

Town of Newry Selectmen Meeting Minutes
July 30, 2019 5pm Newry Town Office

Selectmen Present: Gary Wight, James Largess, Tink Conkright

Others present: Amy Bernard, Barbara Rajaniemi, Dave Bartlett, Doug Webster, Sam Wheeler
Tama Drown.

Signing of Warrants: all signed

Approval of meeting minutes: Selectman Wight made a motion to approve the minutes as amended. Selectman Conkright 2nd and all approved.

Adjustments to Agenda: None

Announcements: None

Public Comment: None

New Business:

~Discuss and Consider Signing Fiscal Year Tax Commitment 2020~:

Mill rate 10.700 (down 10 cents from 2019)

Selectman Wight made a motion to sign tax commitment 2020. Selectman Conkright 2nd and all approved.

~Discuss and Consider Signing Reappointment of Offices/Committee List for 2019~:

Reappointments started July 1st 2020.

Selectman Wight made a motion to approve the annual appointment 2019. Selectman Conkright abstained due to being appointed as Sexton, Selectmen Largess 2nd and all approved.

Selectman Wight made a motion to approve the committee reappointments 2019. Selectman Conkright abstained due to being reappointed on the Cemetery Committee and Road Committee, Selectmen Largess 2nd and all approved.

“Thanks for serving as Sexton and on both Committees Tink”

~Discuss and Consider Planning Board / and amending the Planning Board Ordinance~:

“How can the select board help the planning board?”

Concern: that there will be no quorum as they are down to 3 members. They would like 5 on the board with 2 alternates.

The way to get people to participate on the board is to ask them. These positions are a stipend.

The next planning board meeting is August 7th at 7pm.

Doug Webster needs a key to the building (key was given to him)

“Selectman want to help.”

The selectmen will go to the Planning board meeting on the Aug 7th. If they need an executive session for personnel concerns than they may have one on that day.

Amy will place an ad, post on Facebook and ask people at the counter.

~Discuss and Consider signing Special Town Meeting Warrant for August 13, 2019~:

Public Hearing August 13, 2019.

Amend the Planning Board Ordinance and Marijuana Store Ordinance

The license fee should not be excessive or capricious.

Treat it like we treat the liquor licenses.

Subdivisions have their own covenants.

We want to allow them to do business.

Unfinished Business:

~Discuss and Consider Plans for New Hire~:

What are our needs?

Budget is for 40 hours. The auditor suggests 3 full time in the office for accountability.

Amy will get the selectmen the job posting.

REPORTS:

Town Administrator: see attached

CEO: see attached

Selectman: none

Committees: none

Next Meeting: 8/13/2019 5:00 pm Select Board Meeting

8/13/2019 6:00 pm Public Town Meeting

Adjourn: 6:32pm

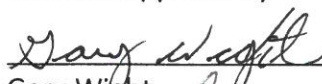
Executive Session: M.R.S.A. Chapter 13 Title 1 ss405 6A – Personnel Matter.

Selectman Largess made the motion to enter in at 6:33pm, Selectman Wight 2nd all approved.

Selectman Wight made the motion to exit the session and Selectman Conkright 2nd it all approved.


Adjourn 7:30pm.

Minutes Approve By:



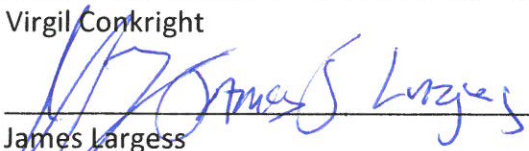
Gary Wight

Date: 8/13/19



Virgil Conkright

Date: 8/13/19



James Largess

Date: 8/13/19

Committee Reappointments 2019

	Term	Expire date
Planning Board		
David Bartlett		2022
John Gauthier		2022
Vacant	3	2019

Appeals Board

Richard Nelson	3	2022
Vacant	2	2019
Gary Polonski	3	2022
Bruce Pierce ALT	2	2020

Sunday River School House Committee:

Ann Freeland	1	2019
	1	2019
	1	2019

Cemetery:

Robert Lowell	1	2019
Virgil Conkright	1	2019
Brooks Morton	1	2019
Charles Bean	1	2019

Road committee:

James Sysko	1	2019
Allen Fleet	1	2019
Virgil Conkright	1	2019
David Bonney	1	2019
	1	2019

Approved by Newry Select Board on July 30, 2019

Gary Wight

James Largess

Virgil Conkright

Annual appointments 2019

Position	Name	Term	Experation Date
Sexton	Virgil Conkright	1	2020
CEO/LPI/ Dpty Road Commisioner	David Bonney	1	2020
Assitant CEO/LPI	Bethel CEO/LPI	1	2020
Welfare Director	Amy Bernard	1	2020
E-911 Addressing Officer	David Bonney	1	2020
MED-CARE BOARD	Virgil Conkright	1	2020
Planngng Board Secretary	Rebecca Bean	1	2020
Dog warden	Susan Milligan	1	2020
Health Officer	Sarah Berry	1	2020
Freedom of Information Officer	Amy Bernard	1	2020

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James Largess

Virgil Conkright

Committee Reappointments 2019

	Term	Expire date
Planning Board		
<u>David Bartlett</u>	3	2022
<u>John Gauthier</u>	3	2022
Vacant	3	2019
Appeals Board		
Richard Nelson	3	2022
Vacant	2	2019
Gary Polonski	3	2022
Bruce Pierce ALT	2	2020
Sunday River School House Committee:		
Ann Freeland	1	2019
	1	2019
	1	2019
Cemetery:		
Robert Lowell	1	2019
Virgil Conkright	1	2019
Brooks Morton	1	2019
Charles Bean	1	2019
Road committee:		
James Sysko	1	2019
Allen Fleet	1	2019
Virgil Conkright	1	2019
David Bonney	1	2019
	1	2019

Gooch any can't get ahead of him.

Approved by Newry Select Board on July 30, 2019

Gary Wight

James Largess

Virgil Conkright

**CERTIFICATE OF ASSESSMENT TO BE RETURNED TO MUNICIPAL TREASURER
STATE OF MAINE**

County Oxford, ss.

