

**WARRANT FOR THE ANNUAL TOWN MEETING
OF THE
TOWN OF OGUNQUIT**

TO: FREDERICK M. RUBINO, Chief of Police of the Town of Ogunquit, in the County of York, State of Maine:

GREETINGS: In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Ogunquit in said county and state, qualified by law to vote in town affairs, to meet at the Dunaway Community Center in said Town on Saturday, the fifth (5th) day of April, 2003 A.D. at nine o'clock in the morning (9:00 a.m.) until six o'clock in the evening (6:00 p.m.) to vote by secret ballot on Articles 1-9; and warn said voters to meet in the same place in said Town on Monday, the seventh (7th) day of April, 2003 A.D. beginning at seven o'clock in the evening (7:00 p.m.) to act on Articles 10-45; to wit:

ARTICLE 1: To elect a Moderator to preside at said Meeting.

ARTICLE 2: To elect the following Officers for the terms so noted or until such time as a successor is elected or qualified:

- A. Three (3) Selectmen: Two (2) for a term of three (3) years to commence at the conclusion of the 2003 Annual Town Meeting with terms ending at the conclusion of the 2006 Annual Town Meeting; and one (1) for a one (1) year term to commence at the conclusion of the 2003 Annual Town Meeting with a term ending at the conclusion of the 2004 Annual Town Meeting.
- B. One (1) Wells-Ogunquit Community School District Trustee for a three (3) year term to commence July 1, 2003 with a term ending June 30, 2006.
- C. One (1) Kennebunk, Kennebunkport and Wells Water District Trustee for a three (3) year term to commence on July 1, 2003 with a term ending June 30, 2006.

ARTICLE 3: Shall the Town approve the charter amendment as set forth herein?
[petitioned article]

Label the existing paragraph under Section 801 Boards and Commissions to be 802 and add a new subsection 802.1, as read.

"The Board of Selectmen shall appoint a Budget Review Committee to assist it with budgets and financial planning. The recommendations of the Budget Review Committee will be presented to the public at the Annual Town Meeting when any budget items are being presented for consideration by the voters. Members of said Committee shall be voters and residents of the Town. The Budget Review Committee shall adopt such by-laws as it deems necessary.

A. Appointment and Terms: A Budget Review Committee shall consist of five (5) members who shall be appointed by a majority vote of the Board of Selectmen at its first scheduled meeting following the Annual Town Meeting, or as soon thereafter as practicable. The term of office for members of the Budget Review Committee shall be for three (3) years (first two (2) appointed will be for three (3) years, next two (2) for two (2) years and the last one (1) for one (1) year). All appointments thereafter shall be for three (3) year terms."

ARTICLE 4: Shall the existing ordinance entitled "Ogunquit Zoning Ordinance", more specifically referenced as Title X, Article 8.12 of the Ogunquit Municipal Code as it relates to Signs, be amended as set forth herein?

Add a new Section C.4 under Number of Signs to read: "In multiple tenant buildings (two [2] or more tenants), there shall be a collective sign or free standing collective

sign post that consolidates the signs for all of the individual tenants in the building. A multiple-tenant building shall have not more than one (1) collective sign or free standing collective sign post for each side of the building that faces a public way and there shall be no more than one (1) collective sign or free standing collective sign post located on any individual side of a building that faces a public way. All signs permitted under this subsection shall be subject to the total size limitation set forth in Subsection D of this Section.

Amend Section D Size Restrictions to read: "Signs shall not exceed the following standards. Sign area shall include both the combined area of free standing signs and signs attached to buildings, as well as any signs permitted on collective signs or free standing collective sign posts in accordance with the requirements of Subsection C of this Section."

Label the existing paragraph under Section F Nonconforming Signs to be F.1 and add a new subsection F.2 under Nonconforming Signs to read: "Removal of nonconforming signs from properties with multiple tenant buildings. The Town hereby determines that there has been a proliferation of signs on lots that contain multiple tenant buildings. This proliferation has had a deleterious effect upon the aesthetics of the neighborhoods in which such buildings are located and in some cases may cause traffic safety problems with traffic circulation either on the site or on adjoining streets or both. Based upon these problems and notwithstanding the provisions of Subsection F.1 of this Section, any sign or signs that are located on a lot that contains a multiple tenant building must be brought into compliance with all applicable requirements for collective signs set forth in this Section. Such signs must be in full compliance with these requirements within one year from the effective date of these amendments."

ARTICLE 5: Shall an ordinance entitled "Blasting Ordinance" be enacted as summarized herein, to be referenced as Title II, Chapter 10 of the Ogunquit Municipal Code? (Note: An attested copy of the full text of this proposed ordinance has been posted with this warrant and copies are available from the office of the Town Clerk and will be available at the Town Meeting.)

The proposed Blasting Ordinance adopts a permit process for the use of explosives in the Town of Ogunquit; provides for definitions, application requirements, insurance, cash securities to be used in the event of damages; requires compliance with applicable state and federal regulations, pre-blast surveys, abutter notifications within 2,000 feet and other public notices, minimum record keeping requirements and post-blasting reports, establishes time limits for blasting that are generally limited to 9am-5pm on weekdays; imposes minimum fines of one hundred dollars (\$100.00) per violation per day with a maximum fine of up to two thousand five hundred dollars (\$2,500) per violation per day; authorizes the Code Enforcement Officer (and his/her designee) to enforce the ordinance; and allows the Board of Selectmen to adopt permit fees.

ARTICLE 6: Shall the existing ordinance entitled "1984 Noise Control Ordinance", more specifically referenced as Title II, Subchapter 4.b of the Ogunquit Municipal Code be amended as set forth herein?

Amend Article 4.B.2, Noise Prohibition, to read: "Between the hours of 9:00 p.m. and 7:00 a.m., no person shall make or permit any noise from whatever source and however transmitted, which noise can be heard by any other person not consenting thereto and which (a) can be heard on real estate used for residential purposes, not the location of the source, or (b) can be heard inside of buildings not the location of the source, in which people are customarily or actually present. In addition, no person shall cause any amplified or broadcasted sounds to be transmitted out of doors from a commercial property at any time when such noise can be heard by any other person not consenting thereto from any other real estate parcel."

ARTICLE 7: Shall the existing ordinance entitled "Alarm Ordinance", more specifically referenced as Title II, Chapter 3 of the Ogunquit Municipal Code be repealed in its entirety?

ARTICLE 8: Shall the existing ordinance entitled "Animal Control Ordinance", more specifically referenced as Title VII of the Ogunquit Municipal Code, be amended as set forth herein?

Amend Section 202, Running at Large, to read: "The owner of any pet or other animal shall not permit that pet or animal to run at large, except when used for hunting or ~~upon~~ on private property ~~except~~ with the consent of the property owner. Dogs or other animals shall not be allowed to run at large on any public ~~beach~~ property or rights-of-way in Town, ~~except~~ however, dogs shall be allowed without a leash in the designated area from the Footbridge Beach walkway to the Moody Beach Town Line on the ocean side between October 1 and March 31, provided that any such animal that is not physically restrained must be completely controlled by voice or electronic command by the owner or handler at all times."

Amend Section 206.1.1, Ogunquit Beach, to read: "Dogs are permitted within the Ogunquit Beach area from October 1 to March 31, if on a leash, cord or chain. Dogs ~~may~~ shall not be allowed to run at large at anytime, but they may be off leash in the designated area as noted in Section 202. Dogs are not permitted within the entire Ogunquit Beach Area from the Main Beach to the Moody Beach Town Line from April 1 to September 30."

ARTICLE 9: Shall the Town vote to authorize the Board of Selectmen to enter into renewable lease agreements with commercial vendors on Town property, under such terms and conditions as the Selectmen may deem to be in the best interests of the Town?

ARTICLE 10: Shall an ordinance entitled "Town of Ogunquit Building Code Regulations" be enacted as summarized herein, to be referenced as Title XII, of the Ogunquit Municipal Code? (Note: An attested copy of the full text of this proposed ordinance has been posted with this warrant and copies are available from the office of the Town Clerk and will be available at the Town Meeting; and the applicable code books referenced herein are available at the Town Offices.)

The proposed Town of Ogunquit Building Code Regulations Ordinance repeals all existing building code regulations previously adopted; it adopts the 2000 Edition of the International Building Code by reference with certain insertions, additions and deletions; it adopts the 2000 Edition of the International Residential Code by reference with certain insertions, additions and deletions; it adopts the 2000 Edition of the National Fire Protection Association (NFPA) 1 Code by reference; it adopts the 2000 Edition of the National Fire Protection Association (NFPA) 101 Life Safety Code; it authorizes the Code Enforcement Officer and Deputy Code Enforcement Officers to enforce Maine State Plumbing and Electrical Codes; it adopts permitting regulations for construction, heating appliances, electrical work, plumbing, etc., it specifies terms and conditions for the issuance of Building Permits, Certificates of Occupancy and inspections, it authorizes the Board of Selectmen to adopt fee schedules as may be necessary with additional fees for after-the-fact permits; it imposes civil penalties (fines) of one hundred dollars (\$100.00) per violation per day with a maximum civil penalty (fine) of up to two thousand five hundred dollars (\$2,500) per violation per day; it authorizes the Code Enforcement Officer and his/her designees to fully execute such duties related to code enforcement as allowed under Maine State Law; and it provides for a process of appeals.

ARTICLE 11: Shall the existing ordinance entitled "Shellfish Management Ordinance", more specifically referenced as Title IV, Chapter 6 of the Ogunquit Municipal Code, be amended as set forth herein?

Repeal the Shellfish Management Ordinance Appendix I Fee Schedule as adopted by vote on Article 4 at the 2001 Annual Town Meeting.

Add a new Section 603.I to read: "Submitting a recommended fee schedule to the Board of Selectmen on an annual basis for licenses, whereupon the Selectman shall then have the authority to accept, reject or amend such fees as they deem necessary."

Amend Section 604.3 to read: "Non-Resident means a resident of the State of Maine who is ~~anyone~~ not otherwise qualified as a resident under this Ordinance."

Amend Section 605, Licensing, to read: "~~Licensee must be at least ten (10) years of age. A licensee under the age of eight (8) must be accompanied by an adult licensee at least eighteen (18) years of age at all times when harvesting shellfish.~~"

Amend Section 605.a.2, Non-Resident Recreational Shellfish License, to read: "This license is available to any ~~person~~ Maine resident who is not a resident of ~~this municipality~~ Ogunquit and entitles the holder to harvest not more than one (1) peck of shellfish in any one (1) day for the use of himself/herself and his/her family, from the shores, flats or coastal waters of ~~this municipality~~ Ogunquit, when and where it is lawful to do so."

ARTICLE 12: Shall the existing ordinance entitled "Harbor and Watercraft Ordinance", more specifically referenced as Title VIII, Chapter 4, of the Ogunquit Municipal Code as it relates to Watercraft Regulations, be amended as set forth herein?

Amend Section 401.8 to read: "Persons may, with permission from the Harbormaster and after payment of an annual ~~ten dollar (\$10.00)~~ Registration Fee at the Town Office, at such amounts as may be determined by the Board of Selectmen, tie a rowboat, skiff, dinghy, punt and/or other such watercraft to the bulkhead side of the lower dock for the period from 6/1 to 9/1 as long as such watercraft conforms with all other requirements for such watercraft contained in the ordinance."

ARTICLE 13: Shall the existing ordinance entitled "Business Ordinance", more specifically referenced as Title IX, Chapter 2 of the Ogunquit Municipal Code as it relates to Alcohol and Licensing Review, be amended as set forth herein?

