2017

2017 Annual Town Meeting Warrant Town of Newport

Newport, Me.
GREETINGS: In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Newport, in said County of Penobscot qualified by law to vote in town affairs, to meet at the Newport Public Safety Building, located at 21 Water St. Newport, Maine, on Friday, the 10th of March, 2017 at eight o'clock in the forenoon then and there to act on Articles 1 and 2. You are also required to notify and warn the voters to meet at the Newport Recreation Center, in said Town of Newport, located at 81 North Street, at ten o'clock in the forenoon on Saturday the 11th of March, 2017, then and there to act on Articles three (3) through (51), said articles being set out below:

The polls for voting on Articles 1 and 2 will be open at eight o'clock, March 10th, 2017 in the forenoon and will close at eight o'clock in the afternoon at the Newport Public Safety Building. The remaining business to be transacted under the Warrant will be taken up on the 11th day of March at ten o'clock in the forenoon at the Newport Recreation Center.

The Registrar of Voters hereby gives notice of being in session at the Newport Town Office located at 23 Water St. at nine o'clock in the forenoon on March 10th for the purpose of registering voters and correcting the list of voters. The Registrar of Voters will also be available from ten o'clock on March 11th, 2017 until the polls close at the Newport Recreation Center located at 81 North Street for the purpose of registering voters and correcting the list of voters.

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

ARTICLE 2
To choose by Australian Ballot, according to the provisions of 30-A MRSA, Section 2528:

Selectboard Member & Overseer of the Poor
Newport Water District Trustee
Newport Sanitary District Trustee
Director of RSU #19

(1) Three-year terms
(1) Five-year term
(2) Three-year terms
(2) Three-year term

ARTICLE 3
To see if the Town of Newport will vote to authorize an increase in the property tax levy limit, established for the Town of Newport by State law in the event that the municipal budget approved under the following articles will result in a tax commitment that is greater than that property tax levy limit.

Selectboard recommends: Passage
Budget Committee recommends: Passage
ARTICLE 4
To see what sum the Town of Newport will vote to raise and appropriate for the SELECTBOARD account. (2016 Budget $13,265)

Selectboard recommends: $ 12,576.00
Budget Committee recommends: $12,576.00

ARTICLE 5
To see what sum the Town of Newport will vote to raise and appropriate for the ADMINISTRATION account. (2016 Budget $292,901)

Selectboard recommends: $284,666.00
Budget Committee recommends: $284,666.00

ARTICLE 6
To see what sum the Town of Newport will vote to raise and appropriate for the BAD DEBTS account. (2016 Budget $300)

Selectboard recommends: $ 300.00
Budget Committee recommends: $300.00

ARTICLE 7
To see what sum the Town of Newport will vote to raise and appropriate for the PROFESSIONAL SERVICES account (2016 Budget $64,121)

Selectboard recommends: $ 70,608.00
Budget Committee recommends: $70,608.00

ARTICLE 8
To see what sum the Town of Newport will vote to raise and appropriate for the PLANNING BOARD account. (2016 Budget $2,974)

Selectboard recommends: $ 2,860.00
Budget Committee recommends: $ 2,860.00

ARTICLE 9
To see what sum the Town of Newport will vote to raise and appropriate for the ELECTIONS account. (2016 Budget $8,449)

Selectboard recommends: $ 7,609.00
Budget Committee recommends: $7,609.00

ARTICLE 10
To see what sum the Town of Newport will vote to raise and appropriate for the BOARD OF APPEALS account. (2016 Budget $924)

Selectboard recommends: $ 523.00
Budget Committee recommends: $523.00
ARTICLE 11
To see what sum the Town of Newport will vote to raise and appropriate for the CODE ENFORCEMENT account. (2016 Budget $21,349)

Selectboard recommends: $ 21,527.00
Budget Committee recommends: $ 21,527.00

ARTICLE 12
To see what sum the Town of Newport will vote to raise and appropriate for the INFORMATION TECHNOLOGY account. (2016 Budget $33,695)