We hereby certify, that we have assessed a tax on the estate, real and personal liable to be taxed in the Municipality of Newry for the fiscal year 07/01/2019 to 06/30/2020, at 10.7 mils on the dollar, on a total taxable valuation of \$451,142,784

Assessments:

1. County Tax	547,647.00	
2. Municipal Appropriation	1,360,814.00	
3. TIF Financing Plan Amount	0.00	
4. Local Educational Appropriation	3,189,941.00	
5. Overlay (Not to Exceed 5% of "Net To Be Raised" (see tax rate calculation #16)	35,505.15	
6. Total Assessments		5,133,907.15

Deductions:

7. State Municipal Revenue Sharing	10,385.24	
8. Homestead Reimbursement	13,353.60	
9. BETE Reimbursement	82,940.52	
10. Other Revenue	200,000.00	
11. Total Deductions		306,679.36
12. <u>Net Assessment for Commitment</u>		4,827,227.79

Lists of all the same we have committed to Amy Bernard, Tax Collector of said Municipality, with warrants in due form of law for collecting and paying the same to Amy Bernard, Municipal Treasurer of said Municipality, or the successor in office, on or before such date, or dates, as provided by legal vote of the Municipality and warrants received pursuant to the laws of the State of Maine. (Title 36 MRSA, section 712)

Given under our hands this 07/30/2019

_____ Municipal Assessor(s)

Complete in Duplicate. File original with Tax Collector. File copy in Valuation Book

ASSESSORS' CERTIFICATION OF ASSESSMENT

WE HEREBY CERTIFY, that the pages herein, numbered from 1 to 450 inclusive, contain a list and valuation of Estates, Real and Personal, liable to be taxed in the Municipality of Newry for State, County, District, and Municipal Taxes for the fiscal year 07/01/2019 to 06/30/2020 as they existed on the first day of April 2019.

IN WITNESS THEREOF, we have hereunto set our hands at Newry this 30 day of July, 2019.

Municipal Assessor(s)

MUNICIPAL TAX ASSESSMENT WARRANT

State of Maine Municipality Newry County Oxford
To Amy Bernard, Tax Collector

In the name of the State of Maine you are hereby required to collect of each person named in the list herewith committed to you the amount set down on said list as payable by that person.

Assessments:

1. County Tax	547,647.00	
2. Municipal Appropriation	1,360,814.00	
3. TIF Financing Plan Amount	0.00	
4. Local Educational Appropriation	3,189,941.00	
5. <u>Overlay</u> (Not to Exceed 5% of "Net To Be Raised" (see tax rate calculation #16)	35,505.15	
6. Total Assessments	<u>5,133,907.15</u>	5,133,907.15

10.70
mill rate

Deductions:

7. State Municipal Revenue Sharing	10,385.24	
8. Homestead Reimbursement	13,353.60	
9. BETE Reimbursement	82,940.52	
10. Other Revenue	200,000.00	
11. Total Deductions		306,679.36
12. <u>Net Assessment for Commitment</u>		4,827,227.79

You are to pay to Amy Bernard, the Municipal Treasurer, or to any successor in office, the taxes herewith committed, paying on the last day of each month all money collected by you, and you are to complete and make an account of your collections of the whole sum on or before 04/01/2019.

In case of the neglect of any person to pay the sum required by said list until after 09/30/2019 & 03/31/2019; you will add interest to so much thereof as remains unpaid at the rate of 8.00 percent per annum, commencing 10/01/2019 & 04/01/2019 to the time of payment, and collect the same with the tax remaining unpaid.

Given under our hands, as provided by a legal vote of the Municipality and Warrants received pursuant to the Laws of the State of Maine, this 07/30/2019.

_____ Assessor(s) of: Newry

CERTIFICATE OF COMMITMENT

To Amy Bernard the Collector of the Municipality of
Newry , aforesaid.

Herewith are committed to you true lists of the assessments of the Estates of the persons wherein named; you are to levy and collect the same, of each one their respective amount, therein set down, of the sum total of \$4,827,227.79 (being the amount of the lists contained herein), according to the tenor of the foregoing warrant.

Given under our hands this 07/30/2019

_____ Assessor(s) of: Newry

Complete in Duplicate. File original with Tax Collector. File copy in Valuation Book

Code Officer Report Select Board Meeting July 30, 2019

Building Permits Issued

Five Building Permits were issued since the last meeting. Four were for single family dwellings; one off Franklin Rd., one off Mt. View Rd., one off Monkey Brook Rd. and one off Sunday River Rd. A permit was issued for replacing siding at North Peak Condos.

Plumbing Permits Issued

Six Plumbing and five Septic Permits were issued since the last meeting. One of each issued to the four above single family dwellings. Two Plumbing Permits were issued, one for a North Peak Condo sink and one for a Fall Line Condo water heater. A Septic Permit was issued for a disposal field replacement serving a dwelling off Bear River Road.

Road Items

Pike Industries will be back to complete paving Branch Road at an unknown date, the move out was due to crews being needed elsewhere and heavy truck traffic prompting excessive sweeping and equipment maneuvering. Stopping traffic weighing over 23, 000lbs. for a week or more is suggested to complete paving.

Crack sealing of paved roads and seal coating and handicap striping at the Grange Hall has been completed by D. R. Fournier. Complaints of crack sealant adhering to vehicle tires during application was received. Very few spots of crack seal appeared disturbed by traffic. Contractor stated these complaints might be minimized in the future by adjusting operations to accommodate longer duration lane closures.

A Driveway Permit was issued for the new single family dwelling being constructed off the Monkey Brook Road, an entrance culvert is not needed and site distance is good. The new driveway location is 150 feet west of and on the same road side as Kendall Bog Road.

For 911 purposes, the existing driveway accessing the new single family dwelling being constructed off Sunday River Road (Sue Herlihy sold her place) will become a named road to accommodate two dwellings accessed by one driveway. The road name chosen by the owners is Casita Lane. The road name sign materials have been ordered by the Town with delivery expected in 2 weeks, cost to be reimbursed by owner.