Amend Section 202 to read: "The annual fee to accompany each application shall be ~~one hundred dollars (\$100.00)~~ an amount determined by the Board of Selectmen and shall be submitted with the application.

ARTICLE 14: Shall the existing ordinance entitled "Business Ordinance", more specifically referenced as Title IX, Chapter 3 of the Ogunquit Municipal Code as it relates to Amusements, be amended as set forth herein?

Amend Section 304.2 to read: "The applicant shall pay for all costs associated with the public hearing and advertisement thereof, which costs shall be determined ~~to be one hundred dollars (\$100.00)~~ by the Board of Selectmen.

ARTICLE 15: Shall the existing ordinance entitled "Business Ordinance", more specifically referenced as Title IX, Chapter 10 of the Ogunquit Municipal Code as it relates to Transportation, be amended as set forth herein?

Amend Section 1003 License Fee, to read: "The Board of Selectmen shall establish a fee for a Public Transportation License to operate from points within the Town to

other points within the Town shall be one hundred dollars (\$100.00). In addition, there shall be a twenty-five dollar (\$25.00) and an additional fee for each trolley.

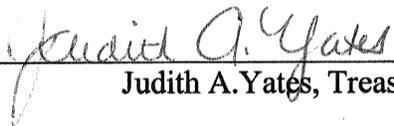
ARTICLE 16: Shall the Town authorize the issuance of general obligation bonds or notes in an amount not exceeding two hundred seventy five thousand dollars (\$275,000.00) in order to finance and reimburse the Town for the cost to purchase a certain lot or parcel of land on the generally northerly side of the Berwick Road from Leonard Wyman and Norman West, Jr. for the purpose of relocating the Town's municipal solid waste transfer station facility, pursuant to a duly executed purchase and sales agreement, which expenditures are hereby authorized, with the dates, maturities, denominations, redemption provisions (including the authority to issue callable bonds), interest rates, place of payment, form and other details of such bonding and the sale thereof to be determined by the Board of Selectmen? (Note: The total estimated debt service of this bond issues is \$374,330.00, of which principal is \$275,000.00 and estimated interest at 3% over 25 years is \$99,330.00.)

TOWN OF OGUNQUIT FINANCIAL STATEMENT
(per 30-A M.R.S.A. Section 5772)

The issuance of bonds by the Town of Ogunquit is one of the ways in which the Town borrows money for certain purposes. The following is a summary of the bonded indebtedness of the Town as of the date of this Town Meeting:

Bonds Now Outstanding and Unpaid	\$1,289,105
Interest to be Repaid on Outstanding Bonds	\$ 161,613
Total to be Repaid on Bonds Issued	\$1,450,718
Additional Bonds Authorized But Not Yet Issued	\$ 0.00
Total Additional Bonds (now proposed) to be Issued if Approved by Voters	\$ 275,000
Estimate of Potential New Interest	\$ 99,330
Total Add'l Bonds to be Issued and Estimated Interest if Approved by Voters	\$ 374,330

When money is borrowed by issuing bonds, the Town must repay not only the principal amount of the bonds but also interest on the bonds. The amount of interest to be paid will vary depending upon the rate of interest and the years to maturity at the time of issue. The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the estimates made of the costs involved, including varying interest rates, the estimated cost of interest on the bond amount to be issued, and the total cost of principal and interest to be paid at maturity.


Judith A. Yates, Treasurer

ARTICLE 17: Shall the Town vote to appropriate the sum of five hundred ten thousand dollars (\$510,000.00) for General Government expenditures?

ACCT #	ACCOUNT DESCRIPTION	FY 2001	FY 2002	FY 2002	FY 2003
		ACTUAL	BUDGET	ACTUAL	B.O.S. BDGT
		(REVISED)	(REVISED)	(REVISED)	(RECMND)
GENERAL GOVERNMENT EXPENSES:					
410-01	Selectmen's Pay	4,500	5,500	5,500	8,000
410-02	Town Manager's Salary	67,600	73,819	71,678	70,980
410-03	Staff Salaries (Clerk/Treasurer)	86,543	89,574	89,571	93,437
410-04	F/T Staff Wages	32,573	48,717	44,987	98,065
410-05	Staff Overtime Pay		200	0	500
410-06	Benefits Pay	66,700	80,994	69,028	8,168
410-07	P/T Staff Wages	3,582	4,100	3,159	0
410-08	Seasonal Election Wages	999	700	1,361	700
410-09	Internship Pay	473			0

410-10	FICA/Medicare				21,408
410-11	Retirement				21,039
410-12	Health Insurance				45,078
410-13	Dental Insurance				6,176
410-14	Life/Disability Insurance				3,583
410-15	Worker's Compensation				1,887
410-16	Unemployment				1,087
410-17	Recruiting				6,000
410-20	Postage	7,461	8,000	7,854	3,700
410-21	Printing				6,500
410-22	Supplies	5,969	6,000	6,495	4,000
410-23	Communications	4,358	4,000	4,784	4,800
410-24	Advertising	648	1,300	5,494	1,000
410-25	Uniforms				200
410-26	Professional Development	1,428	2,300	656	2,500
410-27	Dues & Subscriptions	3,098	3,175	3,175	5,000
410-30	Computers	2,576	4,945	4,777	16,000
410-31	Copy Machine				4,500
410-32	Equipment	10	4,600	6,150	5,400
410-40	Legal Services	81,725	50,000	41,384	42,500
410-45	Contracted Services	30,039	44,385	43,122	16,000
410-50	Mileage	1,556	2,200	1,101	1,000
410-89	Misc. Boards & Commissions	7,393	500	217	100
410-98	General Expenses	1,363	1,300	4,756	3,193
410-99	Selectmen's Contingency	1,700	10,000	100	7,500
GENERAL GOVERNMENT EXPENSE TOTAL		412,293	446,309	415,350	510,000

Board of Selectmen recommendation:

From Revenues: \$510,000.00 (estimated)
From Taxes: \$0.00 (estimated)
Total Amount: \$510,000.00 (5-0)

Budget Committee recommendation: \$500,000.00 (4-0)

ARTICLE 18: Shall the Town vote to appropriate the sum of two hundred eighty-eight thousand dollars (\$288,000.00) for Land Use Department expenditures?

ACCT #	ACCOUNT DESCRIPTION	FY 2001	FY 2002	FY 2002	FY 2003
		ACTUAL	BUDGET	ACTUAL	B.O.S. BDGT
		(REVISED)	(REVISED)	(REVISED)	(RECMND)
LAND USE DEPT. EXPENSES:					
414-02	Director's Salary (CEO)	46,996	48,641	48,079	56,300
414-03	Staff Salary (Assessor)	432	1,000	0	37,180
414-04	F/T Staff Wages	32,984	51,880	36,617	74,602
414-05	Staff Overtime Pay	1,059			1,156
414-06	Benefits Pay	25,436	32,275	28,708	2,521
414-07	P/T Staff Wages	21,160	25,200	18,471	0
414-10	FICA/Medicare				13,140
414-11	Retirement				8,838
414-12	Health Insurance				38,817
414-13	Dental Insurance				4,656
414-14	Life/Disability Insurance				2,294
414-15	Worker's Compensation				6,118
414-16	Unemployment				677
414-20	Postage	1,870	1,400	1,965	2,500
414-21	Printing				900
414-22	Supplies	3,821	2,700	3,619	2,000
414-23	Communications	2,387	2,350	1,579	1,600
414-24	Advertising	1,462	700	320	1,500
414-25	Uniforms				200

414-26	Professional Development	342	1,700	454	1,100
414-27	Dues & Subscriptions				1,535
414-30	Computers	1,011	1,100	1,197	7,450
414-31	Copy Machine				1,500
414-32	Equipment	672	600	838	650
414-45	Contracted Services	48,981	54,240	55,694	11,325
414-50	Mileage	1,605	2,500	1,689	2,900
414-80	Zoning Board of Appeals	3,261	4,700	3,747	300
414-81	Planning Board	12,107	13,600	12,088	500
414-82	Board of Assessment Review	22	200	109	300
414-83	Comprehensive Plan	16,062	25,100	24,824	5,000
414-98	General Expenses	0	0	0	442
LAND USE DEPT. EXPENSE TOTAL		221,670	269,886	239,998	288,000

Board of Selectmen recommendation:

From Revenues: \$139,300.00 (estimated)
From Taxes: \$148,700.00 (estimated)
Total Amount: \$288,000.00 (5-0)

Budget Committee recommendation: \$288,000.00 (5-0)

ARTICLE 19: Shall the Town vote to appropriate the sum of one million two hundred twenty-two thousand one hundred forty-one dollars (\$1,222,141.00) for Police Department expenditures?

ACCT #	ACCOUNT DESCRIPTION	FY 2001	FY 2002	FY 2002	FY 2003
		ACTUAL	BUDGET	ACTUAL	B.O.S. BDGT
		(REVISED)	(REVISED)	(REVISED)	(RECMND)
POLICE DEPT. EXPENSES:					
421-01	Chief's Salary		0	0	63,000
421-02	Staff Salaries	82,585	112,486	112,565	52,054
421-03	F/T Staff Wages – Police	202,845	247,944	242,283	309,012
421-04	F/T Staff Wages – Admin				31,387
421-05	Staff Overtime Pay	14,192	22,000	33,148	24,000
421-06	Benefits Pay	106,705	147,936	154,202	22,203
421-07	P/T Police Wages	150,540	147,168	151,376	65,650
421-08	Seasonal Wages	98,554	142,043	143,069	15,000
421-09	P/T Admin Wages				55,650
421-10	FICA/Medicare				48,804
421-11	Retirement				34,648
421-12	Health Insurance				87,026
421-13	Dental Insurance				9,249
421-14	Life/Disability Insurance				6,848
421-15	Worker's Compensation				20,355
421-16	Unemployment				2,552
421-20	Postage	3,183	4,735	4,343	900
421-21	Printing				1,700
421-22	Supplies	4,294	4,325	5,160	4,000
421-23	Communications	8,367	8,775	3,185	24,500
421-24	Advertising	2,962	2,000	694	200
421-25	Uniforms	18,274	14,800	12,359	16,500
421-26	Professional Development	5,834	11,000	11,598	12,000
421-27	Dues & Subscriptions				600
421-30	Computers				13,000
421-31	Copy Machine				3,000
421-32	Equipment	12,617	3,600	5,380	10,000
421-41	Animal Control Expenses	8,109	7,100	4,280	6,000
421-43	Dispatch Expenses	204,490	207,447	207,440	88,148
421-45	Contracted Services	20,694	31,679	22,285	4,000
421-50	Mileage	9,919	10,000	8,775	900
421-51	Vehicle Expenses	25,012	35,000	37,851	12,000

421-98	General Expenses	113	200	188	3,000
421-99-1	Visitor Services Wages				141,328
421-99-2	Visitor Services Benefits				16,927
421-99-3	Visitor Services Expenses		7,500	4,767	16,000
POLICE DEPT. EXPENSE TOTAL		979,288	1,167,738	1,164,948	1,222,141

Board of Selectmen recommendation:

From Revenues: \$404,935.00 (estimated)
From Taxes: \$817,206.00 (estimated)
Total Amount: \$1,222,141.00 (4-0)

Budget Committee recommendation: \$1,185,000 (4-0)

ARTICLE 20: Shall the Town vote to appropriate the sum of nine hundred twenty-two thousand one hundred forty-two dollars (\$922,142.00) for Fire-Rescue Department expenditures?