Selectboard recommends: $ 29,960.00
Budget Committee recommends: $ 29,960.00

ARTICLE 13
To see what sum the Town of Newport will vote to raise and appropriate for the POLICE DEPARTMENT account. (2016 Budget $550,503)

Selectboard recommends: $512,514.00
Budget Committee recommends: $512,514.00

ARTICLE 14
To see what sum the Town of Newport will vote to raise and appropriate for the FIRE DEPARTMENT account. (2016 Budget $205,208)

Selectboard recommends: $214,342.00
Budget Committee recommends: $214,342.00

ARTICLE 15
To see what sum the Town of Newport will vote to raise and appropriate for the ANIMAL CONTROL account. (2016 Budget $10,367)

Selectboard recommends: $10,701.00
Budget Committee recommends: $ 10,701.00

ARTICLE 16
To see what sum the Town of Newport will vote to raise and appropriate for the STREET LIGHT account. (2016 Budget $46,034)

Selectboard recommends: $ 44,927.00
Budget Committee recommends: $ 44,927.00

ARTICLE 17
To see what sum the Town of Newport will vote to raise and appropriate for the MUNICIPAL INSURANCE account. (2016 Budget $64,948)

Selectboard recommends: $ 68,470.00
Budget Committee recommends: $ 68,470.00
ARTICLE 18
To see what sum the Town of Newport will vote to raise and appropriate for the
PUBLIC FIRE SERVICE CHARGE account. (2016 Budget $252,000)

Selectboard recommends: $252,000.00
Budget Committee recommends: $252,000.00

ARTICLE 19
To see what sum the Town of Newport will vote to raise and appropriate for the
PUBLIC WORKS account. (2016 Budget $375,052)

Selectboard recommends: $330,093.00
Budget Committee recommends: $330,093.00

ARTICLE 20
To see what sum the Town of Newport will vote to raise and appropriate for the
CEMETERIES account. (2016 Budget $22,398)

Selectboard recommends: $33,418.00
Budget Committee recommends: $33,418.00

ARTICLE 21
To see what sum the Town of Newport will vote to raise and appropriate for the
TREES & PARKS account. (2016 Budget $10,700)

Selectboard recommends: $15,700.00
Budget Committee recommends: $15,700.00

ARTICLE 22
To see what sum the Town of Newport will vote to raise and appropriate for the
NORTH STREET DAM account. (2016 Budget $1,000)

Selectboard recommends: $0.00
Budget Committee recommends: $0.00

ARTICLE 23
To see what sum the Town of Newport will vote to raise and appropriate for the
ROAD CONSTRUCTION account. (2016 Budget $300,000)

Selectboard recommends: $350,000.00
Budget Committee recommends: $350,000.00

ARTICLE 24
To see what sum the Town of Newport will vote to raise and appropriate for the
SOLID WASTE & RECYCLING account. (2016 Budget $318,609)

Selectboard recommends: $326,964.00
Budget Committee recommends: $326,964.00
ARTICLE 25
To see what sum the Town of Newport will vote to raise and appropriate for the MUNICIPAL BUILDINGS & GROUNDS account. (2016 Budget $59,160)

Selectboard recommends: $65,751.00
Budget Committee recommends: $65,751.00

ARTICLE 26
To see what sum the Town of Newport will vote to raise and appropriate for the GENERAL ASSISTANCE account. (2016 Budget $12,873)

Selectboard recommends: $11,264.00
Budget Committee recommends: $11,264.00

ARTICLE 27
To see what sum the Town of Newport will vote to raise and appropriate for the SUPPORT AGENCIES account. (2016 Budget $10,150)

Selectboard recommends: $9,450.00
Budget Committee recommends: $9,450.00

ARTICLE 28
To see what sum the Town of Newport will vote to raise and appropriate for the RECREATION account. (2016 Budget $25,132)