Other Items

Received a complaint from the owner at 49 Barker Mountain Road concerning a property line setback intrusion by their neighbor's construction of a deck type structure accommodating a hot tub. A setback violation does appear to exist, without a professional survey it is hard to confirm.

Received a complaint of Barker Brook discoloration during the Tough Mountain Challenge activities.

Possibly the Transfer Station rules could change to define load volume by cubic feet allowed per day for construction debris, shingles, sheetrock and metals as opposed to the one full sized pickup truck or equivalent, per day in place now. Volume determinations of each incoming container could be made by measuring the container, possibly simplifying volume per day enforcement.

GDD & RD

MARIJUANA STORE ORDINANCE

1. PURPOSE.

The purpose of this Ordinance is to provide for and regulate the issuance of Local Licenses for Marijuana Stores as defined in this Ordinance and by the State of Maine under the Marijuana Legalization Act, 28-B M.R.S.A. Chapter 1, as may be amended. This Ordinance shall be known and cited as the "Town of Newry Marijuana Store Ordinance" or the "Ordinance."

2. AUTHORITY.

This Ordinance is adopted pursuant to the authority granted by 28-B M.R.S.A. § 401 *et seq.*, as may be amended.

3. DEFINITIONS.

As used in this Ordinance, the following words and phrases shall have the meanings ascribed to them in this Section.

Adult Use Marijuana shall mean "adult use marijuana" as that term is defined in 28-B M.R.S.A. §102(1), as may be amended.

Adult Use Marijuana Product shall mean "adult use marijuana product" as that term is defined in 28-B M.R.S.A. §102(2), as may be amended.

Applicant shall mean a person that has submitted an application for licensure as a Marijuana Store pursuant to this Ordinance.

Licensed Premises shall mean the premises specified in an application for a State or Local License pursuant to this Ordinance that are owned or in the possession of the Licensee and within which the Licensee is authorized to sell adult use marijuana and/or adult use marijuana products in accordance with the provisions of this Section and the requirements of State law and regulations.

Licensee shall mean a person licensed pursuant to this Ordinance.

Local License shall mean any license required by and issued under the provisions of this Ordinance.

Local Licensing Authority shall mean the Board of Selectmen of the Town of Newry.

Marijuana shall mean "marijuana" as that term is defined in 28-B M.R.S.A. §102(27), as may be amended.

6. LICENSE REQUIRED.

A Marijuana Store shall not operate until it is licensed by the State Licensing Authority pursuant to the requirements of 28-B M.R.S.A. Chapter 1, as may be amended, and is issued a Local License under the provisions of this Ordinance.

7. LICENSING PROCEDURE.

a. The initial application for a Local License shall be processed by the Town Clerk but reviewed and approved by the Local Licensing Authority. Application shall be made on a form prepared by the Town and must include all information required by Section 9 of this Ordinance and by the form.

b. A public hearing on an application for a Local License shall be scheduled after receipt of a completed application pursuant to Section 9 of this Ordinance. The Town Clerk shall post and publish public notice of the date, time and place of the hearing not less than seven (7) days prior to the hearing; notice shall be published in a newspaper of general circulation in Oxford County.

c. A Local License renewal application shall be subject to the same review standards as apply to the initial issuance of the license and the same notice requirements as a new application. As part of the renewal process, the Local Licensing Authority shall consider compliance from prior years, and based upon that review, may add conditions to any future license to correct, abate or limit past problems. In the event that the Local Licensing Authority determines that a public hearing on a renewal application is necessary and appropriate, the Local Licensing Authority may elect to defer action on a renewal application until after it conducts a public hearing.

d. The Town Clerk shall be responsible for the initial investigation of the application to ensure compliance with the requirements of this Ordinance. The Town Clerk may consult with other Town departments and any appropriate State Licensing Authority as part of the initial investigation.

e. The Local Licensing Authority shall have the authority to impose any conditions on a license that may be necessary to insure compliance with UDRO and this Ordinance or to address concerns about the operations that may be resolved through the conditions. The failure to comply with such conditions shall be considered a violation of the license.

f. No Local License shall be granted by the Local Licensing Authority until the Police Chief, the Fire Chief, the Health Inspector and, if applicable, the Code Enforcement Officer, have all made a positive recommendation upon the Applicant's ability to comply with this Ordinance. Whenever inspections of operation of a licensed business are provided for or required by ordinance or State law, or reasonably necessary to secure compliance with any ordinance or State law, it shall be the duty of the Applicant or Licensee, or the person in charge of the premises to be inspected, to admit any officer, official or employee of the Town authorized to make the inspection at any reasonable time that admission is requested.

b. In the event that the Town Clerk determines that a submitted application is not complete, the Town Clerk shall notify the Applicant within ten (10) business days that the application is not complete and shall inform the Applicant of the additional information required to process the application.

10. LICENSE EXPIRATION AND RENEWAL.

a. Each Local License issued shall be effective for one year from the date of issuance.

b. Renewal applications must be submitted prior to the date of expiration of the annual Local License. An application for the renewal of an expired license shall be treated as a new license application.

11. DENIAL, SUSPENSION OR REVOCATION OF LICENSE.

a. A Local License under this Ordinance shall be denied to the following persons:

1. A person who fails to meet the requirements of this Ordinance. Where an Applicant is an entity rather than a natural person, all natural persons with an ownership interest shall meet these requirements.

2. A person who has had a license related to Marijuana revoked by the Town or by the State.

3. An Applicant who has not acquired all necessary State approvals and other required local approvals prior to the issuance of a Local License.

b. The Local Licensing Authority may suspend or revoke a license for any violation of UDRO, this Ordinance, or any other applicable building and life safety code requirements, and may suspend or revoke a license if the Licensee has a State License related to Marijuana suspended or revoked by the State. The Licensee shall be entitled to notice and a hearing prior to any suspension or revocation.

12. OPERATING REQUIREMENTS.

The Licensee shall comply with all of the following requirements during the term of the Local License:

a. The current Local License shall be displayed at all times in a conspicuous location within the Licensed Premises.

b. All Licensed Premises shall be fixed, permanent locations. Licensees shall not be permitted to operate a Marijuana Store in temporary or mobile locations.

