

Town of Newry Selectmen Meeting Minutes
September 3, 2019 5pm Newry Town Office

Selectmen Present: Gary Wight, James Largess, Virgil Conkright

Others present: Amy Bernard, David Bonney.

Signing of Warrants: all signed

Approval of meeting minutes:

Selectman Wight made a motion to approve the minutes as amended for August 13, 2019.

Selectman Conkright 2nd and all approved.

Adjustments to Agenda: None

Announcements: John Gauthier still planning on being on the Planning Board. Becky will swear him in tomorrow night.

Public Comment: Question: Does the UDRO need to be amended for general retail for either districts? Response from Amy "No".

New Business:

~Discuss and Consider Update on the hiring process~:

Interviewed 7 applicants – 2 stood out.

The committee (Amy - Town administrator, Selectman Wight, and Barb – Deputy Clerk), decided to go with the experienced.

Amy has made a conditional offer to Laurie Walker of Medway, MA.

The background check is in the works and Amy is calling the references.

Laurie and her husband have a home here in Hanover.

Laurie is ready to start on the 16th of September.

Cost of Background check is about \$300.

~Discuss and Consider on the ongoing Forensic Audit~:

The Audit has been going on since June, July and now August for 2018-2019.

They are now into June 2019.

All of the misstatement of funds that were found before the audit is all that has been found to date.

Amy has asked the auditors to come in sometime in October and to do a review with the selectmen to let you all know of the findings and also putting processes in place to find this earlier than later moving forward.

The audit has costs over \$3,000 so far.

The auditors will be coming the end of September for complete training on bank reconciliation and tax reconciliation.

Selectman Conkright suggested to ask Laura and/or Anita come in on the day of training to cover the office so there are no interruptions.

We are ready to move forward.

~Discuss and Consider Abatement of R8-6A~:

Upon review of this parcel, this is an acre that was already merged into another parcel. Selectman Wight made a motion to approve to abate R8-6A. Selectman Conkright 2nd and all approved.

Unfinished Business:

~Discuss and Consider to the Marijuana ordinances and the application samples~:

Attorney was not able to get the application samples to Amy as of today. Amy contacted the Sheriff's department to review the security plans. Amy has a tentative meeting for later this week with Sheriff Wainwright. The town is not ready to go.

~Discuss and Consider setting date for Special Town Meeting, and signing Town Meeting Warrant~:

Would we be ready for Town meeting and vote for first meeting in October? Amy questions if we should put this on the Ballot for November. Selectman Conkright made a motion to NOT have a Special Town Meeting, but to vote on the Marijuana Ordinance at the Referendum Election on November 5th, Selectman Wight 2nd and all approved.

REPORTS:

Town Administrator: see attached

(thought on 2nd tax bill – a lot of money which will increase taxes)

Selectmen decide to leave it to one tax bill to be sent.

Rental of the Church: Don't want to clean it until it is fixed.

CEO: see attached

Selectman:

Tink brought in minutes from MedCare having a budget meeting on September 11th.

After Labor Day now do we want to put the Office work out to bid? "Yes put it out again."

Planning board: Kenny Young is interested in starting as an alternate.

He needs to be appointed after we receive a letter of interest.

Committees: none

Next Meeting: 09/17/2019 5:00 pm Select Board Meeting
09/30/2019 5:00 pm Select Board Meeting

Selectman Conkright made a motion to adjourn the Select board Meeting. Selectman Largess 2nd and all approved. Meeting adjourn at 5:55pm

Adjourn: 5:55 pm

Minutes Approve By:

Gary Wight
Gary Wight

Date: 9/30/19

Virgil Conkright
Virgil Conkright

Date: 9/30/19

James Largess
James Largess

Date: 9/30/19

bjr

Code Officer Report Select Board Meeting September 3, 2019

Building Permits Issued

There have been two Building Permits issued since the last meeting. One for finishing a basement at a dwelling off Viking Village Road and one for a constructing a porch and deck at a dwelling off Atherton Drive.

Plumbing Permits Issued

One Plumbing Permit has been issued since the last meeting, for renovations to a Brookside Condo unit.

Other Items

The owner at 49 Barker Mountain Road emailed August 26 saying he is attempting to get Points North-Gary Inman to perform the survey work but has not been able to book a date yet. The owner stated he would keep me updated when they have a date set with the surveyor. The owner also telephoned August 13 responding to the letter sent August 1.