Selectboard recommends: $48,370.00
Budget Committee recommends: $48,370.00

ARTICLE 29
To see what sum the Town of Newport will vote to raise and appropriate for the MEMORIAL DAY ACTIVITIES account. (2016 Budget $500)

Selectboard recommends: $500.00
Budget Committee recommends: $500.00

ARTICLE 30
To see what sum the Town of Newport will vote to raise and appropriate for the DEBT SERVICE account. (2016 Budget $190,287)

Selectboard recommends: $187,183.00
Budget Committee recommends: $187,183.00

ARTICLE 31
To see what sum the Town of Newport will vote to raise and appropriate for the CULTURAL CENTER account. (2016 Budget $136,968)

Selectboard recommends: $136,773.00
Budget Committee recommends: $136,773.00
ARTICLE 32
To see what sum the Town of Newport will vote to appropriate from estimated Revenues, State Revenue Sharing, and Undesignated General Fund Balance (Surplus) to reduce the Municipal taxes to be raised. (2016 amount utilized: $1,098,044)

Selectboard recommends: $1,100,000 (in estimated revenues including an amount not to exceed $100,000 of the Undesignated Fund Balance.)

Budget Committee recommends: $1,100,000 (in estimated revenues including an amount not to exceed $100,000 of the Undesignated Fund Balance.)

ARTICLE 33
To see if the Town of Newport will vote to determine when Real Estate and Personal Property taxes shall be due and payable, and to see if the Town will fix a rate of interest to be charged on taxes unpaid after a specified date. (2016 rate: 7%, due Nov 18th)

Selectboard recommends: That taxes for the year 2017 shall become due and payable upon receipt of the tax bill and that interest of (7%) per year be charged on all taxes unpaid by the close of business on November 17, 2017.

Budget Committee recommends: That taxes for the year 2017 shall become due and payable upon receipt of the tax bill and that interest of (7%) per year be charged on all taxes unpaid by the close of business on November 17, 2017.

ARTICLE 34
To see if the voters of the Town of Newport will direct the Treasurer to deposit funds received from the sale of Transfer Station Permits into the Solid Waste Equipment Revenue Account.

Selectboard recommends: Passage
Budget Committee recommends: Passage

ARTICLE 35
To see if the Town of Newport will authorize the Selectboard to expend funds from the following Special Revenue Accounts for their intended funding purposes:

<table>
<thead>
<tr>
<th>Account #</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>#3070</td>
<td>Police Academy Training</td>
<td>$29,726.78</td>
</tr>
<tr>
<td>#3060</td>
<td>Unemployment Insurance</td>
<td>$42,634.22</td>
</tr>
<tr>
<td>#3122</td>
<td>SBA Towers-PWD Capital Equipment</td>
<td>$6,108.44</td>
</tr>
<tr>
<td>#3128</td>
<td>Sebasticook River Restoration</td>
<td>$6,993.57</td>
</tr>
<tr>
<td>#3036</td>
<td>Cook Cemetery Trust</td>
<td>$22,826.12</td>
</tr>
<tr>
<td>#3037</td>
<td>Floral Tribute</td>
<td>$442.25</td>
</tr>
<tr>
<td>#3035</td>
<td>Hall Cemetery Trust</td>
<td>$5,799.69</td>
</tr>
<tr>
<td>#5955</td>
<td>Annual Celebration Account</td>
<td>$3,959.85</td>
</tr>
</tbody>
</table>
#6000 Fire Department Capital Equipment $137,747.62
#3090 Industrial Park $4,252.00
#5957 Cemetery Acquisition & Restoration $16,477.35
#6012 Solid Waste Equipment $8,714.96
#6013 Police Investigation & Education $1,145.79
#7910 Fire Department Activity $4,052.11
#7912 Sebasticook Lake Restoration $13,066.47
#7913 Newport Recreation Account $20,817.64
#7915 Police Department Capital Equipment $7,632.68
#7916 Infrastructure Repair $3,599.34
#7918 Veteran Memorial Park $2,378.91
#7919 Cemetery Maintenance $10,045.46
#7922 Fuel Revenue Account $11,046.48
#7923 Cemetery Investment $236,123.84
#7924 T.I.F Revenue $47,288.96
#7925 Public Safety Building Fund $96,798.39
#7926 Transfer Station Construction $115,000.00
#3117 Traffic Light Maintenance $1,294.63

Selectboard recommends: Passage
Budget Committee recommends: Passage

ARTICLE 36
To see if the Town of Newport will vote to direct the Treasurer to deposit all funds received from recreational activities into the Newport Recreation Revenue Account.