17. OTHER LAWS.

Except as otherwise specifically provided herein, this Ordinance incorporates the requirements and procedures set forth in the Maine Marijuana Legalization Act, 28-B M.R.S.A. Chapter 1, as may be amended. In the event of a conflict between the provisions of this Ordinance and the provisions of the Maine Marijuana Legalization Act or any other applicable State or local law or regulation, the more restrictive provision shall control.

18. EFFECTIVE DATE.

This Ordinance shall take effect upon enactment by Town Meeting. However, no application for any Local License for a Marijuana Store shall be acted upon until the effective date of regulations promulgated and adopted pursuant to 28-B M.R.S.A. Chapter 1, as may be amended.

An Ordinance to Amend the Planning Board Ordinance

The Town of Newry Planning Board Ordinance, enacted September 21, 1987 and amended March 3, 2015, is hereby amended as follows:

PLANNING BOARD ORDINANCE

1. Establishment: Pursuant to Article VIII, Part 2, Section 1 of the Maine Constitution and Title 30-A MRSA Sections 3001 *et seq.*, the Town of Newry hereby establishes the Newry Planning Board.
2. Appointment:
 - A. ~~Planning Board~~ members shall be appointed by the ~~Municipal Officers Board of Selectmen~~ and sworn by the Clerk or other authorized person ~~authorized~~ to administer oaths.
 - B. The ~~Planning Board~~ shall consist of 5 regular members and 2 alternate members ~~except that, beginning with the effective date of this revision, there shall be three alternate members until such as attrition reduces the number to 2.~~
 - C. The term of each member shall be three (3) years and run from ~~April~~ July 1 to ~~March~~ June 31.
 - D. When there is a permanent vacancy, the ~~Municipal Officers Board of Selectmen~~ shall within sixty (60) days of its occurrence appoint a person to serve for the unexpired term. A vacancy shall occur upon the resignation or death of any member, ~~or when a member ceases to be a legal resident of the town,~~ or when a member fails to attend four (4) consecutive regular meetings, or fails to attend at least 75% of all meetings during the preceding twelve (12) month period. When a vacancy occurs, the chairperson of the ~~Planning Board~~ Board shall immediately so advise the ~~municipal officers Board of Selectmen~~ in writing. The ~~Planning board~~ Board may recommend to the ~~municipal officers Board of Selectmen~~ that the attendance provision be waived for the good cause, in which case no vacancy will then exist ~~until unless the municipal officers Board of Selectmen disapprove the recommendation.~~ The ~~municipal officers Board of Selectmen~~ may remove members of the ~~planning~~ Planning board Board by unanimous vote, for cause, after notice and hearing.
 - E. A Municipal Officer shall not be a member or alternate member.
3. Organization and Rules:
 - A. The ~~Planning Board~~ shall elect a chairperson, vice chairperson and a secretary from among its members. The term of all officers shall be one year with eligibility for re-election.
 - B. When a member is unable to act because of interest, physical incapacity, absence or any other reason satisfactory to the chairperson, the chairperson shall designate an alternate member to sit in his or her stead.

- C. An alternate member should attend all meetings of the Planning Board and participate in its proceedings, but may vote only when he or she has been designated by the chairman to sit for a member.
 - D. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members except the one who is being challenged.
 - E. The chairperson shall call at least one regular meeting of the Planning Board each month.
 - F. No meeting of the Planning Board shall be held without a quorum consisting of three (3) members or alternate members authorized to vote. The Planning Board shall act by a majority vote of the full board.
 - G. The Planning Board shall adopt rules for transaction of business and the secretary shall keep a record of its resolutions, transactions, correspondence, findings and determinations. ~~All records shall be deemed public and may be inspected at reasonable times.~~
4. Duties and Powers:
- A. The Planning Board, or a part thereof, may be designated by the Board of Selectmen as part of the local planning committee whose general responsibility is for the development and maintenance of a Comprehensive Plan (as defined by Title 30-A MRSA, Sections 4301-4344). The Planning Board shall thereafter periodically review and make recommendations to the Board of Selectmen for revisions to the Comprehensive Plan.
 - B. The Planning Board shall perform such duties and exercise such powers as are provided by Town of Newry Ordinances and the Laws of the State of Maine.
 - C. The Planning Board may obtain goods and services necessary to its proper function within the limits of appropriation made for the purpose.
5. Amendments to this Ordinance:
- A. This Ordinance may be amended by a majority vote of a regular or special town meeting. Amendments may be initiated by a majority vote of the Board of Selectmen, by request of the Planning Board, or by a petition signed by a number of registered voters greater than 10% of the votes cast in the last gubernatorial election in the Town. The Board of Selectmen shall conduct a public hearing on the amendments.

