

MINUTES

Selectmen's Meeting - Town Office

Thursday March 15, 2018 - 6:00 PM

Janice Crawford
Richard Eastman

Richard Murray III
Kimberly Clarke

Thomas Klinepeter

Selectman Crawford opened the public hearing at 6:00 PM to hear questions and comments to consider an application for renewal of a liquor license submitted by D's Pizza located at 113 Bridgton Road, Fryeburg, Maine. There were no questions or comments. Public Hearing closed at 6:01 PM.

Selectman Crawford opened the public hearing at 6:01 PM to hear questions and comments to consider an application for renewal for a Special Amusement Permit submitted by Saco River Brewing located at 10 Jockey Cap Lane, Fryeburg, Maine. Public Hearing closed at 6:20 PM.

- Roger and Linda Brown and Bill and Haines, who are abutting neighbors spoke against the Special Amusement Permit. Bill, representing his business, Two Black Dogs, submitted a written statement (attached to minutes) complained about brewery patrons parking in Bill's spaces, which he stated was his main complaint, not having enough bathroom facilities and he feels the brewery stretches the law. Roger said about 10 years ago 3 selectmen said they wouldn't allow outside entertainment again; the bands are too loud and he has to get up at 3:00 AM.
- Kevin Antonnuci spoke on his behalf stating he has tried to work with Bill concerning parking. Kevin marks his parking spots and Bill doesn't. They follow the brewery rules and they have plenty of parking. The band will pay one day on weekends from 4 - 7. They close at 7:00 PM. He has a decibel reader and keeps the noise under the limit. For full discussion of public hearing the DVD is available.

1. Selectman Crawford called the Selectmen's Meeting to order and declared a quorum at 6:20 PM. Selectman Clarke and Murray were excused.
2. Selectman Crawford led the Pledge of Allegiance.
3. New Business:

- Action to approve the Selectmen's Meeting minutes of February 22, 2018.
 - i. Approval of the February 22nd meeting minutes had to be tabled because there wasn't a quorum to vote.
- Motion by Selectman Eastman, second by Selectman Klinepeter to approve the Liquor License renewal for D's Pizza. Vote 3-0.
- Motion by Selectman Eastman, second by Selectman Klinepeter to approve the Special Amusement Permit renewal for Saco River Brewing with two requirements (1) Entertainment would be allowed 1 day per week and (2) the band cannot play later than 7:00 PM. Vote 3-0.
- Nathan Burnett introduced himself as a Candidate for Maine House of Representatives District 70.
- Motion by Selectman Eastman, second by Selectman Klinepeter to appoint Kim DeVries to the Planning Board as an Alternate Member through June 2020. Vote 3-0.
- Motion by Selectman Klinepeter, second by Selectman Eastman to accept the \$12,000 Mulford Fund Grant awarded to the Friends of the Fryeburg Public Library to be used

towards the installation and operation of humidity and temperature control unit in the Mulford Room and to award the bid to McIver Electric for the electrical work \$500 and to Gagnon Heating & Air Inc., for the dehumidifier and installation for \$7,650. *Vote 3-0.*

- Motion by Selectman Klinepeter, second by Selectman Eastman to approve a 2018 abatement request for Scott & Lorraine Sinclair, for Map and Lot #032-005-000, in the amount of \$1,752.96. *Vote 3-0.*
- Motion by Selectman Eastman, second by Selectman Klinepeter to deny a 2018 abatement request for Elbridge Russell, for Map and Lot #012-028-A00. *Vote 3-0.*
- *Discussed the Draft "Town of Fryeburg Adult Use Marijuana Cultivation, Products Manufacturing and Testing Ordinance" and Draft "Ordinance Prohibiting Adult Use Marijuana Operations".*
 - i. *Selectmen Crawford, Eastman and Klinepeter all oppose having the prohibition ordinance on the ballot. Motion by Selectman Klinepeter, second by Selectman Eastman to oppose having both ordinances on the ballot. Vote 3-0.*
- Motion by Selectman Klinepeter, second by Selectman Eastman to approve the following Municipal Quit Claim Deeds. *Vote 3-0.*
 - i. Carl & Heather Drew, Map and Lot #053-009
 - ii. Carl & Heather Drew, Map and Lot #053-023
 - iii. Carl & Heather Drew, Map and Lot #053-024
 - iv. Shane Hill, Map and Lot #017-024
 - v. William & Adrienne Robbins, Map and Lot #013-010
 - vi. Sherri Seavey, Map and Lot #051-011-A00
 - vii. Karl C Bussiere, Map and Lot #037-060
- Motion by Selectman Eastman, second by Selectman Klinepeter to approve the Memorandum of Understanding between the Towns of Fryeburg and Conway for May 1, 2018 through April 30, 2019 for Cable Channel 3. *Vote 3-0.*
- Motion by Selectman Eastman, second by Selectman Klinepeter to approve the "Lease Modification Agreement" between Fryeburg Rescue and the Town of Fryeburg. *Vote 3-0.*
- Motion by Selectman Eastman, second by Selectman Klinepeter, to approve the CMP Application for Pole Location or Underground Location with Fairpoint New England starting a pole 20 and staying on the easterly side of the road to existing pole 24 on Porter Road. *Vote 3-0.*
- Discuss joint meetings with the Fryeburg Water District.
 - It was agreed to table discussion to continue joint meetings until all 5 selectmen were present.

