

Town of Newry Selectmen Meeting Minutes
March 21, 2017 7:30am @ Newry Town Office

Selectmen Present: Gary Wight, James Largess, Wendy Hanscom

Others present: Tama Drown, Gary Drown, Brooks Morton, Jim Sysko, Alision Aloisio, Amy Bernard, Dave Bonney, Kelly Scott

Signing of Warrants: all signed

Approval of meeting minutes: approved minutes from 2/21/2017

Adjustments to Agenda: Select Board Chairman

Announcements: none

Public Comment: none

New Business:

~Discuss the Withdrawal Committee their funds situation: The NWC's account is \$-156.00. The NWC will not meet again until the conclusion of LD51. The NWC can request a money article for the May town meeting no later than 7 days prior to meeting. The office received a citizens petition to place a secret ballot article on the ballot in May. Public hearing will be scheduled.

~Discuss and consider setting a tax rate and committing 1/1/2017-6/30/2017 taxes:

Administrator Bernard prepared 3 tax rate scenarios:

4.47% = \$14,547.00 overlay

4.50% = \$28,203.00 overlay

4.53% = \$41,859.00 overlay

Selectman Largess made motion to accept the 4.50% MIL w/ \$28203.00 overlay. Selectman Wight second. Voted all-in-favor. Tax due date will be May 15th 2017.

Discuss and consider appointing Gary Polonski to the appeals board: Selectman Largess made motion to appoint Polonski, Selectman Conkright seconded. They voted all-in-favor.

Discuss and consider signing the disbursement warrant: Tabled

Discuss Whitney Gray's resignation and consider appointing David Bartlett to the School Board until 7/1/2017: Board accepted Whitney's resignation. Selectman Wight made motion to appoint David Bartlett. Selectman Largess seconded. Voted all-in-favor.

Discuss setting additional dates to review 7/1/2017-6/30/2018 budget: Tuesday 4/4 at 7:30am, Monday 4/10 at 7:30am, 4/18 7:30am and Tuesday May 2nd to approve Town meeting warrant.

Select Board Chairman: After a very short discussion Selectman Largess made a motion to select Selectman Wight as Chairman, citing what a good job he does! Selectman Conkright seconded. Voted all-in-favor.

Unfinished business:

~Discuss and consider the consent agreement with Mountain House owners: Action taken thus far: The owner was sent a notice of violation. We asked that they appear before planning

board. Another letter was sent to state that we will be pursuing further legal action if she does not comply. (see attachment #1)

Consider signing the bank reconciliation for December, January and February: Signed
~Reconsider request by the NWC for additional funds to go to town meeting: (Tabled item):
Tabled

REPORTS:

Town Administrator: See attachment #2

CEO: See attachment #3

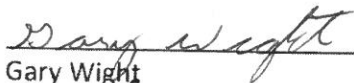
Selectman: None

Committees: no reports

Next Meeting: Tuesday, April 4, 2017 @ 7:30am

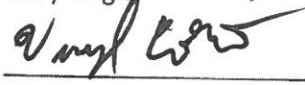
Adjourn: 8:19am

Minutes Approved By:




Gary Wight

Date: 4-25-17



Virgil Conkright

Date: 4-25-17



James Largess

Date: 4/25/17

CONSENT AGREEMENT

WHEREAS, Julie Stevens and Joan T. Baker, Trustees for the Joan T. Baker Revocable Trust (the "Trust") (the "Landowner") have conducted a commercial wedding and reception/party business called Maine Mountain Weddings/Mountain House at Sunday River ("Mountain Weddings") on Landowner's property shown on Town of Newry (the "Town") Tax Map R13 as Lot 26C as a home occupation exempt under Section I.D.5. of the Unified Development Review Ordinance of the Town of Newry, Maine (the "UDRO") in a manner that on October 18, 2016 resulted in noise complaints to the Newry Board of Selectmen; and

WHEREAS, such activity constitutes a violation of Section I.D.5. of the UDRO (the "Violation") and requires the Landowner to apply for and obtain Site Plan approval for either a home occupation or for a new use of land for commercial purposes; and

WHEREAS, by letter dated March 2, 2017 (copy attached) the Code Enforcement Officer for the Town has provided proper notice to the Landowner of the Violation; and

