

**To:** Mayor and Ross Town Council  
**From:** Gary Broad, Town Manager  
**Re:** Newton, Appeal of Construction Completion Penalty, 94 Laurel Grove, A.P. No. 72-211-10 and Council Consideration of Resolution No. 1661  
**Date:** October 2, 2009

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**I. Project Summary**

Town Council consideration of the appeal of Rick Newton, 94 Laurel Grove Avenue, A.P. No. 72-211-10, of the penalty for failure to complete construction under Ross Municipal Code Section 15.50, Time Limits for Completion of Construction and of Resolution No. 1661 acting on the appeal.

**II. Discussion**

The Council considered this appeal and referred the item to the Town Public Works Committee to review the fine. The Committee met with staff and with Dr. Newton and after a further review of the construction concluded that they would support reduction in the penalty to \$54,000.

The proposed settlement was initially not acceptable to the appellant. However, as reflected in the attached email, Dr. Newton has concluded as of today that he wishes to accept the Committee's offer.

Based on the language of the continuance, staff is bringing this settlement back to the full Council to approve. This can be effectuated through the adoption of Resolution No. 1661. Staff recommends that the Council adopt this resolution as it reflects the conclusion of consideration Public Works Committee effort to fairly resolve this appeal. The appellant's acceptance of this settlement further supports the proposed resolution.

Because this intended settlement was arrived at today, Resolution No. 1661 will be distributed to the Council on Monday.