ACCT #	ACCOUNT DESCRIPTION	FY 2001	FY 2002	FY 2002	FY 2003
		ACTUAL	BUDGET	ACTUAL	B.O.S. BDGT
		(REVISED)	(REVISED)	(REVISED)	(RECMND)
FIRE DEPT. EXPENSES:					
422-01	Chief's Salary	13,520	27,700	30,440	52,937
422-02	Staff Salaries - Officers				7,200
422-03	F/T Staff Wages	125,423	216,394	196,042	269,556
422-04	Volunteer Stipends	31,331	27,500	24,915	2,400
422-05	Staff Overtime Pay	29,038	35,000	34,888	19,200
422-06	Benefits Pay	81,005	125,343	122,917	19,441
422-07	P/T Staff Wages	23,000	7,250	8,449	29,400
422-10	FICA/Medicare				30,610
422-11	Retirement				18,099
422-12	Health Insurance				94,174
422-13	Dental Insurance				9,668
422-14	Life/Disability Insurance				4,402
422-15	Worker's Compensation				29,608
422-16	Unemployment				1,601
422-20	Postage	372	200	153	300
422-21	Printing				300
422-22	Supplies	22,778	32,000	35,020	5,000
422-23	Communications	5,246	6,500	7,821	10,000
422-24	Advertising	1,252	1,500	3,848	200
422-25	Uniforms	2,966	4,550	11,099	6,000
422-26	Professional Development	5,071	9,000	5,511	9,000
422-27	Dues & Subscriptions				2,400
422-30	Computers				5,000
422-31	Copy Machine				800
422-32	Equipment	11,279	13,200	9,226	27,065
422-43	Dispatch Expenses				88,148
422-45	Contracted Services	7,043	3,550	6,907	3,000
422-50	Mileage	2,006	2,360	2,554	1,000
422-51	Vehicle Expenses	18,165	10,900	22,811	10,000
422-90	Utilities	9,296	8,800	7,871	9,300
422-91	Building Expenses	5,301	6,660	7,177	10,000
422-92	Grounds Expenses				1,000
422-98	General Expenses	1,436	500	455	1,000
422-99-1	Lifeguard Wages	105,583	113,775	100,784	113,775
422-99-2	Lifeguard Benefits	8,047	9,000	6,947	14,558
422-99-3	Lifeguard Expenses	12,353	11,350	7,140	16,000
FIRE DEPT. EXPENSE TOTAL		521,507	673,032	652,974	922,142

Board of Selectmen recommendation:

From Revenues: \$320,000.00 (estimated)
 From Taxes: \$602,142.00 (estimated)
 Total Amount: \$922,142.00 (4-0)

Budget Committee recommendation: \$922,142.00 (4-0)

ARTICLE 21: Shall the Town vote to appropriate the sum of five hundred sixty-one thousand eight hundred thirteen dollars (\$561,813.00) for Highway Department expenditures?

ACCT #	ACCOUNT DESCRIPTION	FY 2001	FY 2002	FY 2002	FY 2003
		ACTUAL	BUDGET	ACTUAL	B.O.S. BDGT
		(REVISED)	(REVISED)	(REVISED)	(RECMND)
HIGHWAY DEPT. EXPENSES:					
431-02	Superintendent's Salary	48,632	50,334	50,334	51,995
431-04	F/T Staff Wages	102,635	116,937	109,856	127,556
431-05	Staff Overtime Pay	18,350	14,000	11,534	12,756
431-06	Benefits Pay	69,666	82,284	80,173	2,693
431-07	P/T Staff Wages	5,317			0
431-08	Seasonal Wages	37,056	47,520	28,368	13,480
431-10	FICA/Medicare				15,949
431-11	Retirement				12,017
431-12	Health Insurance				55,096
431-13	Dental Insurance				5,820
431-14	Life/Disability Insurance				2,451
431-15	Worker's Compensation				17,703
431-16	Unemployment				834
431-22	Supplies	11,863	9,700	8,896	7,200
431-23	Communications	2,121	3,540	2,493	4,000
431-24	Advertising	502	500	306	0
431-25	Uniforms	4,721	4,075	4,498	4,650
431-26	Professional Development	354	1,000	50	500
431-32	Equipment	2,788	2,000	1,958	5,000
431-45	Contracted Services	61,077	49,660	48,935	24,000
431-49	Transportation Fees	7,827	8,200	7,240	0
431-51	Vehicle Expenses	25,078	20,500	22,397	25,000
431-60	Pavement				4,275
431-61	Gravel				4,544
431-62	Sand				3,000
431-63	Sidewalk Expenses				100
431-64	Bridge Expenses				100
431-65	Salt & De-icing				8,520
431-66	Signs				2,500
431-67	Drainage				2,500
431-68	Guardrails				100
431-90	Utilities	4,697	4,300	4,030	4,700
431-91	Building Expenses	1,175	3,000	2,564	8,500
431-93	Grounds Expenses	28,367	25,000	29,994	100
431-98	General Expenses	0	0	2,298	2,300
431-99-1	Grounds Maintenance Wages				74,360
431-99-2	Grounds Maintenance Benefits				9,515
431-99-3	Grounds Maintenance Expenses	15,398	65,500	56,362	48,000
HIGHWAY DEPT. EXPENSE TOTAL		447,621	508,050	472,286	561,813

Board of Selectmen recommendation:

From Revenues: \$120,500.00 (estimated)
 From Taxes: \$441,313.00 (estimated)
 Total Amount: \$561,813 (4-0)

Budget Committee recommendation: \$561,813.00 (3-1)

ARTICLE 22: Shall the Town vote to appropriate the sum of four hundred eight thousand six hundred ten dollars (\$408,610.00) for Transfer Station expenditures?

ACCT #	ACCOUNT DESCRIPTION	FY 2001	FY 2002	FY 2002	FY 2003
		ACTUAL	BUDGET	ACTUAL	B.O.S. BDGT
		(REVISED)	(REVISED)	(REVISED)	(RECMND)
TRANSFER STATION EXPENSES:					
432-02	Director's Salary				35,360
432-04	F/T Staff Wages	31,079	49,950	47,433	0
432-06	Benefits Pay	3,619	4,994	5,004	707
432-07	P/T Staff Wages				16,890
432-08	Seasonal Wages				3,276
432-10	FICA/Medicare				4,302
432-11	Retirement				1,414
432-12	Health Insurance				5,113
432-13	Dental Insurance				679
432-14	Life/Disability Insurance				483
432-15	Worker's Compensation				4,581
432-16	Unemployment				222
432-20	Postage				400
432-21	Printing				2,000
432-22	Supplies	9,588	10,000	7,324	3,600
432-23	Communications				1,272
432-24	Advertising				300
432-25	Uniforms				100
432-26	Professional Development		10,000	8,968	50
432-27	Dues & Subscriptions				50
432-32	Equipment				4,400
432-44	RWS Assessment	62,620	68,750	58,151	57,111
432-45	Contracted Services	90,989	90,000	77,374	123,538
432-46	Land Payments	16,428	16,500	16,428	22,300
432-47	Tipping Fees - MSW	208,906	233,750	111,737	114,400
432-48	Tipping Fees - Demo	51,894	40,000	41,009	0
432-49	Transportation Fees	3,420	3,500	2,659	0
432-50	Mileage				200
432-51	Vehicle Expenses				500
432-66	Signs				400
432-80	Transfer Station Committee				200
432-81	Recycling Committee	6,510			200
432-90	Utilities				1,000
432-91	Building Expenses				300
432-98	General Expenses	743	2,000	1,660	3,263
TRANSFER STATION EXPENSE TOTAL		485,797	529,444	377,747	408,610

Board of Selectmen recommendation:

From Revenues: \$206,000.00 (estimated)
 From Taxes: \$202,610.00 (estimated)
 Total Amount: \$408,610.00 (5-0)

Budget Committee recommendation: \$408,610.00 (5-0)

ARTICLE 23: Shall the Town vote to appropriate the sum of sixty-seven thousand seven hundred sixty dollars (\$67,760.00) for Harbormaster expenditures?

ACCT #	ACCOUNT DESCRIPTION	FY 2001	FY 2002	FY 2002	FY 2003
		ACTUAL	BUDGET	ACTUAL	B.O.S. BDGT
		(REVISED)	(REVISED)	(REVISED)	(RECMND)
HARBORMASTER EXPENSES:					
433-02	Harbormaster's Salary	24,044	24,000	24,548	28,000

433-05	Staff Overtime Pay				0
433-06	Benefit Pay	4,248	4,250	4,286	420
433-07	P/T Staff Wages	6,331	6,500	4,489	5,250
433-10	FICA/Medicare				2,576
433-11	Retirement				1,120
433-12	Health Insurance				5,113
433-13	Dental Insurance				679
433-14	Life/Disability Insurance				382
433-15	Worker's Compensation				5,540
433-16	Unemployment				133
433-20	Postage				0
433-21	Printing				0
433-22	Supplies	1,479	1,500	2,624	1,500
433-23	Communications	926	1,200	750	1,000
433-24	Advertising				250
433-25	Uniforms	202	250	51	300
433-26	Professional Development				400
433-27	Dues & Subscriptions				0
433-32	Equipment	10,231	8,300	7,616	5,000
433-45	Contracted Services	2,797	1,500	369	1,000
433-50	Mileage	713	700	675	750
433-51	Vehicle Expenses				1,500
433-66	Signs				300
433-81	Harbor Committee		200	0	200
433-90	Utilities	3,796	4,200	4,472	4,500
433-91	Building Expenses	16	300	0	300
433-93	Grounds Expenses				100
433-98	General Expenses	0	200	182	1,447
HARBORMASTER EXPENSE TOTALS:		54,783	53,100	50,063	67,760

Board of Selectmen recommendation:

From Revenues: \$50,750.00 (estimated)
From Taxes: \$17,010.00 (estimated)
Total Amount: \$67,760.00 (5-0)

Budget Committee recommendation: \$67,760.00 (4-0-1)

ARTICLE 24: Shall the Town vote to appropriate the sum of five thousand dollars (\$5,000.00) for General Assistance expenditures?

ACCT #	ACCOUNT DESCRIPTION	FY 2001	FY 2002	FY 2002	FY 2003
		ACTUAL	BUDGET	ACTUAL	B.O.S. BDGT
		(REVISED)	(REVISED)	(REVISED)	(RECMND)
WELFARE OFFICE					
441-60	General Assistance	2,575	4,000	3,510	4,000
441-61	Emergency Help		1,000	15	1,000
441-98	General Expenses				0
WELFARE OFFICE EXPENSE TOTALS		2,575	5,000	3,525	5,000

Board of Selectmen recommendation:

From Revenues: \$2,000.00 (estimated)
From Taxes: \$3,000.00 (estimated)
Total Amount: \$5,000.00 (5-0)

Budget Committee recommendation: \$5,000.00 (5-0)

ARTICLE 25: Shall the Town vote to appropriate the sum of forty-one thousand four hundred twenty-six dollars (\$41,426.00) for Insurance and Benefits expenditures?