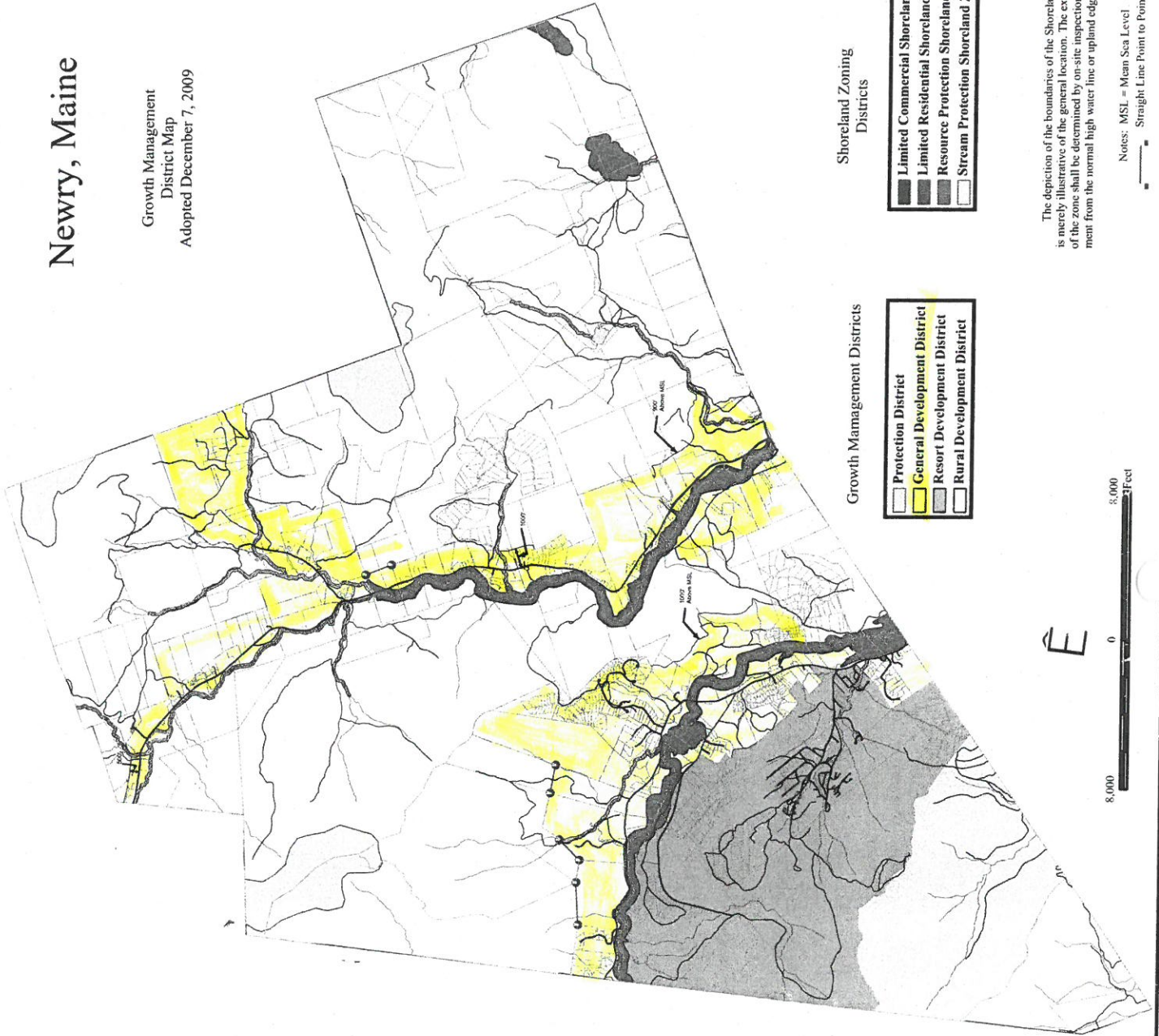
(New language is underlined and deletions are ~~struck through~~.)

ENACTED 9-21-1987

Amendments to Sections 1, 2.B., 2.C., 2.D., 2.F., 4. A. and 5 adopted at Town Meeting March 3, 2015

Newry, Maine

Growth Management
District Map
Adopted December 7, 2009



- Shoreland Zoning Districts**
- Limited Commercial Shoreland Zone
 - Limited Residential Shoreland Zone
 - Resource Protection Shoreland Zone
 - Stream Protection Shoreland Zone

- Growth Management Districts**
- Protection District
 - General Development District
 - Resort Development District
 - Rural Development District

The depiction of the boundaries of the Shoreland Areas is merely illustrative of the general location. The exact boundaries of the zone shall be determined by on-site inspection and measurement from the normal high water line or upland edge of a wetland.

Notes: MSL = Mean Sea Level
— Straight Line Point to Point



GDD & RD

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Applicant shall mean a person that has submitted an application for licensure as a Marijuana Store pursuant to this Ordinance.

Licensed Premises shall mean the premises specified in an application for a State or Local License pursuant to this Ordinance that are owned or in the possession of the Licensee and within which the Licensee is authorized to sell adult use marijuana and/or adult use marijuana products in accordance with the provisions of this Section and the requirements of State law and regulations.

Licensee shall mean a person licensed pursuant to this Ordinance.

Local License shall mean any license required by and issued under the provisions of this Ordinance.

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7. LICENSING PROCEDURE.

a. The initial application for a Local License shall be processed by the Town Clerk but reviewed and approved by the Local Licensing Authority. Application shall be made on a form prepared by the Town and must include all information required by Section 9 of this Ordinance and by the form.

b. A public hearing on an application for a Local License shall be scheduled after receipt of a completed application pursuant to Section 9 of this Ordinance. The Town Clerk shall post and publish public notice of the date, time and place of the hearing not less than seven (7) days prior to the hearing; notice shall be published in a newspaper of general circulation in Oxford County.

c. A Local License renewal application shall be subject to the same review standards as apply to the initial issuance of the license and the same notice requirements as a new application. As part of the renewal process, the Local Licensing Authority shall consider compliance from prior years, and based upon that review, may add conditions to any future license to correct, abate or limit past problems. In the event that the Local Licensing Authority determines that a public hearing on a renewal application is necessary and appropriate, the Local Licensing Authority may elect to defer action on a renewal application until after it conducts a public hearing.

d. The Town Clerk shall be responsible for the initial investigation of the application to ensure compliance with the requirements of this Ordinance. The Town Clerk may consult with other Town departments and any appropriate State Licensing Authority as part of the initial investigation.

e. The Local Licensing Authority shall have the authority to impose any conditions on a license that may be necessary to insure compliance with UDRO and this Ordinance or to address concerns about the operations that may be resolved through the conditions. The failure to comply with such conditions shall be considered a violation of the license.

f. No Local License shall be granted by the Local Licensing Authority until the Police Chief, the Fire Chief, the Health Inspector and, if applicable, the Code Enforcement Officer, have all made a positive recommendation upon the Applicant's ability to comply with this Ordinance. Whenever inspections of operation of a licensed business are provided for or required by ordinance or State law, or reasonably necessary to secure compliance with any ordinance or State law, it shall be the duty of the Applicant or Licensee, or the person in charge of the premises to be inspected, to admit any officer, official or employee of the Town authorized to make the inspection at any reasonable time that admission is requested.

b. In the event that the Town Clerk determines that a submitted application is not complete, the Town Clerk shall notify the Applicant within ten (10) business days that the application is not complete and shall inform the Applicant of the additional information required to process the application.