Department Reports:

- Joshua Potvin, Police Chief reported Officer Andrew Ward was half way through the Police Academy training. The timer on the red light at the corner of Main and Portland streets is not working. Route 302 on Main Street will need to be dug up to fix the motion detection unit that is underground. The timer has been adjusted as best it can be until spring.
- Clyde Watson, Public Works Director reported on the storm and equipment maintenance.
- Fire Chief, Andy Dufresne's report is attached.
- Town Manager, Sharon Jackson's report is attached.

4. Public Forum

- There were many questions and comments made by Selectmen, Water District Trustees and members of the public concerning the joint meetings. The DVD is available to anyone wanting to hear the full discussion.


5. Motion by Selectman Eastman, second by Selectman Klinepeter, to approve Accounts Payable Warrants #79, #80, #82, #84 and Payroll Warrants #78, #81, #83. Vote 3-0.

6. Adjustments as needed. *See above in italics.*

7. Motion by Selectman Klinepeter second by Selectman Eastman to adjourn.

Date: April 19, 2017


Janice Crawford



Richard Eastman



Thomas Klinepeter



I thought it would be a nice complimentary business, when I first was told that a retail beer store and a brewery were going to share the property that my restaurant was on. But, very early into the operation I realized that the intention was to operate as a bar and not so much a brewery.

They can get a much better profit by selling glasses of beer instead of kegs. There is no salesmen or marketing to sell their beer to other restaurants other than the few immediately in the area. There is a conflict between the restaurants and brewery's in Portland right now and the restaurant association is questioning the so called tasting rooms.

Restaurants are regulated by the health department, while brewery's come under the department of agriculture. Restaurants have to serve food the entire time they are open, while breweries do not have to have those requirements. The insurance for a brewery is far less than a restaurant and the labor overhead is much less. The bottom line is a brewery can operate as a bar instead of a restaurant.

I question if the bathroom facilities are rated to accommodate large crowds or just the rating of a so called tasting room. In the summer they have 2 Porto pots, which leads me to believe the facilities are not adequate, especially in the winter.

There are breweries in Portland that don't even sell kegs to restaurants, they just sell beer by the glass in their tasting room and operate entirely as a bar selling their own brewed beer. Saco River Brewing can do the same thing.

My question is why a brewery would need an amusement license if they operated as a brewery selling kegs and cans of beer. An establishment with live music is definitely more of a bar and less of a brewery.

My main problem is every time they have live music, it interferes with my business because they take my parking places. Many times, my customers tell me that they don't even come in because my parking lot is so full; they think they will not get a seat.

When they first started the entertainment, it was once a month. This past weekend they had music Friday and Saturday night. I had to have my wife direct traffic so my customers could park. The door is now open that they can have live music, Friday, Saturday nights and Sunday afternoons. This will be a huge impact on my business.

They also now have a food establishment that is directly marketed as the food service for the brewery. You have a food operation that owns the other bar/restaurant in town. They are very familiar with live music. The police can verify the impact live music has on the number of complaints they get versus a restaurant such as mine. You now have a food service that is benefiting from a liquor license without having to own a license. Essentially, you have a brew pub with food and live music that only is regulated as a brewery.

Finally, there is a problem in the summer when they have live music, because it is outside. Sure, the play under an open garage door, but the sound and the customers are outside. I can see Sunday

afternoon jams attracting bikers and a large party crowd that will impact the neighborhood and really impact my business. Neither, of the other 2 amusement licenses are permitted to have music outdoors.

A brewery with a tasting room is completely legal and allows customers to taste their beers and buy beer to take out. A take-out food operation will not impact the parking situation as cars will come and go. But, a bar with food and live entertainment playing outside is a problem. You can regulate how this business is conducted by not approving an amusement license. You can also have conditions placed on the license, such as only having music once a month or not ever allowing music outside.

Bill Haines
Submitted 3/15/18