ACCT #	ACCOUNT DESCRIPTION	FY 2001	FY 2002	FY 2002	FY 2003
		ACTUAL	BUDGET	ACTUAL	B.O.S. BDGT
		(REVISED)	(REVISED)	(REVISED)	(RECMND)
INSURANCE & BENEFITS EXPENSES:					
442-60	Buildings & Contents	2,291	2,475	2,269	2,734
442-61	Inland Marine	925	1,000	1,260	1,614
442-62	Electronic Data	210	225	234	270
442-63	Automotive	5,619	6,150	6,367	7,691
442-64	Boiler & Machinery	737	850	1,056	1,261
442-65	General Liability	2,579	2,800	2,919	3,327
442-66	Law Enforcement Liability	8,789	9,500	9,058	9,779
442-67	Ambulance Malpractice	2,190	2,400	1,879	1,973
442-68	Public Officials Bonds	581	650	679	762
442-69	Public Officials Liability	1,932	2,200	2,251	2,679
442-70	Boat Coverage	1,335	4,561	3,033	3,336
442-71	Worker's Compensation	51,502	69,200	72,008	5,000
442-72	Deductibles	477	1,000	0	1,000
442-80	Accrued Liabilities Fund	10,000	5,000	5,000	0
442-81	Unemployment Reserve Fund	10,000	5,000	5,000	0
INSURANCE & BENEFITS EXPENSE TOTALS		99,166	113,011	113,011	41,426

Board of Selectmen recommendation:

From Revenues: \$11,000.00 (estimated)
From Taxes: \$30,426.00 (estimated)
Total Amount: \$41,426.00 (5-0)

Budget Committee recommendation: \$41,426.00 (5-0)

ARTICLE 26: Shall the Town vote to appropriate the sum of seventy-one thousand five hundred forty dollars (\$71,540.00) for Parks & Recreation Department expenditures?

ACCT #	ACCOUNT DESCRIPTION	FY 2001	FY 2002	FY 2002	FY 2003
		ACTUAL	BUDGET	ACTUAL	B.O.S. BDGT
		(REVISED)	(REVISED)	(REVISED)	(RECMND)
PARKS & RECREATION DEPT. EXPENSES:					
450-01	Parks & Recreation Director's Salary				30,000
450-02	Rec Director's Salary	32,550	33,690	35,489	0
450-03	Museum Coordinator's Pay				4,240
450-05	Staff Overtime Pay				500
450-06	Benefits Pay	10,666	14,795	14,774	450
450-07	Seasonal Wages - Rec. Staff	12,543	15,035	14,768	19,644
450-10	FICA/Medicare				2,692
450-11	Retirement				1,032
450-12	Health Insurance				13,148
450-13	Dental Insurance				1,259
450-14	Life/Disability Insurance				410
450-15	Worker's Compensation				1,625
450-16	Unemployment				141
450-20	Postage	2,744	3,000	3,122	500
450-21	Printing				2,500
450-22	Supplies	4,906	5,500	3,815	1,300
450-23	Communications	1,721	2,000	1,423	2,000
450-24	Advertising	591	800	175	950
450-25	Uniforms	1,170	1,100	2,319	1,200
450-26	Professional Development	25	490	194	500
450-27	Dues & Subscriptions				100
450-30	Computers		760	160	2,000
450-32	Equipment	3,154	5,300	1,002	1,250
450-43	Info Center Contract/Expenses	30,911	29,100	28,971	0

450-45	Contracted Services	881			1,000
450-46	Lease Payments	420	450	506	600
450-50	Mileage	1,280			1,000
450-52	Transportation		4,550	1,845	0
450-60	Program Expenses				2,500
450-61	Special Events	1,821	2,200	1,244	3,000
450-63	Fireworks	3,160	3,000	3,000	0
450-66	Signs				500
450-80	Marginal Way Committee		3,700	2,383	0
450-81	Historical Preservation Cmtee				1,000
450-82	Parks & Recreation Cmtee				1,000
450-90	Utilities				1,000
450-91	Building Expenses				500
450-93	Grounds Expenses				500
450-94	BB/Tennis Court Expenses				500
450-98	General Expenses				1,000
PARKS & RECREATION EXPENSE TOTAL		108,543	125,470	115,190	71,540

Board of Selectmen recommendation:

From Revenues: \$11,500.00 (estimated)
From Taxes: \$60,040.00 (estimated)
Total Amount: \$71,540.00 (3-1)

Budget Committee recommendation: \$71,540.00 (4-0)

ARTICLE 27: Shall the Town vote to appropriate the sum of six thousand nine hundred twenty-one dollars (\$6,921.00) for Conservation expenditures?

ACCT #	ACCOUNT DESCRIPTION	FY 2001	FY 2002	FY 2002	FY 2003
		ACTUAL	BUDGET	ACTUAL	B.O.S. BDGT
		(REVISED)	(REVISED)	(REVISED)	(RECMND)
CONSERVATION EXPENSES:					
451-04	Clam Warden's Salary				2,080
451-10	FICA/Medicare		0	272	159
451-15	Worker's Compensation				82
451-60	Wildlife Management		5,000	4,377	2,000
451-61	Watershed Study				2,000
451-80	Shellfish Consvtn Comm Exp.	4,233	5,000	4,267	100
451-98	General Expenses				500
CONSERVATION EXPENSE TOTAL		4,233	10,000	8,916	6,921

Board of Selectmen recommendation:

From Revenues: \$3,575.00 (estimated)
From Taxes: \$3,346.00 (estimated)
Total Amount: \$6,921.00 (5-0)

Budget Committee recommendation: \$6,921.00 (5-0)

ARTICLE 28: Shall the Town vote to appropriate the sum of thirty-seven thousand dollars (\$37,000.00) for Information Services Department expenditures?

ACCT #	ACCOUNT DESCRIPTION	FY 2001	FY 2002	FY 2002	FY 2003
		ACTUAL	BUDGET	ACTUAL	B.O.S. BDGT
		(REVISED)	(REVISED)	(REVISED)	(RECMND)
INFORMATION SERVICES EXPENSES:					
453-02	Director's Salary	9,169	8,075	8,388	20,851
453-06	Benefit Pay	585	618	630	0
453-10	FICA/Medicare				1,595
453-15	Worker's Compensation				128

455-98	General Expenses	179	300	106	1,000
ADMIN SERVICES EXPENSE TOTAL		326,159	301,543	288,699	348,086

Board of Selectmen recommendation:

From Revenues: \$93,850.00 (estimated)
 From Taxes: \$254,236.00 (estimated)
 Total Amount: \$348,086 (4-0)

Budget Committee recommendation: \$348,086 (4-0)

ARTICLE 30: Shall the Town vote to appropriate the sum of twenty-three thousand nine hundred forty-five dollars (\$23,945.00) for Human Services expenditures?

RIVERSIDE CEMETERY	200
LOCUST GROVE CEMETERY	900
OLD BURYING GROUND	300
YOUTH BASEBALL	450
AMERICAN LEGION	500
W-O HISTORICAL SOCIETY	5,000
WELLS 350TH CELEBRATION	500
SOUTHERN MAINE AGENCY ON AGING	500
MEALS ON WHEELS	2,500
CARING UNLIMITED	245
YORK COUNTY CHILD ABUSE	500
YORK COUNTY COMMUNITY ACTION	1,300
HOSPICE OF YORK	500
SOUTHERN MAINE VISITING NURSES	3,000
SEXUAL ASSAULT RESPONSE SVCS	250
YORK COUNTY COUNSELING	1,500
YORK COUNTY SHELTER	3,100
AMERICAN RED CROSS	1,000
THE CENTER FOR WILDLIFE	500
AIDS RESPONSE OF THE SEACOAST	1,200
	23,945

Board of Selectmen recommendation: \$23,945.00 (5-0)

Budget Committee recommendation: \$23,945 (5-0)

ARTICLE 31: Shall the Town vote to appropriate the sum of three hundred fifty-nine thousand eight hundred eighty dollars (\$359,880.00) for Debt Management expenditures?

ACCT #	ACCOUNT DESCRIPTION	FY 2001	FY 2002	FY 2002	FY 2003
		ACTUAL	BUDGET	ACTUAL	B.O.S. BDGT
		(REVISED)	(REVISED)	(REVISED)	(RECMND)
DEBT MANAGEMENT EXPENSES:					
491-10	Jacobs Lot Payments	5,815	5,815	5,815	5,815
491-11	Restrooms/Marginal Way Interest		6,156		4,140
491-12	Restrooms/Marginal Way Principal	44,154	36,000	42,156	36,000
491-13	Ambulance Payments	19,931			0
491-14	Loader Payments	14,814	14,814	14,814	0
491-15	1997 Debt	62,850			0
491-16	1998 CIP Debt	135,968	130,241	130,050	0
491-17	1999 CIP Debt	203,296			0
491-18	2000 CIP Debt	82,126			0
491-19	2001 CIP Debt	51,089			0
491-20	2002 Debt Refinancing		56,974	56,120	293,925
491-99	TAN Interest	34,040	34,889	15,157	20,000
DEBT MANAGEMENT EXPENSE TOTAL		654,082	284,889	264,112	359,880

453-16	Unemployment				83
453-20	Postage				37
453-22	Supplies	126	500	584	750
453-23	Communications				1,500
453-24	Advertising				125
453-26	Professional Development				485
453-27	Dues & Subscriptions				260
453-30	Computers				1,400
453-32	Equipment	5,185	6,000	5,752	5,000
453-45	Contracted Services				2,500
453-50	Mileage				150
453-97	Volunteer Expenses		3,000	2,838	2,000
453-98	General Expenses		200	47	135
INFORMATION SERVICES EXPENSE TOTAL		15,065	18,393	18,240	37,000

Board of Selectmen recommendation:

From Revenues: \$26,600.00 (estimated)
From Taxes: \$10,400.00 (estimated)
Total Amount: \$37,000.00 (5-0)

Budget Committee recommendation: \$37,000.00 (5-0)

ARTICLE 29: Shall the Town vote to appropriate the sum of three hundred forty-eight thousand eighty-six dollars (\$348,086.00) for Administrative Services Department expenditures?

ACCT #	ACCOUNT DESCRIPTION	FY 2001	FY 2002	FY 2002	FY 2003
		ACTUAL	BUDGET	ACTUAL	B.O.S. BDGT
		(REVISED)	(REVISED)	(REVISED)	(RECMND)
ADMINISTRATIVE SVCS DEPT. EXPENSES:					
455-02	Maintenance Superintendent's Salary	28,806	29,560	28,505	31,397
455-05	Overtime Pay	2,098	1,500	1,027	0
455-06	Benefit Pay	12,395	13,848	13,609	635
455-07	P/T Staff Wages	7,366	8,300	8,046	10,920
455-10	FICA/Medicare				3,286
455-11	Retirement				2,512
455-12	Health Insurance				7,513
455-13	Dental Insurance				771
455-14	Life/Disability Insurance				429
455-15	Worker's Compensation				2,360
455-16	Unemployment				169
455-22	Supplies	3,960	3,900	4,160	3,150
455-23	Communications	1,110	1,200	1,316	1,100
455-24	Advertising				200
455-25	Uniforms				500
455-26	Professional Development		500	0	800
455-30	Computers		800	630	400
455-32	Equipment	258	1,100	1,487	4,607
455-45	Contracted Services	5,953	9,140	5,650	9,138
455-51	Vehicle Expenses				700
455-66	Signs				100
455-67	Holiday Decorations				300
455-70	Dunaway Utilities	16,510	15,500	16,376	16,500
455-71	Dunaway Expenses	16,070	16,500	15,735	10,000
455-80	Street Lights	62,020	65,000	64,888	75,000
455-81	Sewer Fees	18,288	18,750	17,681	18,000
455-82	Water Hydrants	63,072	66,600	63,072	63,100
455-88	Bathhouse Expenses	86,606	47,545	45,107	77,000
455-90	Misc. Utilities	358	300	621	3,000
455-91	Misc. Building Expenses	1,111	1,200	685	3,000
455-95	Fuel Pump Expenses				500

Board of Selectmen recommendation:

From Revenues: \$45,000.00 (estimated)
From Surplus Fund Balance: \$280,429.00
From Taxes: \$34,451.00 (estimated)
Total Amount: \$359,880.00 (5-0)

Budget Committee recommendation: \$359,880.00 (5-0)

ARTICLE 32: Shall the Town vote to appropriate the sum of five hundred two thousand six hundred sixty-seven dollars (\$502,667.00) for Capital expenditures?