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2. A person who has had a license related to Marijuana revoked by the Town or by the State.

3. An Applicant who has not acquired all necessary State approvals and other required local approvals prior to the issuance of a Local License.

b. The Local Licensing Authority may suspend or revoke a license for any violation of UDRO, this Ordinance, or any other applicable building and life safety code requirements, and may suspend or revoke a license if the Licensee has a State License related to Marijuana suspended or revoked by the State. The Licensee shall be entitled to notice and a hearing prior to any suspension or revocation.

12. OPERATING REQUIREMENTS.

The Licensee shall comply with all of the following requirements during the term of the Local License:

a. The current Local License shall be displayed at all times in a conspicuous location within the Licensed Premises.

b. All Licensed Premises shall be fixed, permanent locations. Licensees shall not be permitted to operate a Marijuana Store in temporary or mobile locations.

17. OTHER LAWS.

Except as otherwise specifically provided herein, this Ordinance incorporates the requirements and procedures set forth in the Maine Marijuana Legalization Act, 28-B M.R.S.A. Chapter 1, as may be amended. In the event of a conflict between the provisions of this Ordinance and the provisions of the Maine Marijuana Legalization Act or any other applicable State or local law or regulation, the more restrictive provision shall control.

18. EFFECTIVE DATE.

This Ordinance shall take effect upon enactment by Town Meeting. However, no application for any Local License for a Marijuana Store shall be acted upon until the effective date of regulations promulgated and adopted pursuant to 28-B M.R.S.A. Chapter 1, as may be amended.

MARIJUANA STORE ORDINANCE

1. PURPOSE.

The purpose of this Ordinance is to provide for and regulate the issuance of Local Licenses for Marijuana Stores as defined in this Ordinance and by the State of Maine under the Marijuana Legalization Act, 28-B M.R.S.A. Chapter 1, as may be amended. This Ordinance shall be known and cited as the "Town of Newry Marijuana Store Ordinance" or the "Ordinance."

2. AUTHORITY.

This Ordinance is adopted pursuant to the authority granted by 28-B M.R.S.A. § 401 *et. seq.*, as may be amended.

3. DEFINITIONS.

As used in this Ordinance, the following words and phrases shall have the meanings ascribed to them in this Section.

Adult Use Marijuana shall mean "adult use marijuana" as that term is defined in 28-B M.R.S.A. §102(1), as may be amended.

Adult Use Marijuana Product shall mean "adult use marijuana product" as that term is defined in 28-B M.R.S.A. §102(2), as may be amended.

Applicant shall mean a person that has submitted an application for licensure as a Marijuana Store pursuant to this Ordinance.

Licensed Premises shall mean the premises specified in an application for a State or Local License pursuant to this Ordinance that are owned or in the possession of the Licensee and within which the Licensee is authorized to sell adult use marijuana and/or adult use marijuana products in accordance with the provisions of this Section and the requirements of State law and regulations.

Licensee shall mean a person licensed pursuant to this Ordinance.

Local License shall mean any license required by and issued under the provisions of this Ordinance.

Local Licensing Authority shall mean the Board of Selectmen of the Town of Newry.

Marijuana shall mean "marijuana" as that term is defined in 28-B M.R.S.A. §102(27), as may be amended.

Marijuana Store shall mean a “marijuana store” as that term is defined in 28-B M.R.S.A. §102(34), as may be amended.

Ordinance shall mean this Town of Newry Marijuana Store Ordinance.

Owner shall mean a person whose beneficial interest in a Marijuana Store is such that the person bears risk of loss other than as an insurer, has an opportunity to gain profit from the operation or sale of a Marijuana Store and has a controlling interest in a Marijuana Store.

Person shall mean a natural person, partnership, association, company, corporation, limited liability company or organization or a manager, agent, owner, director, servant, officer or employee thereof. “Person” does not include any governmental organization.

State License shall mean any license, registration or certification issued by the State Licensing Authority.

State Licensing Application shall mean the application form and supporting materials required by the State for the purpose of a person obtaining a State license, registration or certification for sale of adult use marijuana and/or adult use marijuana products in this State.

State Licensing Authority shall mean the authority (or authorities) created by the State for the purpose of regulating and controlling the licensing of the sale of adult use marijuana and/or adult use marijuana products in this State.

UDRO shall mean the Unified Development Review Ordinance for the Town of Newry, Maine, as may be amended.

4. MARIJUANA STORES.

Marijuana Stores shall only exist and operate in the Resort Development District, subject to the requirements and restrictions of the UDRO, this Ordinance and State law and regulations.

5. PROHIBITED ACTIVITIES.

a. No Marijuana Store shall be established or operated within the Town without first receiving and then maintaining all required State and municipal approvals.

b. No Marijuana Store shall conduct any activity for which it has not received the required State License and Local License.

c. A Marijuana Store may not be operated on property located within [redacted] feet of the property line of a public or preexisting private school (K-12). [State law provides for separation of 1000 feet, but municipality can go as low as 500 feet.]

6. LICENSE REQUIRED.

A Marijuana Store shall not operate until it is licensed by the State Licensing Authority pursuant to the requirements of 28-B M.R.S.A. Chapter 1, as may be amended, and is issued a Local License under the provisions of this Ordinance.