Selectboard recommends: Passage
Budget Committee recommends: Passage

ARTICLE 37
To see if the Town of Newport will vote to appropriate for the Newport Snowmobile Trails Committee Account, all funds received from snowmobile registration fees from the State of Maine, for the purpose of maintaining snowmobile trails for public use, (2016 receipts $1,410.06).

Selectboard recommends: Passage
Budget Committee recommends: Passage
ARTICLE 38
To see if the Town of Newport will vote to appropriate for the Sebasticook Lake Association, $1800 from boat excise tax, for the purpose of lake restoration and maintenance. (The remaining funds of $2,780.80 transferred to the Sebasticook Lake Restoration and Construction Revenue Account)

Selectboard recommends: Passage
Budget Committee recommends: Passage

ARTICLE 39
To see if the Town of Newport will vote to direct the Treasurer to place all remaining excise tax revenue from the registration of boats, after the Lake Association stipend, into the Sebasticook Lake Restoration and Construction Revenue Account.

Selectboard recommends: Passage
Budget Committee recommends: Passage

ARTICLE 40
To see if the Town of Newport will vote to direct the Treasurer to transfer the sum of $3,000 from the Municipal Insurance account, into the Unemployment Insurance Reserve Account.

Selectboard recommends: Non-Passage
Budget Committee recommends: Passage

ARTICLE 41
To see if the Town of Newport will direct the Tax Collector to accept prepayment of Real Estate and Personal Property taxes and to pay no interest on said prepayments.

Selectboard recommends: Passage

ARTICLE 42
To see if the Town of Newport will vote to authorize the Selectboard to dispose of town-owned personal property as well as abandoned and unclaimed or surplus property acquired by the Town, on such terms as they deem advisable.

Selectboard recommends: Passage

ARTICLE 43
To see if the Town of Newport will vote to authorize the Selectboard, on behalf of the Town, to sell and dispose of, by sealed bid only, any real estate acquired by the Town for non-payment of taxes thereon, on such terms as they may deem advisable, and to execute a quit claim deed for such real estate. Before putting the real estate out to bid, the Selectboard shall direct the Treasurer to offer to sell the real estate back to the immediate prior owner of record, his/her estate, heirs or assigns on or before a date certain, for the total taxes, cost, and interest owed.

Selectboard recommends: Passage
ARTICLE 44
To see if the Town of Newport will vote to accept funds received from the sale of cemetery lots to be used for perpetual care and maintenance of all cemeteries within the Town of Newport.

Selectboard recommends: Passage

ARTICLE 45
To see if the Town of Newport will vote to accept funds from the State of Maine, the United States, and from other identified sources and to appropriate any funds received to specified or appropriate accounts or funds.

Selectboard recommends: Passage

ARTICLE 46
To see if the Town of Newport will vote to ratify the Selectboard’s transfer of funds between operating accounts approved in this warrant, based upon changes and the anticipated needs of the Town, provided the total expenditure of all accounts does not exceed the projected need to balance all accounts within the approved budget. All such transfers shall be so identified at the next annual Town Meeting.

2016 Total over expenditures: None

Selectboard recommends: Passage

ARTICLE 47
To see if the Town of Newport will vote to amend the Town of Newport Land Use Ordinance, adopted March 12th, 2011, Section V Land Use Ordinances, Section B Dimensional Requirements, Minimum lot size per Dwelling be reduced in the MR1 Mixed Residential District 20,000 Sq Ft. to 4,000 Sq. Ft.