\$23,000.00	FIRE DEPT. AIR PACKS LEASE PAYMENT
\$10,000.00	FIRE DEPT. EXTRICATION TOOLS
\$20,000.00	FIRE STATION IMPROVEMENTS
\$55,000.00	CAPT. THOMAS ROAD IMPROVEMENTS
\$20,000.00	OCEAN STREET IMPROVEMENTS
\$207,667.00	SHORE ROAD (SIDEWALK) IMPROVEMENTS
\$10,000.00	BACK HOE REPAIRS/PURCHASE
\$20,000.00	TRANSFER STATION SURVEY
\$20,000.00	VILLAGE BEAUTIFICATION MASTER PLAN
\$51,000.00	TRASH BARREL TRUCK
\$18,000.00	WINN HOUSE IMPROVEMENTS
\$18,000.00	DOROTHEA GRANT COMMON IMPROVEMENTS*
\$20,000.00	BASKETBALL/TENNIS COURTS IMPROVEMENTS
<u>\$10,000.00</u>	MAIN BEACH RAMPS DESIGN/ENGINEERING*
\$502,667.00	

Board of Selectmen recommendation:

From Revenues: \$258,096.00 (estimated)
From Surplus Fund Balance: \$244,571.00
From Taxes: \$0.00 (estimated)
Total Amount: \$502,667.00 (5-0)

Budget Committee recommendation: \$474,667.00 (5-0) [*denotes items not recommended]

ARTICLE 33: Shall the Town vote to authorize the use of the former information center site located on Route 1 for a new Police Station; and also authorize the expenditure of up to nine thousand dollars (\$9,000.00) to pay for a preliminary design and construction cost estimates; said funds to come from the designated surplus fund balance previously authorized for the Dunaway Community Center Needs Analysis by vote on Article 52 at the 2000 Annual Town Meeting?

Board of Selectmen recommendation: \$9,000.00 (4-1)

Budget Committee recommendation: \$0.00 (4-1)

ARTICLE 34: Shall the Town vote to establish a Fire-Rescue Department Vehicle Reserve Fund pursuant to the provisions of Title 30-A M.R.S.A. Section 5801.2 and appropriate the sum of seventy five thousand dollars (\$75,000.00) thereto?

Board of Selectmen recommendation:

From Surplus Fund Balance: \$75,000.00
From Taxes: \$0.00
Total Amount: \$75,000.00 (5-0)

Budget Committee recommendation: \$75,000.00 (5-0)

ARTICLE 35: Shall the Town vote to allow the Highway Department to plow and sand private roads on which the Town holds a recorded public easement during the upcoming winter season as otherwise allowed by Title 23 M.R.S.A. §3105 and previously authorized by a vote on Article 3 of a Special Town Meeting held on November 5, 2002, provided that any necessary expenses pertaining thereto must fall within existing appropriations?

ARTICLE 36: Shall the Town vote to authorize the Board of Selectmen, upon public notice and hearing, to determine that any road or roads, or portion thereof, in said Town that are so located with reference to population, use and travel thereon, may be deemed unnecessary to keep maintained and open for travel during the months of November, December, January, February, March and April or any part of these months as allowed by Title 23 M.R.S.A. Section 2953, whereby such orders so made by the Selectmen are a final determination unless appealed to the Board of County Commissioners as allowed by law?

ARTICLE 37: Shall the Town vote to appropriate the sum of three thousand dollars (\$3,000.00) for fireworks?

Budget Committee recommendation: \$0.00 (4-0)

ARTICLE 38: Shall the Town vote to appropriate the sum of thirty thousand dollars (\$30,000.00) to contract with the Ogunquit Chamber of Commerce to provide visitor information services?

Budget Committee recommendation: \$0.00 (4-0)

ARTICLE 39: Shall the Town authorize the Board of Selectmen to apply for and accept grant funds, donations and gifts; and authorize the Selectmen to spend such funds for the purposes intended as allowed by law?

ARTICLE 40: Shall the Town vote to authorize the Board of Selectmen to expend an amount of money, not to exceed one third (1/3) of the 2003 annual budget during the period from January 1, 2004 to the completion of the 2004 Annual Town Meeting; excepting such costs associated with winter road maintenance and general assistance which may, of necessity, exceed such limits?

ARTICLE 41: Shall the Town vote to fix the date when 2003 property taxes shall be due and payable as that date occurring forty-five (45) days after the date of tax commitment; and further, that interest at the rate of seven percent (7%) per annum shall accrue from and after that date as allowed by law?

ARTICLE 42: Shall the Town vote to authorize the Board of Selectmen to sell and convey tax acquired property as they shall deem to be necessary and/or in the best interests of the Town; provided, however, that a delinquent taxpayer shall be given a thirty (30) day grace period after approval of this warrant article in which to redeem his/her property upon payment of all taxes, liens, interest and other applicable costs; and furthermore, shall the Town vote to authorize the Board of Selectmen to execute and deliver quit claim deeds, without covenant, for the conveyance of such property and/or the removal of tax liens from public records as justice may require?

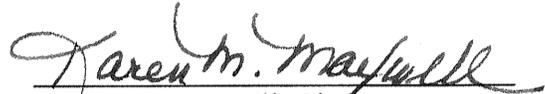
ARTICLE 43: Shall the Town vote to pay no more than four percent (4%) per annum to taxpayers who pay taxes in excess of the amounts finally assessed, and to authorize such interest paid or abatements granted to be charged against the Town's annual overlay, or if necessary, against the Town's undesignated surplus fund balance?

ARTICLE 44: Shall the Town vote to authorize the Board of Selectmen to dispose of town-owned surplus property upon such terms and conditions as the Selectmen may deem to be in the best interests of the Town as otherwise allowed by law?

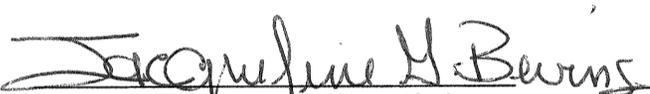
ARTICLE 45: Shall the Town vote to appropriate the sum of five thousand dollars (\$5,000.00) to repaint and install decals on the police cruisers?

Budget Committee recommendation: \$0.00 (4-0)

Given under our hands this 28th day of MARCH, 2003, A.D. in Ogunquit, Maine, by the Board of Selectmen, acting in their capacity as the municipal officers. ATTEST:


Karen M. Maxwell, Chair


Philip G. Clark


Jacqueline G. Bevins, Vice-Chair


Albert Dello Russo

Stillman N. Bradish

**RETURN
ANNUAL TOWN MEETING WARRANT**

In the Town of Ogunquit, County of York and State of Maine.

Ss:

Pursuant to warrant to me as directed, I have notified and warned the Inhabitants of the Town of Ogunquit herein named to meet at the time and place for the purpose herein stated by posting upon the **28th** day of **March**, 2003, A.D., a copy of the within Warrant at the Dunaway Community Center, Ogunquit Post Office and on the public access channel, WOGT, those being three (3) conspicuous and public places in said Town.



Julie E. Lizanecz, Acting Police Chief
TOWN OF OGUNQUIT

ATTEST:

A TRUE COPY

Judy Shaw-Kagiliery, Town Clerk
TOWN OF OGUNQUIT

TOWN OF OGUNQUIT, MAINE

TOWN CHARTER

ADOPTED MARCH, 1991

AS REVISED & ACCEPTED ON NOVEMBER 2, 1993

AS REVISED & ACCEPTED ON NOVEMBER 6, 2001

AS REVISED & ACCEPTED ON APRIL 5, 2003

EFFECTIVE APRIL 5, 2003

TABLE OF CONTENTS

		Page #
	PREAMBLE	
Article 1	GRANT OF POWERS TO THE TOWN	1
	Section 101.1 Incorporation	1
	Section 102 Powers of the Town	1
	Section 103 Intergovernmental Relations	3
Article II	TOWN MEETINGS	4
	Section 201 Purpose	4
	Section 202 Qualification of Voters & Definition of Resident	4
	Section 203 Town Elections	5
	Section 204 Procedure (Annual Town Meeting)	5
	Section 205 Special Town Meetings	5
	Section 206 Warrant Article(s) by Petition of Voters	6
Article III	MUNICIPAL OFFICIALS	6
	Section 301 Composition	6
	Section 302 Qualifications	7
	Section 303 Term of Office	7
	Section 304 Compensation	7
	Section 305 Induction into Office	8

Section 306	The Board of Selectmen Shall be Judges of Elections	8
Section 307	Board of Selectmen	8
Section 308	Appointment of Town Manager	14
Section 309	Tax Collector	15
Section 310	Town Clerk	17
Section 311	Town Treasurer	18
Section 312	Recall (Elected Officials)	20
Article IV	TOWN MANAGER	23
Section 401	Town Manager Qualifications	23
Section 402	Powers & Duties of the Town Manager	23
Section 403	Absence of the Town Manager	26
Article V	FINANCIAL PROCEDURES	26
Section 501	Authority	26
Section 502	Fiscal Year	26
Section 503	Preparation and Submission of Budget	27
Section 504	Revenue and Expenditures	28
Section 505	Borrowed Funds	28
Section 506	Independent Annual Audit	28
Article VI	SCHOOL COMMITTEE	28
Section 601	Composition	28

Section 602	Eligibility	29
Article VII	TAX ADMINISTRATION	29
Section 701	Assessor	29
Section 702	Assessment Review	30
Article VIII	APPOINTED BOARDS & COMMISSIONS	30
Section 801	Boards and Commissions	30
Section 802	Other Appointments	30
Section 803	Forfeiture of Office	30
Article IX	GENERAL PROVISIONS	31
Section 901	Scope of Powers	31
Section 902	Separability	32
Section 903	Short Title	32
Section 904	Oath of Office	32
Section 905	Ordinances Not Inconsistent Continue in Force	32
Section 906	Continuance of Present Elective & Administrative	33
Section 907	Applicability of State Statute	33
Section 908	Charter Review Commission	33
Section 909	Personal Financial Interest	33
	Attestment	

PREAMBLE

We, the citizens of the Town of Ogunquit, realizing our responsibilities inherent in the adoption of this Charter, also recognize that strict moral ethics must be practiced by all people, particularly those in positions of authority. These moral obligations require honesty, integrity, and high ethical standards on the part of all elected and appointed officials.

Honest, responsible, dedicated leadership in all phases of our community is essential if Ogunquit is to continue to be a better place in which to live.

The Ogunquit Village Corporation was formed in 1913 as a result of the efforts of our forbearers. The works of many went into the original Charter; specifically mentioned are Nehemiah P. M. Jacobs, Wilbur F. Cousins, George H. Littlefield, J. Moses Perkins, Edward T. Weare, Samuel J. Perkins and F. Raymond Brewster.

The citizens of Ogunquit appreciate what the charterers and other dedicated people have done through the years to establish, preserve and improve the Town.

The Charter, approved by the legislature of the State of Maine in 1913, has been amended several times since the corporation was born. Times have changed; Ogunquit has changed and grown. On July 1, 1980 Ogunquit officially became a town in the State of Maine pursuant to L.D. 959 as enacted by the State Legislature in June, 1979.