7. LICENSING PROCEDURE.

a. The initial application for a Local License shall be processed by the Town Clerk but reviewed and approved by the Local Licensing Authority. Application shall be made on a form prepared by the Town and must include all information required by Section 9 of this Ordinance and by the form.

b. A public hearing on an application for a Local License shall be scheduled after receipt of a completed application pursuant to Section 9 of this Ordinance. The Town Clerk shall post and publish public notice of the date, time and place of the hearing not less than seven (7) days prior to the hearing; notice shall be published in a newspaper of general circulation in Oxford County.

c. A Local License renewal application shall be subject to the same review standards as apply to the initial issuance of the license and the same notice requirements as a new application. As part of the renewal process, the Local Licensing Authority shall consider compliance from prior years, and based upon that review, may add conditions to any future license to correct, abate or limit past problems. In the event that the Local Licensing Authority determines that a public hearing on a renewal application is necessary and appropriate, the Local Licensing Authority may elect to defer action on a renewal application until after it conducts a public hearing.

d. The Town Clerk shall be responsible for the initial investigation of the application to ensure compliance with the requirements of this Ordinance. The Town Clerk may consult with other Town departments and any appropriate State Licensing Authority as part of the initial investigation.

e. The Local Licensing Authority shall have the authority to impose any conditions on a license that may be necessary to insure compliance with UDRO and this Ordinance or to address concerns about the operations that may be resolved through the conditions. The failure to comply with such conditions shall be considered a violation of the license.

f. No Local License shall be granted by the Local Licensing Authority until the Police Chief, the Fire Chief, the Health Inspector and, if applicable, the Code Enforcement Officer, have all made a positive recommendation upon the Applicant's ability to comply with this Ordinance. Whenever inspections of operation of a licensed business are provided for or required by ordinance or State law, or reasonably necessary to secure compliance with any ordinance or State law, it shall be the duty of the Applicant or Licensee, or the person in charge of the premises to be inspected, to admit any officer, official or employee of the Town authorized to make the inspection at any reasonable time that admission is requested.

8. LICENSE FEES.

Fees for a Local License shall be established by order of the Board of Selectmen and shall be paid annually by the Licensee prior to initial issuance or subsequent renewal of a Local License.

9. APPLICATION.

a. Each Applicant for a Local License shall complete and file an application on a form prescribed by the Board of Selectmen, together with a license fee as required by Section 8 above and with the following submissions:

1. A copy of the Applicant's State License Application and supporting documentation as filed with the State Licensing Authority, and any amendments thereto.
2. Evidence of all State approvals or conditional approvals required to operate a Marijuana Store and a State retail certificate if required.
3. If not included in the Applicant's State License Application, attested copies of the articles of incorporation and bylaws if the Applicant is a corporation, operating agreement if the Applicant is a limited liability company, evidence of partnership if the Applicant is a partnership, or articles of association and bylaws if the Applicant is an association.
4. If not included in the Applicant's State License Application, an affidavit that identifies all owners, officers, members, managers, or partners of the Applicant, their ownership interests, and their places of residence at the time of the application and for the immediately preceding three (3) years.
5. Evidence of all land use approvals or conditional land use approvals required to operate a Marijuana Store pursuant to the Ordinance, including, but not limited to, a building permit, special exception approval, site plan approval, change of use permit or certificate of occupancy.
6. Evidence of all other local approvals or conditional approvals required to operate a Marijuana Store pursuant to the Ordinance including, but not limited to, food license or victualer's license.
7. A description of the premises for which the Local License is sought, including a floor plan of the premises showing how the floor space is or will be used, parking for the premises, total floor area of the building(s), and the nature and location of any existing or proposed exterior lighting and signage.
8. A copy of the Applicant's security plan and operations manual.

b. In the event that the Town Clerk determines that a submitted application is not complete, the Town Clerk shall notify the Applicant within ten (10) business days that the application is not complete and shall inform the Applicant of the additional information required to process the application.

10. LICENSE EXPIRATION AND RENEWAL.

a. Each Local License issued shall be effective for one year from the date of issuance.

b. Renewal applications must be submitted prior to the date of expiration of the annual Local License. An application for the renewal of an expired license shall be treated as a new license application.

11. DENIAL, SUSPENSION OR REVOCATION OF LICENSE.

a. A Local License under this Ordinance shall be denied to the following persons:

1. A person who fails to meet the requirements of this Ordinance. Where an Applicant is an entity rather than a natural person, all natural persons with an ownership interest shall meet these requirements.

2. A person who has had a license related to Marijuana revoked by the Town or by the State.

3. An Applicant who has not acquired all necessary State approvals and other required local approvals prior to the issuance of a Local License.

b. The Local Licensing Authority may suspend or revoke a license for any violation of UDRO, this Ordinance, or any other applicable building and life safety code requirements, and may suspend or revoke a license if the Licensee has a State License related to Marijuana suspended or revoked by the State. The Licensee shall be entitled to notice and a hearing prior to any suspension or revocation.

12. OPERATING REQUIREMENTS.

The Licensee shall comply with all of the following requirements during the term of the Local License:

a. The current Local License shall be displayed at all times in a conspicuous location within the Licensed Premises.

b. All Licensed Premises shall be fixed, permanent locations. Licensees shall not be permitted to operate a Marijuana Store in temporary or mobile locations.

c. A Marijuana Store shall meet all operating and other requirements of State and local law and regulation. To the extent the State of Maine has adopted or adopts in the future any stricter law or regulation governing Marijuana Stores, the stricter law or regulation shall control

13. CHANGE OF OWNERSHIP OR LOCATION.

Licenses issued under this Ordinance are not transferable to a new owner. Any change in ownership or ownership interests or change in the officers, members or directors of an owner shall require a new license. Licenses are limited to the location for which they are issued and shall not be transferable to a different location. A Licensee who seeks to operate in a new location shall acquire a new Local License for that location.

14. DECISION, APPEALS.

a. Decision. The Local Licensing Authority shall, when issuing a Local License hereunder, also make written findings of fact and conclusions of law in support of approval, conditional approval, or denial of an application.

b. Appeals. Any appeal of a decision of the Local Licensing Authority under the Ordinance shall be to the Maine Superior Court, in accordance with the requirements of Rule 80B of the Maine Rules of Civil Procedure.

15. VIOLATIONS AND PENALTIES.

The operation of any Marijuana Store without the required Local License or in violation of the requirements of this Ordinance shall be a violation of this Ordinance. Violations shall be subject to a minimum civil penalty of \$100 and a maximum civil penalty of \$500. Each day a violation continues shall be a separate offense. Any such fine may be in addition to any suspension or revocation imposed in accordance with the provisions of Section 11 of this Ordinance. In any court action, the Town may seek injunctive relief in addition to penalties. The Town shall be entitled to recover its costs of enforcement, including its attorney's fees and costs.