Planning Board Recommends: Passage

ARTICLE 48
To see if the Town of Newport will vote to amend the Town of Newport Shoreland Zoning Ordinance, adopted March 7, 1992, and amended March 13, 2010. Section 12 Paragraph C entitled Non-conforming Structures through Paragraph C,3 entitled Reconstruction or Replacement to be replaced with a revised Non-conforming Structures language, C-1 through C-3-B. Note: Due to the length of this document copies of the Shoreland Zoning Ordinance Amendment, will be available at the Town Office for viewing and posted with this warrant.

Planning Board recommends: Passage
Selectboard recommends: Passage
ARTICLE 49
To see if the Town of Newport will vote to transfer from the 2016 fund balance of the Town of Newport an amount not to exceed $75,000. These funds will be utilized for the reconstruction of the Newport Transfer Station on an as need basis only. Any remaining funds will revert to the fund balance.

Note: At the 2016 Town Meeting $115,000 was authorized and transferred. This original sum will not meet the anticipated need for the entire project.

Selectboard Recommends:  
Budget Committee Recommends:  
Passage
Passage

ARTICLE 50
To see if the Town of Newport will vote to enact an ordinance which prohibits retail Marijuana Establishments and Retail Marijuana Social Clubs as defined in 7 MRSA & 2442.

Authority

This ordinance is enacted pursuant to the Marijuana Legalization Act, 7 M.R.S.A. c. 417; and Municipal Home Rule Authority, Me. Const., art. VIII, Pt. 2: and 30-A M.R.S.A. & 3001.

Section 2. Definitions. For purposes of this ordinance, retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, and retail marijuana social clubs are defined as set forth in 7 M.R.S.A. & 2442.

Section 3. Prohibition on Retail Marijuana Establishments and Retail Marijuana Social Clubs.

Retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, and retail marijuana social clubs, are expressly prohibited in this municipality.

No person or organization shall develop or operate a business that engages in retail or wholesale sales of a retail marijuana product as defined by 7 M.R.S.A. & 2442.

Nothing in this ordinance is intended to prohibit any lawful use, possession or conduct pursuant to the Maine Medical Use of Marijuana Act, 22 M.R.S.A. c. 558-C.

Section 4. Effective Date; duration

This ordinance shall take effect immediately upon enactment by the municipal legislative body unless otherwise provided and shall remain in effect until it is amended or repealed.
Section 5. Penalties

This ordinance shall be enforced by the municipal officers or their designee. Violations of this ordinance shall be subject to the enforcement and penalty provisions of 30-A M.R.S.A. & 4452.

Selectboard recommends: Passage

ARTICLE 51

Shall the Town designate the Municipal Development and Tax Increment Financing District and adopt the related Second Omnibus Development Program presented to Town Meeting, such designation and adoption to be pursuant to the following terms and provisions?

WHEREAS, the Town of Newport is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate tax increment financing districts and to adopt development programs with respect thereto; and

WHEREAS, there is a need to encourage the expansion, improvement and attraction of commercial, manufacturing and industrial businesses in the Town, and to provide continuing employment opportunities for the citizens of the Town and the surrounding region, to improve and broaden the tax base of the Town, and to improve the general economy and general business development climate of the Town, the surrounding region and the State of Maine; and

WHEREAS, designating the proposed Municipal Development and Tax Increment District (the “TIF District”) and adopting and implementing the proposed Second Omnibus Development Program will help to create new employment opportunities for the citizens of the Town and the surrounding region and will help the Town to continue the pursuit of business development in the Town and the region; and

WHEREAS, the Selectboard held a public hearing on the proposed District and Second Omnibus Development Program in accordance with the requirements of 30-A M.R.S.A. §5226, upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town; and

WHEREAS, it is expected that approval will be obtained from the Commissioner of the Maine Department of Economic and Community Development (the “Department”), approving the designation of the TIF District and the adoption of the Second Omnibus Development Program;