The purpose of this Charter is to clarify the rights and responsibilities of the Town of Ogunquit; and to add others required by present needs and by changes in State Statutes; and to assemble all this into a readable, acceptable format. This Charter may be amended in the future, as cause or need requires.

ARTICLE I
GRANT OF POWERS TO THE TOWN

SEC. 101 INCORPORATION

The inhabitants of the Town of Ogunquit, within the limits as now established or as hereby established in the manner provided by law, shall be a municipal corporation by the name of the Town of Ogunquit.

101.1 The territorial limits of the Town of Ogunquit are as follows:

Commencing at the southeasterly point of the boundary lines between the Town of Ogunquit and the Town of York, at the Atlantic Ocean and extending northwesterly along said boundary line to the south branch of the Ogunquit River; thence by the Ogunquit River to the intersection of Stevens Brook with said Ogunquit River, thence south fifty-five degrees east course to the Atlantic Ocean, thence by the Atlantic Ocean to the boundary line between the Town of Ogunquit and the Town of York and point of beginning.

SEC. 102 POWERS OF THE TOWN

The Town shall have, exercise, and enjoy all the rights, immunities, powers, privileges, and franchises, and shall be subject to all the duties, liabilities and obligations provided for herein, or otherwise pertaining to or incumbent upon said Town under the Laws of the State of Maine.

It may enact by-laws, regulations, and ordinances not inconsistent with the State Constitution and the Laws of the State of Maine, and impose penalties for the

breach thereof, not exceeding the maximum amount as established by statute in any one case, to be recovered to the use of said Town by appropriate action.

The Town may acquire real and personal property within or without its corporate limits for any Town purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interests may require in accordance with Title 30-A MRSA section 5652 et seq as amended.

The Town shall have all the powers possible for a municipality to have under the State Constitution and the Laws of the State of Maine, including but not limited to the power to:

- 102.1** Elect municipal officials.
- 102.2** Appoint officials or members of boards, commissions and committees.
- 102.3** Establish and maintain a Police Department.
- 102.4** Establish and maintain a Fire Department.
- 102.5** Approve the salaries of those elected and appointed officials receiving compensation.
- 102.6** Lay out, construct, reconstruct, alter, maintain, repair, control and operate roads, streets and ways, sidewalks, Marginal Way, public walks, public parking lots, public wharves and landings.
- 102.7** Contract for public utilities.
- 102.8** Plant, remove, and care for trees in the rights of way of roads and streets, and upon public lands.
- 102.9** Widen, deepen, extend and maintain Flat Pond and the channel of the Josias River between Flat Pond and the sea, hereinafter referred to as Perkins Cove Harbor.

- 102.10 Provide for planning and zoning.
- 102.11 Establish, maintain, conduct and finance recreational facilities and to charge for the use thereof.
- 102.12 Borrow money and issue bonds within the limits specified by State Laws for municipalities for any purpose for which money may be legally appropriated.
- 102.13 Provide for beach and municipal parking administration; operate and maintain beach and other municipal parking lots for public uses; and charge a reasonable parking fee for use by the public.
- 102.14 Regulate the taking of clams.
- 102.15 Provide for a dam or tide gate in the Ogunquit River.
- 102.16 Apply for State, Federal, and other aid grants for the benefit of the Town.
- 102.17 Adopt and modify the official map of the Town.

SEC. 103 INTERGOVERNMENTAL RELATIONS

The Town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more municipalities, states, or civil divisions or agencies thereof, or the United States government or agency thereof.

ARTICLE II
TOWN MEETINGS

SEC. 201 PURPOSE

The purpose of Town Meetings is to allow voters to exercise their powers under the Town Meeting form of government and to provide for the election of municipal officials and other elected officials, appropriation of funds, approval of warrants, adoption of ordinances and any other business that may legally come before the meeting.

SEC. 202 QUALIFICATION OF VOTERS AND DEFINITION OF RESIDENT

202.1 Eligibility of voters shall be as determined by the Statutes of the State of Maine.

202.2 Resident shall be defined as:

A person who appears on the Town's voter registration rolls maintained by the office of the Town Clerk certifying eligibility to vote in the Town in local, State and national elections, having listed in such rolls the name and place of domicile (home address) located within the border of the Town in which he/she has lived a minimum of six (6) months and one (1) day.

202.3 Domicile shall be defined as:

That place where an individual has his/her true, fixed and permanent home and principal establishment and to which whenever he/she is absent has the intention of returning.

SEC. 203 TOWN ELECTIONS

Provisions of the Laws of the State of Maine relating to the qualifications of voters, registration, the manner of voting, the duties of elected officials and all other particulars respective to preparation for, conduct of and management of elections, as far as they may be applied, shall govern all Town elections except as otherwise provided in this Charter. Title 30, MRSA as amended shall govern the manner of voting in Town elections.

SEC. 204 PROCEDURE

The Annual Town Meeting shall be held on the first Saturday of April. Notice of a Town Meeting shall be conspicuously posted in at least three (3) public places and on the public access channel (WOGT), if available, at least seven (7) calendar days in advance and in compliance with State statute, registered voters attending and determining appropriations at the Annual Town Meeting shall be counted by checklist to establish the quorum referred to in Sec. 205.

Town Meetings shall be initiated and conducted in the manner provided by State Statutes.

SEC. 205 SPECIAL TOWN MEETINGS

The Board of Selectmen may call a Special Town Meetings whenever deemed necessary or on petition of the voters. If the Board of Selectmen unreasonably refuse to call a Town Meeting, it may be called by a Notary Public in the county on the written petition of a number of voters equal to at least ten percent (10%) of the number of votes cast in the Town at the last gubernatorial election, but in no

case less than ten (10) voters. Notice of a Special Town Meeting shall be conspicuously posted in at least three (3) public places and on the public access channel (WOGT), if available, at least seven (7) calendar days in advance and in compliance with State statute. A quorum for a Special Town Meeting shall be twenty-five percent (25%) of the number of voters attending the budget portion of the previous Annual Town Meeting.

SEC. 206 WARRANT ARTICLE(S) BY PETITION OF VOTERS

Article(s) for the Warrant of any Town Meeting may be requested of the Board of Selectmen. If the Board of Selectmen decline, the article(s) shall be inserted in the Warrant of an Annual or Special Town Meeting upon the written petition of a number of voters equal to at least ten percent (10%) of the number of votes cast in the Town at the last gubernatorial election, but in no case less than ten (10) voters.

ARTICLE III

MUNICIPAL OFFICIALS

SEC. 301 COMPOSITION

Municipal Officials shall include five (5) Selectmen elected at large by the qualified voters of the Town, and such other Officials as required, either elected at large or appointed.

SEC. 302 QUALIFICATIONS

Municipal Officials shall be registered voters and year-round residents of the Town during their term of office, except as herein provided. They shall hold no other office for profit under the Town Charter or ordinances as defined in Maine Statutes, Title 30, MRSA, as amended.

Candidates for office shall be nominated by the filing of nomination papers with the Town Clerk signed by a minimum of twenty-five (25) qualified voters.

SEC. 303 TERM OF OFFICE

Each Selectman will be elected for a term of three (3) years as follows:

- A. The two (2) Selectmen positions which are eligible for election in the year 2002 will be for three (3) year terms, expiring in 2005.
- B. In the year 2003, of the three Selectmen positions which are eligible for election, the two (2) individuals with the highest vote totals will be elected to three (3) year terms, expiring in the year 2006. The individual with the third highest vote total shall be elected for a one (1) year term, expiring in the year 2004.
- C. All elections thereafter shall be for three (3) year terms.

Each Selectmen shall serve until a successor is elected and qualified. Vacancies which may occur are covered in Section 307.6 of this Charter.

SEC. 304 COMPENSATION

Selectmen shall be compensated for services in an amount to be determined by the voters at the next Annual Town Meeting. Payment for all services under this

Section shall be made annually by the Town Treasurer after the Annual Town Meeting and only after successful completion of the year's service.

SEC. 305 INDUCTION INTO OFFICE

All elected officials shall be sworn to the faithful discharge of their duties by the Town Clerk or Notary Public at the conclusion of the Annual or Special Town Meeting or as otherwise legally required.

SEC. 306 THE BOARD OF SELECTMEN SHALL BE JUDGE OF ELECTIONS

The Board of Selectmen shall decide any disputes as to elections or the eligibility of those elected as Municipal Officials. It shall have the power to subpoena witnesses and require the production of records. The decision of the Board in any such case shall be subject to court review under appropriate Maine statutes. Hereafter referred to as the "Board" unless otherwise noted.

SEC. 307 BOARD OF SELECTMEN

The Board shall be the General Municipal Officials of the Town.

307.1 Meetings: The Board shall meet a minimum of once a month.

307.2 Chair: At its first meeting, after each Annual Town Meeting, or as soon thereafter as practicable, the Board shall elect, by a majority vote of the entire Board, one of its Members as Chair and may elect one of its Members as Vice-Chair. It may also fill, for an unexpired term, any vacancy in the office of Chair that may occur. The Chair shall preside at the Meetings of the Board and

shall be recognized as the head of the Town government for all ceremonial purposes and by the Governor for purposes of military law, but shall have no regular administrative duties. In the temporary absence or disability of the Chair and the Vice-Chair, the Board may elect, from among its Members, a Chair pro tempore, who shall exercise all powers of the Chair during the temporary absence or disability of the Chair and Vice-Chair. The Board, by a vote of four (4) Members for a full Board and a majority vote if less than a full Board and after a public hearing, may replace the Chair and/or Vice-Chair at any time.

307.3 Quorum and vote: A quorum of the Board for the transaction of any business shall consist of at least three (3) members and the passage, adoption or enactment of any item shall require at least three (3) votes on the prevailing side.

307.4 Forfeiture of Office: At any time during a term, a Selectman shall forfeit office by an affirmative vote of at least three (3) Board Members for any of the following reasons:

- A. Lack of any qualifications for the office as prescribed by this Town Charter or by State law.
- B. Violation of any express prohibition of the Town Charter.
- C. Conviction of a felony or conviction of an offense involving moral turpitude as defined by Black's Law Dictionary.
- D. A Member of the Board who has three (3) consecutive unexcused absences from that Board's Meetings (including regular and

special meetings) or has been absent without excuse from twenty (20%) percent or more of the Board's regular and special meetings during the prior twelve month (12) period shall be deemed to have created a vacancy, resulting in the loss of membership on the Board and shall be replaced. The recording secretary shall be responsible for maintaining accurate attendance records. An absence shall be excused only by a vote of the remaining Members in attendance at the meeting from which the Board Member is absent.

307.5 Rules of Procedure Journal: The Board shall determine its own rules and order of business. It shall keep a record of its proceedings and the record shall be maintained at the Town Offices and shall be available for public inspection during regular business hours. Unless otherwise noted and adopted, Parliamentary Procedure shall be as defined by Webster's New World Robert's Rules of Order.

307.6 Vacancies of Office:

- A. Creation of Vacancies: The office of a Selectman shall become vacant upon death, resignation or removal of domicile from the Town limits, and as provided for in Section 307.4 and Section 312.5.
- B. Filling of Vacancies: If for any reason a vacancy shall occur in the membership of the Board more than ninety (90) calendar days prior to the next Annual Town Meeting,

the vacancy shall be filled at a Special Town Meeting for the unexpired portion of the term. In the event such vacancy occurs less than ninety (90) days calendar prior to the next Annual Town Meeting, the vacancy is to be filled for the unexpired portion of the term at the next Annual Town Meeting. Any such special elections shall be conducted in accordance with the Statutes of the State of Maine. When an election is being held to fill an unexpired term at the same time as a general election to fill other Selectmen positions, all positions shall be considered "At Large" with the candidates receiving the highest vote totals elected to the longest terms.