WHEREAS, Section VI.L. of the UDRO authorizes the Municipal Officers to initiate legal action to enforce the UDRO by obtaining a court order requiring the Landowners to pay a fine of \$100 to \$2,500 per day per violation plus the Town's attorney's fees and costs; and

WHEREAS, The Town and the Landowner have been cooperating with each other in an attempt to reach an out-of-court settlement;

NOW, THEREFORE, the Town and the Landowner agree as follows:

1. The Town hereby assesses the Landowner a \$250 fine and \$750 for the Town's attorney's fees for said Violation, provided, however, that so long as the Landowner submits a site plan application for Mountain Weddings, as either a home occupation or a new commercial use, to the Town's Planning Board within 30 days from the later date below and diligently pursues that application through the Planning Board process for site plan approval, then the Town agrees to waive payment of the \$250 fine and \$750 in attorney's fees and to forego instituting legal action against the Landowner to enforce the Violation;

2. Except that, if the Landowner breaches the terms of this Consent Agreement, the Town then may institute appropriate court proceedings to enforce the Violation and the provisions of the UDRO against the Landowner, including but not limited to recovery of the fine and attorney's fees stated above.

Done and dated at Newry, Maine
this ____ day of _____, 2017

Accepted and dated at _____,
this ____ day of _____, 2017

Town of Newry

The Joan T. Baker Revocable Trust

By:

Gary Wight, Chair, Selectperson

Julie Stevens, Trustee
The Joan T. Baker Revocable Trust

By:

Virgil Conkright, Selectperson

Joan T. Baker, Trustee
The Joan T. Baker Revocable Trust

By:

James Largess, Selectperson

Attachment #2

Town Administrator's Reports: 3.21.17

- I signed and extension of permit for the Barking Dog to have a vodka tasting booth on their deck for last weekend.
- AVCOG is holding it general assembly on April 5th at the Meadowview Country Club in Auburn. Full days of workshops are being offered.
- AT the next meeting in April the board will be appointing committee members to various committees.
- AVCOG's executive Director Robert Thompson has announced he is retiring from his post (25 years at AVCOG) this summer.
- LD 1080 "Fran Heads bill to prevent Newry withdrawal efforts from the SAD 44 district is out of the revisions office. It will need to be monitored until a public hearing date is issued.
- The 45 day notification window expires on Friday march 24th for a ballot measure for Monday May 8th.



spoke to Town attorney, possibly need lobbyist for guidance on how to testify. Everyone is watching for public hearing.

Gary motion for lawyer guidance
Jim second - All-in-favor

* Med-Core contract is renewing - at Town Meeting talk about using Bethel Rescue. Bethel does not have full-time paramedic - so they would call for Med-Core or Pace. Pace does not charge a per-diem. Next meeting discuss Tink ~~motion~~ hearing from all services.
Jim second - all-in-favor

Code Officer Report

Selectboard Meeting

March 21, 2017

Permits Issued:

A Building Permit and Plumbing Permit were issued for a two bedroom Single Family Dwelling on Mobus Lane. The dwelling will be using the exiting two bedroom septic system which was replaced in 2009. The existing structure is to be removed.

Road Items:

Roads were posted Tuesday Feb 21 following the mornings Selectboard meeting. Citizens have reported heavy trucks traveling the Sunday River Road since posting, a call into the Oxford County Sheriff's Dispatch resulted in Maine State Trooper Jeff Degroot calling suggesting he be called at 207-577-1330 for possible enforcement action.

Potholes have been patched on Sunday River Road and Branch Road

Other Items:

Oxford County Emergency Management Agency asked Towns to submit any extra costs incurred associated with the Feb 12th and 13th snowstorm to see if a State disaster declaration would be declared by the Governor. The Town of Newry did not incur any extra costs associated with the storm as the Town has a lump sum payment per month contract for winter road maintenance. In Oxford County 73% of the 15 most populated Town incurred extra costs. The State of Maine as a whole was technically over the extra cost threshold but because of the Federal Emergency Management Agency Snow Policy the Maine Emergency Management Agency did not feel pursuit of a disaster declaration would be successful.

Road Committee: The Road Committee is seeking a new member.