NOW, THEREFORE, BE IT VOTED BY THE TOWN OF NEWPORT TOWN MEETING:

Section 1. The Town hereby finds and determines that:

(a) At least twenty-five percent (25%) of the real property within the TIF District is suitable for commercial sites as defined in 30-A M.R.S.A. §5223(3); and
(b) The total area of the TIF District does not exceed two percent (2%) of the total acreage of the Town, and the total area of all development district within the Town (including the TIF District) does not exceed five percent (5%) of the total acreage of the Town; and

(c) Subject to the exclusions permitted under 30-A MRSA §5223(3), the original assessed value of the TIF District plus the original assessed value of all other tax increment financing district in the Town does not exceed five percent (5%) of the total value of taxable property within the Town as of April 1, 2016; and

(d) Designation of the TIF District and implementation of the Second Omnibus Development Program will generate substantial economic benefits for the Town and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitute a good and valid public purpose and will contribute to the economic growth or well-being of the inhabitants of the Town or to the betterment of the health, welfare or safety of the inhabitants of the Town; and

(e) The Town Meeting has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that designation of the TIF District and implementation of the Second Omnibus Development Program will not result in a substantial detriment to any existing business in the Town, and any adverse economic effect of the proposed Second Omnibus Development Program on any existing business in the Town is outweighed by the contributions expected to be made by the TIF District and the projects and improvements described in the Second Omnibus Development Program to the economic growth or well-being of the Town or to the betterment of the health, welfare or safety of the inhabitants of the Town.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, and to promote completion of the projects and improvements described therein, the voters of the Town at Town Meeting hereby designate the Municipal Development and Tax Increment District and adopt the related Second Omnibus Development Program presented to Town Meeting and such Second Omnibus Development Program is hereby incorporated by reference into this vote as the Second Omnibus Development Program for the TIF District.

Section 3. Pursuant to the provisions of 30-A M.R.S.A. §5227, the percentage of the increased assessed value to be retained as captured assessed value in the TIF District is hereby established as set forth in the Second Omnibus Development Program.

Section 4. The Town Manager be, and hereby is, authorized, empowered and directed to submit the designation of the TIF District and adoption of the Second Omnibus Development Program to Commissioner of the Department of Economic and Community Development (DECD) for review and approval, pursuant to the requirements of 30-A M.R.S.A. §5226(2).
Section 5. The Town Manager be and hereby is authorized and empowered, at his discretion, from time to time, to make such revisions to the Second Omnibus Development Program or to the scope, cost or description of the Municipal TIF Projects to be financed with the portion of tax increment revenues generated by the TIF District and retained by the Town as described in the Second Omnibus Development Program, as the Town Manager deems reasonably necessary or convenient, in order to facilitate the process for review and approval of the TIF District or the Second Omnibus Development Program by the Commissioner of DECD, or for any other reason so long as such revisions are not inconsistent with this Article or the basic structure and intent of the Second Omnibus Development Program.

Section 6. The foregoing designation of the TIF District and adoption of the Second Omnibus Development Program shall automatically become final and shall take full force and effect upon receipt by the Town of approval of the designation of the TIF District and adoption of the Second Omnibus Development Program by the Commissioner of DECD, without requirement of any further action by the Town, the Town Meeting, the Selectboard, or any other party.

Section 7. The Selectboard, in its sole discretion, be and hereby is authorized and empowered to approve one or more credit enhancement agreements or loan or grant agreements as contemplated by the Second Omnibus Development Program, in the name of and on behalf of the Town, such agreements to be in such form and to contain such terms and provisions, not inconsistent with the Second Omnibus Development Program, as the Selectboard may approve.

Selectboard Recommend: Passage

Given unto our hands this 1st day of February 2017

The Town of Newport Selectboard

By: Randolph Davis, Chairman

By: Douglas Franklin, Vice Chairman

By: Tom Breitweg

By: John Carson

By: Kyle Russell

A True Copy of the Town Meeting Warrant:

By: Hannah Turgeon, Town Clerk of Newport