- C. Simultaneous Multiple Vacancies: In the event of multiple vacancies totaling three (3) or more at one time, a special election shall be called within thirty (30) calendar days. During the period prior to the special election, the senior member from Ogunquit of the School Board, the Chairman of the Planning Board and the Chairman of the Zoning Board of Appeals successively shall serve on the Board of Selectmen to make a quorum.

307.7 Enumeration of Powers of the Board: The Board shall have the and powers and duty to:

- A. Appoint and remove the Town Manager, the Town Tax Collector, the Town Attorney, the Town Assessor or

Certified Public Assessor, the Auditor and the Director of Emergency Management.

- B. Appoint, remove or provide for the election of such officials and members of boards, commissions and committees as ordinances and statutes may require. All appointments shall be in writing and signed by the Board. Appointments may be removed by the Board under the provisions of Sec. 307.4.
- C. Appoint any individual or committee to assist the Board with any aspect of Town government e.g. budget, long-range planning or special projects.
- D. Set the salary, subject to voter approval, of those officers or officials of the Town who receive compensation.
- E. Oversee, monitor and account for the appropriations and to sign the Warrant certifying all disbursements of Town funds.
- F. Prepare, or provide for the preparation of, the Warrant for the Annual and Special Town Meetings and the Annual Town Report.
- G. Expend funds as authorized by the voters at the Annual Town Meeting or Special Town Meetings.
- H. Enact, unless as otherwise provided by State statute, ordinances to be effective for a maximum of ninety (90) calendar days to meet emergencies or contingencies. Such

ordinances shall not be renewable and shall not become regular or permanent until adopted by vote at the Annual or Special Town Meeting.

- I. Ensure compliance of all ordinances through its designated enforcement agents.
- J. Provide for an annual audit.
- K. Require as deemed necessary a bond from a surety company for persons trusted with the collection, custody or disbursement of any of the monies of the Town. The premiums on said bonds shall be paid by the Town.
- L. Enter into and execute contracts on behalf of the Town concerning matters authorized by Town Charter, Town Meetings or State statutes.
- M. Authorize legal activity on behalf of the Town.
- N. Approve and officially adopt administrative and personnel policies.
- O. Act on other powers or duties permitted by Maine State statutes.
- P. The Board of Selectmen shall issue a written mid-year report each October updating the citizens of the Town on the Articles passed at the Annual Town Meeting. This report shall also include any important issues currently before the Board of Selectmen. Notice of this report shall be given seven (7) calendar days prior to its issuance. Notice shall be posted in three (3) conspicuous places and

on the community public access channel (WOGT), if available. This “State of Ogunquit” report shall be delivered over the community public access channel (WOGT), if available. The first item on the agenda at the Board of Selectmen’s Meeting following the “Mid-Year Report” shall be a public forum for questions and comments. For purposes of this Charter, the Annual Report shall be considered the “Year End Report”.

SEC. 308 APPOINTMENT OF TOWN MANAGER

308.1 APPOINTMENT OF TOWN MANAGER: The Board shall appoint an official of the Town who shall have the title of Town Manager and shall have the powers and perform the duties as provided in Section 402 of this Charter. Selectmen are ineligible to receive such appointment while serving on the Board or within one year after their term on the Board.

308.2 REMOVAL OF TOWN MANAGER: The Board may remove the Town Manager for cause by an affirmative vote of not less than three (3) of its members. A prêtermination hearing shall be conducted with the Town Manager by the Board of Selectmen. At least thirty (30) calendar days before such removal shall become effective, the Board shall, by a majority vote of all of its Members, adopt a preliminary resolution explicitly stating the specific

reason(s) for removal. The Town Manager may reply in writing or may request, within ten (10) calendar days, a public hearing, which shall be held not earlier than twenty (20) calendar days nor later than thirty (30) calendar days after the filing of such request. After such public hearing, if one is requested, and after full consideration, the Board, by an affirmative vote of not less than three (3) of its Members, may adopt a final resolution for removal. By the preliminary resolution, the Board may suspend the Town Manager from any or all duties, but the Town Manager's regular salary shall continue to be paid during the period of suspension. However, the Town Manager shall cease the performance of all duties upon a vote of final resolution of removal.

308.3

NON-INTERFERENCE: The Board shall deal with the administrative services solely through the Town Manager. Selectmen, individually, or as a Board, shall not give orders to any subordinate of the Town Manager or to Members of the general public either publicly or privately.

SEC. 309 TAX COLLECTOR

309.1

APPOINTMENT OF TOWN TAX COLLECTOR: The Board shall appoint an official of the Town who shall have the title of Town Tax Collector. The Town Tax Collector shall act in accordance with State statute for municipal tax collectors and shall

collect taxes due the Town of Ogunquit. The office of Town Tax Collector shall become vacant upon death, resignation or disability.

A vacancy in the office of Tax Collector shall be filled within thirty (30) calendar days by appointment by the Selectmen.

309.2

REMOVAL OF TAX COLLECTOR: The Board may remove the Town Tax Collector for cause by an affirmative vote of not less than three (3) of its Members. A pretermination hearing shall be conducted with the Tax Collector by the Town Manager.

At least thirty (30) days before such removal shall become effective, the Board shall, by a majority vote of all of its members, adopt a preliminary resolution explicitly stating the specific reason(s) for removal. The Town Tax Collector may reply in writing or may request a public hearing within ten (10) business days which shall be held not earlier than twenty (20) days, nor later than thirty (30) days after the filing of such request. After such public hearing, if one is requested, and after full consideration, the Board, by an affirmative vote of not less than three (3) of its members, may adopt a final resolution of removal. By the preliminary resolution, the Board may suspend the Town Tax Collector from duty, but the regular salary of the Town Tax Collector shall continue to be paid during the period of suspension. The Town Tax Collector shall cease the performance of all duties upon a vote of final resolution of removal. A vacancy in the office of Town Tax Collector shall be filled within thirty (30) days by appointment. The function of the Town Tax Collector

shall be performed by the Town Manager or Deputy Tax Collector during a vacancy of the office of Town Tax Collector.

309.3 BONDING: The Tax Collector shall be bonded in the same manner as required by State statute for municipal tax collectors.

309.4 DEPUTY TAX COLLECTOR: A Deputy Town Tax Collector may be appointed by the Tax Collector with the approval of the Town Manager.

SEC. 310 TOWN CLERK

310.1 APPOINTMENT: The Town Manager shall appoint a qualified individual who shall have the title Town Clerk, shall act in accordance with State statutes for municipal clerks, shall keep a public record of all proceedings of the Town, maintain a current checklist of eligible voters, shall keep a log of the number of registered voters who attended Annual Town Meetings and maintain a record of currently applicable legislative action affecting the Town. The office of Town Clerk shall become vacant upon death, resignation or disability.

310.2 REMOVAL OF TOWN CLERK: The Town Manager with an affirmative vote from the Board of Selectmen of not less than three (3) of its Members, may remove the Town Clerk for cause. A pretermination hearing shall be conducted with the Town Clerk by the Town Manager. At least thirty (30) calendar days before such

removal shall become effective, the Board shall, by a majority vote of all of its Members, adopt a preliminary resolution explicitly stating the specific reason(s) for removal. The Town Clerk may reply in writing or may request a public hearing to be held within ten (10) business days after the filing of such request. After such public hearing, if one is requested and after full consideration, the Board, by an affirmative vote of not less than three (3) of its Members, may adopt a final resolution of removal. By the preliminary resolution, the Board may suspend the Town Clerk from duty, but the regular salary of the Town Clerk shall continue to be paid during the period of suspension. A vacancy in the office of Town Clerk, for the balance of the current term, shall be filled within thirty (30) calendar days by appointment. The function of the Town Clerk shall be performed by the Town Manager or Deputy Clerk during a vacancy of said office.

310.3 BONDING: The Board will bond the Town Clerk

310.4 APPOINTMENT OF DEPUTY CLERK: The Town Clerk may appoint, in writing and with the approval of the Town Manager, a qualified Deputy Town Clerk as provided in Maine State Statutes,

SEC. 311 TOWN TREASURER

311.1 APPOINTMENT: The Town Manager shall appoint an official of the Town who shall have the title of Town Treasurer. The Town Treasurer shall act in accordance with State statute for municipal

treasurers and shall sign all checks, bonds and other financial transactions of the Town. The office of Town Treasurer shall become vacant upon death, resignation or disability. A vacancy in the office of Treasurer shall be filled within thirty (30) days by appointment.

311.2 REMOVAL OF TOWN TREASURER: The Town Manager, with an affirmative vote from the Board of Selectmen of not less than three (3) of its Members, may remove the Town Treasurer for cause. A pretermination hearing shall be conducted with the Town Treasurer by the Town Manager. At least thirty (30) calendar days before such removal shall become effective, the Board shall, by a majority vote of all of its Members, adopt a preliminary resolution explicitly stating the specific reason(s) for removal. The Town Treasurer may reply in writing or may request a public hearing to be held within ten (10) business days after the filing of such request. After such public hearing, if one is requested and after full consideration, the Board, by an affirmative vote of not less than three (3) of its Members, may adopt a final resolution of removal.

By the preliminary resolution, the Board may suspend the Town Treasurer from duty, but the regular salary of the Town Treasurer shall continue to be paid during the period of suspension. A vacancy in the office of Town Treasurer, for the balance of the current term, shall be filled within thirty (30) calendar days by appointment. The function of the Town Treasurer shall be performed by the Town Manager or Deputy Treasurer during a vacancy of said office.

311.3 BONDING: The Treasurer shall be bonded in the same manner as required by State statute for municipal treasurers.

311.4 DEPUTY TREASURER: The Town Treasurer may appoint, in writing and with the approval of the Town Manager, a qualified Deputy Town Treasurer as provided in State Statutes, Title 30-A MRSA as amended.

SEC. 312 **RECALL**

Any elected official may be recalled and removed from office by the qualified voters of the Town as herein provided.

312.1 PETITIONS FOR RECALL: Any fifty (50) registered voters of the Town may make and file with the Town Clerk an affidavit, with each signature notarized, containing the name of the officer or official whose removal is sought and a statement of the reason(s) why such removal is desired. The Town Clerk shall then prepare and sign a petition for such removal; a copy of said affidavit and general statement either included thereon or attached thereto, which shall be impressed with the official Town Clerk's seal, dated, addressed to the Board and containing the name of the person whose removal is sought. The Town Clerk shall control one copy of said petition for thirty (30) business days thereafter, during which time the same shall be available for signatures, during regular business hours, of qualified voters of the Town and shall prepare additional copies for the use of the affiant for the collection of signatures. To be effective, the recall petition must be signed by a number of registered voters of the Town equal to at least ten percent (10%) of the ballots cast in the municipal election held at

the previous Annual Town Meeting and must include ten (10) registered voters who voted at the same Annual Town Meeting. To every signature shall be added the address of the signatory indicating the street and number or other description sufficient to identify the location.

312.2 EXAMINATION OF THE PETITION: At the expiration of said thirty (30) days, the Town Clerk shall declare the petition closed and shall within five (5) business days thereafter ascertain whether or not the petition is signed by the requisite number of voters and shall attach thereto a certificate showing the results of such examination.