I would like to attend the Maine Builders and Inspectors Association training Sept. 26 in Gray. The training is an update on the Maine Manufactured Housing laws and rules. The fee is \$20.

Town Administrator's Reports: 9.3.19

- There is a request by a resident to send out two sets of bills. One in the summer the other in the winter; so people remember to pay their taxes. We had decided not to do that due to the cost of processing the bills and postage (aprox. \$2800 each mailing). Possibly we can send out reminder post cards which are less expensive to send and process... Thoughts?
- I will meet with MSAD 44 Superintendent and the district manager's tomorrow morning to discuss the proposed bus garage.
- The interview committee interviewed 7 applicants for the deputy Town Clerk position; I have sent a conditional offer to our first choice (Laurie-ann Walker), I hired Timothy S. Culbert a retired Maine State Police Trooper (Recommended by our auditor) to do the back ground check. Laurie-ann Walker is scheduled to start working on September 16, 2019
- ~~August 21, 2019 the Select Board will hold an executive session with the Planning Board hopefully at 6pm~~
- Laura Lowell has agreed to come back to work as needed to keep the office open. She will work while staff attends the MMA Conference
- North Newry Church was used this last weekend for a wedding... It was reported the condition of the church in respect to cleanliness was very bad...

August 8, 2019

Town of Newry
422 Bear River Road
Newry, ME. 04261

Dear Amy,

I was excited to see the posting for the Deputy Clerk position with the Town of Newry I am relocating to Hanover Maine this September, and seeking employment. After reading your job description, I am confident that my skills and experience in municipal work and banking, are a perfect match for this position. I would bring your municipality a broad range of skills, including proficiency with Microsoft Word and Excel, and the ability to be a team player. I enjoy working with the public and am people oriented.

I would welcome the opportunity to further discuss this position with you. If you have questions or would like to schedule an interview, please contact me by phone at 508-596-7756 or by e-mail at law9863@gmail.com. I have enclosed my resume for your review, and I look forward to hearing from you.

Sincerely yours,


Laurie-ann Walker

Laurie-ann Walker

5 Lewis Drive, Medway, MA. 02053 40 Hawthorne Road, Hanover ME. 04237
C: (508) 596-7756 – E: law9863@gmail.com

Detail-oriented individual who thrives on driving process improvement in municipal settings. Areas of expertise include:

Bank Reconciliations
Municipal Law

Payroll Processing
Audit Preparation

Tax Processing

CERTIFICATIONS

Notary Public
Bonded

RECENT PROFESSIONAL EXPERIENCE

TOWN OF MEDWAY, MEDWAY, MA

1/2016 - PRESENT

ASSISTANT TREASURER/COLLECTOR

Responsible for collecting, invoicing and recording all financial municipal transactions for a town of 12,000 people. Process payroll including processing direct deposits, writing checks, recording taxes, and reconciling Federal 941 forms each quarter.

Responsible for all bank activity including daily deposits, recording of deposits, and monthly reconciliation of 58 bank accounts.

Assist Treasurer in creating real estate and motor vehicle tax statements, warrants and tax liens.

Receive and record customer payments of all taxes.

Assist with preparation of all financial documents required for the annual audit.

TOWN OF MILLIS, MILLIS, MA

2004 – 2016

ASSISTANT TREASURER/COLLECTOR

Responsible for collecting, invoicing and recording all financial municipal transactions for a town of 8,000 people.

Developed a manual process for processing payments leading to 40 payments processed per hour with no errors, a 50% increase in speed and accuracy.

Reduced monthly close by 3 days through streamlining bank statement delivery and rapid completion of bank account reconciliations.

Organized daily work and delegated to other staff members.

Ensured compliance with all state regulations regarding documentation retention, shredding and purging.

Prepared financial statements and documentations for the annual audit. All audits completed successfully with no findings.

METROWEST MEDICAL CENTER FRAMINGHAM MA

2002-2005

BIRTH REGISTRAR ADMITTING CLERK

MIDDLESEX SAVINGS BANK

1981-2002

PROCESSING SUPERVISOR, TELLER

SKILLS

Tech-savvy, with experience in municipal software including MUNIS. Proficient in all Microsoft Office products.