16. SEVERABILITY.

The provisions of this Ordinance are severable, and if any provision shall be declared to be invalid or void, the remaining provisions shall not be affected and shall remain in full force and effect.

17. OTHER LAWS.

Except as otherwise specifically provided herein, this Ordinance incorporates the requirements and procedures set forth in the Maine Marijuana Legalization Act, 28-B M.R.S.A. Chapter 1, as may be amended. In the event of a conflict between the provisions of this Ordinance and the provisions of the Maine Marijuana Legalization Act or any other applicable State or local law or regulation, the more restrictive provision shall control.

18. EFFECTIVE DATE.

This Ordinance shall take effect upon enactment by Town Meeting. However, no application for any Local License for a Marijuana Store shall be acted upon until the effective date of regulations promulgated and adopted pursuant to 28-B M.R.S.A. Chapter 1, as may be amended.

ASSESSORS' CERTIFICATION OF ASSESSMENT

WE HEREBY CERTIFY, that the pages herein, numbered from 1 to 450 inclusive, contain a list and valuation of Estates, Real and Personal, liable to be taxed in the Municipality of Newry for State, County, District, and Municipal Taxes for the fiscal year 07/01/2019 to 06/30/2020 as they existed on the first day of April 2019.

IN WITNESS THEREOF, we have hereunto set our hands at Newry this 30 day of July, 2019.

Municipal Assessor(s)

MUNICIPAL TAX ASSESSMENT WARRANT

State of Maine Municipality Newry County Oxford
To Amy Bernard, Tax Collector

In the name of the State of Maine you are hereby required to collect of each person named in the list herewith committed to you the amount set down on said list as payable by that person.

Assessments:

1. County Tax	547,647.00	
2. Municipal Appropriation	1,360,814.00	
3. TIF Financing Plan Amount	0.00	
4. Local Educational Appropriation	3,189,941.00	
5. Overlay (Not to Exceed 5% of "Net To Be Raised" (see tax rate calculation #16)	35,505.15	
6. Total Assessments		5,133,907.15

Deductions:

7. State Municipal Revenue Sharing	10,385.24	
8. Homestead Reimbursement	13,353.60	
9. BETE Reimbursement	82,940.52	
10. Other Revenue	200,000.00	
11. Total Deductions		306,679.36
12. <u>Net Assessment for Commitment</u>		4,827,227.79

You are to pay to Amy Bernard, the Municipal Treasurer, or to any successor in office, the taxes herewith committed, paying on the last day of each month all money collected by you, and you are to complete and make an account of your collections of the whole sum on or before 04/01/2019.

In case of the neglect of any person to pay the sum required by said list until after 09/30/2019 & 03/31/2019; you will add interest to so much thereof as remains unpaid at the rate of 8.00 percent per annum, commencing 10/01/2019 & 04/01/2019 to the time of payment, and collect the same with the tax remaining unpaid.

Given under our hands, as provided by a legal vote of the Municipality and Warrants received pursuant to the Laws of the State of Maine, this 07/30/2019.

_____ Assessor(s) of: Newry

CERTIFICATE OF COMMITMENT

To Amy Bernard the Collector of the Municipality of
Newry , aforesaid.

Herewith are committed to you true lists of the assessments of the Estates of the persons wherein named; you are to levy and collect the same, of each one their respective amount, therein set down, of the sum total of \$4,827,227.79 (being the amount of the lists contained herein), according to the tenor of the foregoing warrant.

Given under our hands this 07/30/2019

_____ Assessor(s) of: Newry

Complete in Duplicate. File original with Tax Collector. File copy in Valuation Book

CERTIFICATE OF ASSESSMENT TO BE RETURNED TO MUNICIPAL TREASURER
STATE OF MAINE

County Oxford, ss.

We hereby certify, that we have assessed a tax on the estate, real and personal liable to be taxed in the Municipality of Newry for the fiscal year 07/01/2019 to 06/30/2020, at 10.7 mils on the dollar, on a total taxable valuation of \$451,142,784

Assessments:

1. County Tax	547,647.00	
2. Municipal Appropriation	1,360,814.00	
3. TIF Financing Plan Amount	0.00	
4. Local Educational Appropriation	3,189,941.00	
5. Overlay (Not to Exceed 5% of "Net To Be Raised" (see tax rate calculation #16)	35,505.15	
6. Total Assessments		5,133,907.15

Deductions:

7. State Municipal Revenue Sharing	10,385.24	
8. Homestead Reimbursement	13,353.60	
9. BETE Reimbursement	82,940.52	
10. Other Revenue	200,000.00	
11. Total Deductions		306,679.36
12. Net Assessment for Commitment		4,827,227.79

Lists of all the same we have committed to Amy Bernard, Tax Collector of said Municipality, with warrants in due form of law for collecting and paying the same to Amy Bernard, Municipal Treasurer of said Municipality, or the successor in office, on or before such date, or dates, as provided by legal vote of the Municipality and warrants received pursuant to the laws of the State of Maine. (Title 36 MRSA, section 712)

Given under our hands this 07/30/2019

Municipal Assessor(s)

Complete in Duplicate. File original with Tax Collector. File copy in Valuation Book

Town Administrator's Reports: 7.30.19

- David Bartlet has complained about the lack of Planning Board Quorum on
- Garrett Morton is very concerned about Ambulance service, and wondering if there is anything the Town can do to supplement it via the Fire department.
- RHR Smith came to work on the bank recon and will be back to train staff on doing it moving forward.
- I will be at training on August 6-8 at Sugarloaf Ski Resort. The classes I plan to attend are Capital Planning, Municipal Solar Project ins and outs, Broadband grant writing,
- Gould Academy has invited the Town to the Bethel Community Open House on August 21 (4pm-6pm)
- MSAD #44 is selling 5 buses, y law they have to offer them to the municipalities first.
- PIKE IND has moved in a rock crusher and generator at its Newry Plant