely harmless from and against any and all liabilities, losses, suits, claims, costs, expenses, judgments, fines or demands arising by reason of injury to or death of, or asserted by, any person or persons, including the permittee's agents, clients, invitees or employees, or damage to any property, including all reasonable costs for investigation and defense thereof (including but not limited to attorneys' fees, court costs, and expert witness fees), of any nature whatsoever arising out of or incident to this permit and/or the use, occupancy, conduct, or management of the demised premises or the acts or omissions of the permittee's officers, clients, agents, employees, contractors, subcontractors, licensees, or invitees, except to the extent such injury, death, or damage is caused by

the negligent acts or omissions of the Town, its agents, employees, clients or invitees. The permittee shall give to the Town reasonable notice of any such claim or actions. The permittee shall also use counsel reasonably acceptable to the Town in carrying out its obligations under this article.

The permittee further expressly agrees that it will defend, indemnify, save and hold the Town of Mount Desert harmless from any and all claims made or asserted by the permittee's agents, servants or employees arising out of the permittee's activities under this permit. For this purpose, the permittee hereby expressly waives any and all immunity it may have under Maine's Workers Compensation Act in regard to such claims made or asserted against the Town by the permittee's agents or employees. For this purpose, the permittee further expressly waives any charitable immunity it may have under applicable law as to any and all claims of any person made or asserted against the Town arising out of the permittee's use and occupancy of the demised premises or other activity of the permittee under this Permit.

The indemnification provided under this section shall extend to and include any and all costs incurred by the Town to answer, investigate, defend and settle all such claims, including but not limited to the Town's costs for attorneys' fees, expert and other witness fees, the cost of investigators, and payment in full of any and all judgments rendered in favor of the permittee's agents, invitees, licensees, clients, servants or employees against the Town in regard to claims made or asserted by such persons.

In exercising the rights granted under this permit, the permittee shall at all times be regarded as an independent entity conducting its own business and operations and shall not at any time act, hold itself out or purport to act as an agent, contractor, co-partner, joint venture or employee of the Town.

The permittee, during the entire term of this permit shall maintain, at its sole expense, insurance in the type and amount shown below with companies authorized to do business in the State of Maine for the protection of the Town of Mount Desert against any and all liability, including wrongful death, against all claims, losses, costs or expenses arising out of injuries to persons whether or not employed by the permittee or damage to property whether resulting from acts, omissions, negligence or otherwise of the permittee, its directors, officers, clients, employees and agents and arising from the permittee's use of the demised premises or any part or portion thereof: 1) commercial general liability insurance with a minimum limit of \$1,000,000 combined single limit per occurrence and \$2,000,000 in the aggregate; and 2) workers compensation and employers liability insurance with a minimum limit of \$500,000 per occurrence.

The permittee shall cause to be furnished to the Town, at the time of execution of this permit, evidence in the form of certificates of insurance of the existence in force of the insurance required hereunder. Said certificates shall name the Town as an additional insured and loss payee. The permittee shall cause to be furnished to the Town replacement certificates of insurance whenever the insurance policies are renewed. The Town shall be notified prior to any changes or discontinuances of coverage.

The Town agrees to promptly notify the permittee in writing of the existence or filing of any claim, demand or action arising out of an occurrence covered hereunder of which the Town has knowledge, and to cooperate with the permittee in the investigation and defense thereof.

The minimum insurance coverage required under this article shall be deemed to be automatically adjusted whenever the Maine State Legislature shall increase the Town's maximum liability beyond such minimums for personal injury, wrongful death or property damage claims brought under the Maine Tort Claims Act. In the event of such an increase, the minimum insurance coverage required shall be no less than the amounts required herein or no less than the Town's maximum liability for

such claims under the Maine Tort Claims Act, whichever is greater.

4: ENFORCEMENT

The rights and duties granted herein shall be under the supervision and control of the Town of Mount Desert's Code Enforcement Officer and the Town of Mount Desert's Chief of Police. In the event of a breach of this permit by permittee, the Town may, for the first breach, issue a verbal warning to Permittee; in the event of a second breach, terminate this Permit.

Notwithstanding these provisions regarding penalties for breaches or any other provision of this permit, in the event that the Town, in its sole discretion, determines that further use of the premises under this permit is not in the best interests of the Town, the rights granted herein may be suspended or terminated upon 24 hours written notice to the permittee.

At the end of the term of this permit, or if this permit is suspended or terminated, all fencing, tables, seating, or equipment must be removed from any Town of Mount Desert public walkway or public area. The Town may move or remove any of said items if they are not removed before the end of the term of this permit or before the 24-hour notice period expires.