REFERENCES AVAILABLE UPON REQUEST

ADULT USE MARIJUANA STORE ORDINANCE

1. PURPOSE.

The purpose of this Ordinance is to provide for and regulate the issuance of Local Licenses for Adult Use 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 Adult Use 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 an Adult Use 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.

Adult Use 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 Adult Use Marijuana Store Ordinance.

Owner shall mean a person whose beneficial interest in aan Adult Use 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 aan Adult Use Marijuana Store and has a controlling interest in aan Adult Use 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. **ADULT USE MARIJUANA STORES.**

Adult Use Marijuana Stores shall be considered a “Retail Business” under the URDO subject to the requirements and restrictions of the UDRO, this Ordinance and State law and regulations.

5. **PROHIBITED ACTIVITIES.**

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

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

c. AAn Adult Use Marijuana Store may not be operated on property located within 1000 feet of the property line of a preexisting 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.

AAn Adult Use 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 Law Enforcement Chief, the Fire Chief, the Health Inspector~~ Officer 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 an Adult Use 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 an Adult Use Marijuana Store pursuant to the Ordinance, including, but not limited to, a building permit, special exception approval, site plan approval, or change of use permit ~~or certificate of occupancy~~.

6. Evidence of all other local approvals or conditional approvals required to operate a Adult Use 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 the 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 seven (7) days written 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 an Adult Use Marijuana Store in temporary or mobile locations.

~~e.~~ ~~A~~ c. An Adult Use 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 Adult Use 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 Adult Use 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 aan Adult Use 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.

WARRANT
SPECIAL TOWN MEETING
__September 17, 2019__
NEWRY TOWN OFFICE

COUNTY OF OXFORD, ss.

STATE OF MAINE

To Anita Clark, a Resident in the Town of Newry, County of Oxford, State of Maine.

GREETINGS:

In the name of the State of Maine, you are hereby required to notify and warn the voters of the Town of Newry, County of Oxford, qualified by law to vote in Town affairs, to meet at Newry Town Office 422 Bear River Road, Newry, Maine, on Tuesday September 17th, 2019 at 6:30PM then and there to act on Articles First through Fourth.

Article 1. To choose a Moderator to preside at said meeting.

Article 2. Shall an ordinance entitled “An Ordinance to Amend the Planning Board Ordinance” be enacted? (**Note:** An attested copy of the full text of this Ordinance has been posted together with this warrant, and copies are available from the office of the Town Clerk and will be available at the town meeting.)

Article 3. Shall the Town vote to authorize the operation of adult use marijuana stores as retail businesses, provided they operate in compliance with all applicable state and local requirements, through enactment of an ordinance entitled “Adult Use Marijuana Store Ordinance”? (**Note:** An attested copy of the full text of this ordinance has been posted together with this warrant, and copies are available from the office of the Town Clerk and will be available at the town meeting.)

Article 4. Shall the Town vote to authorize the operation of adult use marijuana stores as retail businesses, provided they operate in compliance with all applicable state and local requirements, through enactment of an ordinance entitled “Medical Marijuana Retail Store Ordinance”? (**Note:**

An attested copy of the full text of this ordinance has been posted together with this warrant, and copies are available from the office of the Town Clerk and will be available at the town meeting.)

Hereof, fail not, and have you then and there this warrant with your doings thereon.

The Registrar of Voters will be in session at the time and place of said meeting for the purpose of correcting the voting list.

Given under our hand at Newry, Maine this 3rd day of September 2019.

Respectfully submitted,

Gary W. Wight

James Largess

Virgil Conkright
Board Selectmen, Town of Newry

A True Copy of this Warrant,
ATTEST:

Town Clerk, Town of Newry

OFFICER'S RETURN

COUNTY OF OXFORD, ss.

STATE OF MAINE

Pursuant to the within warrant to me directed, I have notified and warned the voters of the Town of Newry, qualified as herein expressed, to meet at said time and place, and for the purposes therein named, by posting an attested copy of said warrant at _____ [list public place(s) where warrant was posted], being public and conspicuous places in said Town, at _____ a.m./p.m. on _____, 2019, being at least seven days before the meeting and election.

Dated at Newry, Maine this _____ day of _____, 2019.

David Bonney, Resident
Newry, Maine