5: APPLICATION (ALL RESPONSES ARE REQUIRED):

Legal Name: _____

DBA Name: _____

Business Manager: _____ Phone: _____ Email: _____

Contact Person: _____ Phone: _____ Email: _____
(if not Business Manager)

Physical Address: _____ Mount Desert, ME
04660

Mailing Address: _____
Street/PO Box City State Zip

Phone: _____ Fax: _____

Name, address, telephone number and email of Property Owner (if property is rented or leased, need a copy of rental agreement / lease): _____

Which hours do you plan to have these additional areas open (no earlier than 7:00am, and no later than 9:00pm)? _____

On the following page, sketch out your plan for your outdoor area. In your sketch you must include and clearly indicate the relative locations of the following components:

- existing dimensions/boundaries of your business;
- sidewalk area you plan to use including actual dimension of the proposed seating area.
- an area of sidewalk at least 36 inches in width adjacent to your outside seating area that will allow for pedestrian traffic;
- arrangement of tables and other structures which have proper spacing;
- barriers to be used;
- awnings, umbrellas, and/or other rain- and sun-shielding devices to be used (optional)
- lights or lighting systems to be used; and

For extension of liquor license on premise:

- There must be stanchion or fence completely enclosing the area.
- Signs must be posted, stating "no alcohol beyond this point"
- There must be sufficient employees at the extension of premise, which would be able to control and monitor the area
- Please indicate the area of sidewalk you plan to use. See the section of Maine's liquor laws that govern these areas at <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec1051.html>. See section 3 and 9.

Signature of Owner/Corporate Officer

Printed Name of Owner/Corporate Officer

EXTENSION AREA PREMISE DIAGRAMS

In an effort to clearly define your extension, please draw a diagram below that will include the area you want for a temporary license premise. Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including methods of monitoring and containment of certain area which you are requesting approval from the Division of liquor consumptions.

6: SUBMISSION OF YOUR COMPLETED APPLICATION

SUBMIT TO: Town Clerk
Town of Mount Desert
21 Sea Street
PO Box 248
Northeast Harbor, ME 04662
(207)-276-5531

Approvals Required by:

- Code Enforcement Officer
- Fire Department
- Police Department
- Public Works

Town Clerk (or designee):

Signature

Date



Temporary Outdoor Restaurant Seating Permit Application Checklist

The Application meets the following conditions:

- The area occupied by the applicant (footprint) allows for a minimum of 36 inches of sidewalk width unobstructed for pedestrian foot traffic.
- The area occupied by the applicant is on a street with a grade no greater than 5 percent.
- No portion of the area occupied shall block or impede access to fire hydrants, designated loading zones, driveways, storm water drainage, manholes, catch basins, water utility valves/covers or other access points to underground utilities.
- No portion of the area occupied, or any furniture (e.g., umbrella) placed upon it, shall obstruct the view of a traffic control device (e.g., stop sign).
- All improvements (i.e., furniture fixtures) used in the outdoor area are temporary in nature and no penetrations made to the sidewalk surfaces.
- The applicant's proposed design
 - Uses non-permanent freestanding structures that rest on the sidewalk surface which can be set-up and broken down, and easily removed when necessary. No features or structural components may be permanently attached to the street, sidewalk, curb, etc.
 - Complies with all applicable local, state, and federal laws and regulations, including the Americans with Disability Act (ADA).
 - Allows water run-off to easily flow through the area and does not divert run off to new locations.
 - If serving liquor uses physical barriers to visually distinguish the boundary of the outdoor area occupied.



Town of Mount Desert

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MEMO

DATE: June 19, 2020

TO: Board of Selectmen

FROM: Claire Woolfolk, Town Clerk

RE: 2020 Shellfish Licenses

Due to COVID 19 restrictions and social distancing, the Shellfish Committee has opted to not meet. The Department of Marine Resources has said most towns/cities have also run into this problem. Many have gone to their selectmen to do one of the following:

1. Extend the expiration date of the current license until June 30, 2021 and continue to sell licenses that remain from 2020 (or waive the fees)

Resident Commercial License (9) \$150.00 (4 licenses sold)
Non-resident Commercial License (1) \$300.00 (1 license sold)
Resident Recreational License (unlimited) \$ 30.00 (4 licenses sold)
Non-resident Recreational License (see Section 4) \$ 50.00 (4 licenses sold)

2. Extend the expiration date of the current license until another date (such as September 30, 2020) and begin selling October 1, 2020 at last year's allocation

2019 License Classes and Fees

Resident Commercial License (9) \$150.00
Non-resident Commercial License (1) \$300.00
Resident Recreational License (unlimited) \$ 30.00
Non-resident Recreational License (see Section 4) \$ 50.00

A survey of the Shellfish Committee members indicated that they recommend extending the licenses out until June 30, 2021. They made no recommendation with regards to selling or waiving fees.