312.3 CALLING OF RECALL ELECTION: The petition and the certificate shall be submitted to the Board of Selectmen at its next meeting. If the petition, certified by the Town Clerk, includes the requisite number of signatures, the officer whose removal is sought shall be notified. The Board shall thereupon, within ten (10) business days of receipt of the Town Clerk's Certificate, order an election to be held not less than twenty (20) calendar days, nor more than thirty (30) calendar days thereafter; unless a regular election is to occur within ninety (90) calendar days in which case the recall election will be held concurrent with the regular election. The officer whose removal is being sought may request a public hearing by submitting a written request to the Board of Selectmen within ten (10) calendar days of the Town Clerk's certification.

312.4 FORM OF BALLOT: Unless the officer whose removal is sought shall have resigned within ten (10) days after the receipt by the Board of Selectmen of the Town Clerk's Certificate, the form of the ballot at such election shall be:

“Shall X be recalled?”. The name(s) of the officer(s) whose recall is (are) sought shall be inserted in place of X etc.

312.5 COUNT OF BALLOTS: In the case that a majority of those voting on the recall of any official shall vote in favor of recall, such officer shall be thereby removed immediately, and a vacancy in said office shall be declared by the Town Clerk.

312.6 ELECTION BY PETITION: If the Board of Selectmen refuses to call a Town Meeting for the purpose of a recall election, it may be called by a Notary Public in the county upon the written petition of a number of votes equal to at least ten percent (10%) of the number of signatures on the certified petition, but in no case less than ten (10).

312.7 CANDIDATES FOR RECALLED POSITIONS: In the event of a successful recall election, nominations for candidates shall be sought in the same manner for any municipal election and in accordance with State and municipal election laws.

ARTICLE IV
TOWN MANAGER

SEC. 401 TOWN MANAGER OUALIFICATIONS

The Town Manager shall be chosen by the Board of Selectmen on the basis of character, executive and administrative qualifications with special reference to actual experience in, or knowledge of, accepted practice with respect to the duties of the office as hereinafter set forth.

SEC. 402 POWERS AND DUTIES OF THE TOWN MANAGER

The Town Manager shall:

- 402.1** Be the chief executive and administrative official of the Town.
- 402.2** Appoint subject to the confirmation or veto by the Board of Selectmen, all Department Heads except those otherwise provided for under State statute or this Charter.
- 402.3** Be responsible to the Board of Selectmen for administration of all departments and offices over which the Board has control.
- 402.4** Serve in any office as the head of any department under the control of the Board of Selectmen when so directed by the Board. Unless otherwise provided by municipal ordinances, the Town Manager shall supervise all Town appointments whom the municipal officials are required by State statute to appoint except members of boards, commissions, committees, auditors, attorneys and assessors and supervise all other subordinates.

- 402.5** Have exclusive authority to remove for cause after notice and hearing. any person the Town Manager is authorized to appoint and report all such removals to the Board of Selectmen unless otherwise provided for by this Charter or Maine State law.
- 402.6** Unless otherwise provided by municipal ordinance, the Town Manager shall supervise all Town appointments whom the municipal officials are required by statute to appoint, except members of boards, commissions, committees and auditors, attorneys and assessors and appoint and supervise all other subordinates and assistants. The Town Manager shall have the authority to delegate supervisory authority to the head of a department
- 402.7** Appoint, with the approval of the Board of Selectmen, an administrative assistant to the Town Manager whose duties shall include that of a purchasing agent for all Town departments and agencies, except the School District, provided that the Town or the Board of Selectmen shall require that all purchases greater than Three Thousand Dollars (\$3,000.00) shall be subject to competitive bid proposals; except that the Board of Selectmen may submit any purchase to competitive bid when deemed feasible.
- 402.8** Attend all meetings of the Board of Selectmen, unless excused.
- 402.9** Make recommendations to the Board of Selectmen in regard to the efficient operation of the municipality.
- 402.10** Attend all Town meetings and other meetings and hearings as so directed by the Board of Selectmen.

- 402.11** Keep the Board of Selectmen and the residents of the municipality informed as to the financial condition of the Town. Twelve (12) times per year, at the opening of the first Selectmen's Meeting of every month, prior to the discussion of any business or public hearings, the Town Manager, or the Town Manager's appointee, shall address the inhabitants of Ogunquit on the public access channel (WOGT), if available, with the express purpose of updating and informing the residents of Ogunquit as to the present state of approved projects and departmental achievements and/or deficiencies. It shall be at the discretion of the Town Manager as to the content and the depth of the public updates. The residents shall have the opportunity to submit written questions to the Town Manager on any budget issues or other questions regarding the Town's affairs and the Town Manager shall respond to said questions during his next monthly report.
- 402.12** Collect the necessary data and prepare the budget for the Board of Selectmen.
- 402.13** Assist, insofar as possible, residents and taxpayers in discovering their lawful remedies in cases involving complaints of unfair vendor, administrative and governmental practices.
- 402.14** Make application for State, Federal and other grants for the benefit of the Town, as approved by the Board of Selectmen.
- 402.15** Perform such other duties as may be prescribed by this Charter or required by the Board, not inconsistent with this Charter.

402.16 Notify the Town Clerk, for inclusion in the Annual Town Report, of the attendance record of the members of the Town boards, committees and commissions, whether elected or appointed, including the number of meetings attended and absent.

SEC. 403 ABSENCE OF THE TOWN MANAGER

The Town Manager may, with the consent of the Board of Selectmen, designate by letter filed with the Town Clerk, a qualified person, preferably a resident of the Town, to perform the duties of the Town Manager in the event of an extended absence or disability. In the event of failure of the Town Manager to designate, the Board of Selectmen shall appoint a qualified resident of the Town to perform the duties of the Town Manager until such time as the Town Manager returns.

ARTICLE V

FINANCIAL PROCEDURES

SEC. 501 AUTHORITY

The Board of Selectmen shall be responsible for the preparation and submission of the annual and special budgets to be voted at Annual and Special Town Meetings.

SEC. 502 FISCAL YEAR

The Town fiscal year shall begin January 1 and terminate on December 31 of each calendar year. The Town fiscal year shall constitute the budget and accounting year as specified in this Charter.

SEC. 503 PREPARATION AND SUBMISSION OF BUDGET

The Town Manager, assisted by input from each Department Head, office supervisor and Town Board Chairmen, shall prepare the annual and any special budgets. An appropriation for each department will be made at the Annual Town Meeting for the current year. The Town Manager will annually compile a five (5) year capital improvement plan.

The budget, with appropriate explanatory comments, shall be presented to the Board of Selectmen. The Board of Selectmen will then review and revise, if necessary, approve and ready the budget for presentation at the Annual Town Meeting.

SEC. 504 REVENUE AND EXPENDITURES

Anticipated revenues and taxation will be identified on each appropriation account. The budget for all departments shall include all proposed expenditures.

Total expenditures will not exceed total income. The gross appropriation for each department shall not be exceeded except by vote at a Special Town Meeting or as provided for herein. Amounts may be transferred by the Board of Selectmen within the department as long as the approved total departmental budget amount is not exceeded. Transfers between departments (Warrant Articles) shall be allowed only as a final adjustment at the end of the fiscal year following a public hearing at a Board of Selectmen Meeting.

This transfer is limited to an amount not to exceed Ten Thousand Dollars (\$10,000.00) for any one department and not to exceed Fifty Thousand

Dollars (\$50,000.00) to all departments overall. Amounts above these limits require approval at a Special Town Meeting.

SEC. 505 BORROWED FUNDS

The Town Treasurer, with approval from the Board of Selectmen, is authorized to borrow money for approved expenditures in anticipation of revenue and taxation collection.

SEC. 506 INDEPENDENT ANNUAL AUDIT

Prior to the end of the fiscal year, the Board of Selectmen shall designate either the State Department of Audit or a private firm of certified public accountants to make an independent audit of accounts and other evidence of financial transactions of the Town government for the current fiscal year and to submit their report to the Board.

Such accountants shall not maintain any accounts or records of Town business, but shall post-audit the records and documents maintained by the Town and any separate or subordinate accounts maintained by another office, department, or agency of Town government. This information shall be published in the Annual Report which shall be made available to the voters fifteen (15) days prior to the Annual Town Meeting.

ARTICLE VI

SCHOOL COMMITTEE

SEC. 601 COMPOSITION

The Wells/Ogunquit Community School District School Committee shall be comprised of six (6) members. Qualified voters of each town shall elect at large

from their respective towns three (3) members. Election shall be to a three year term, unless elected to fill an unexpired term. In the event of vacancies, a Special Town Meeting shall be called within thirty (30) days to elect a person(s) to fill the unexpired portion of the term(s).

SEC. 602 ELIGIBILITY

School Committee members shall be voters and year round residents of the Town during their term of office. They shall hold no other positions which would be in conflict with their responsibilities and function as a School Committee Member.

ARTICLE VII

TAX ADMINISTRATION

SEC. 701 ASSESSOR

The Town Assessor or Certified Public Assessor shall be chosen with special reference to actual related experience or knowledge of accepted practices with respect to the duties of the office.

The Town Assessor or Public Assessor shall meet the State requirements for Town certification. The Assessor shall exercise the same powers and be subject to the same duties and liabilities that similar officers of the towns and cities in the State of Maine may exercise and may now or hereafter be subject to under the Laws of the State.

SEC. 702 ASSESSMENT REVIEW

The Board of Selectmen shall appoint in accordance with State statutes a Board of Assessment Review to review and revise assessments where appropriate.

ARTICE VIII

APPOINTED BOARDS AND COMMISSIONS

SEC. 801 BOARDS AND COMMISSIONS

The Board of Selectmen shall appoint a Board of Assessment Review, a Planning Board, a Zoning Board of Appeals and any other Boards as required by State Statutes. All boards shall conduct their business in accordance with the rules set forth in this Charter. Members of said boards shall be voters and residents of the Town

SEC. 802 OTHER APPOINTMENTS

The Board of Selectmen shall appoint a Budget Review Committee to assist it with budgets and financial planning. The recommendations of the Budget Review Committee will be presented to the public at the Annual Town Meeting when any budget items are being presented for consideration by the voters. Members of said Committee shall be voters and residents of the Town. The Budget Review Committee shall adopt such by-laws as it deems necessary.

802.1 APPOINTMENT AND TERMS: A Budget Review Committee shall consist of five (5) Members who shall be appointed by a majority vote of the Board of Selectmen at its first scheduled meeting following the Annual

Town Meeting or as soon thereafter as practicable. The term of office for the Members of the Budget Review Committee shall be for three (3) years (first two (2) appointed will be for three (3) years, next two (2) for two (2) years and the last one (1) for one (1) year. All appointments thereafter shall be for the three (3) year terms.

SEC. 803 FORFEITURE OF OFFICE

At any time during a term, a municipal board, commission or committee member shall forfeit office by an affirmative vote of at least three (3) of the Board of Selectmen for any of the following reasons:

- A. Lack of any qualifications for the office as prescribed this Town Charter or by State law.
- B. Violation of any express prohibition of the Town Charter.
- C. A member of any municipal board, commission or committee who has three (3) consecutive unexcused absences from that board, commission or committee meetings or who has an absentee rate of twenty (20%) percent of unexcused absences year to date (including regular and special meetings), during the prior twelve (12) month period, shall be deemed to have created a vacancy on that board, commission or committee resulting in loss of membership on the board, commission or committee. The recording secretary shall be responsible for maintaining accurate attendance records. An absence may be excused only by a vote of the remaining members in attendance at the meeting from which the board, commission or committee member is absent.

ARTICLE IX
GENERAL PROVISIONS

SEC. 901 SCOPE OF POWERS

In this Charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the Town would have if the particular powers were not mentioned. The Charter shall be liberally construed to the end that the Town may have all the powers necessary or convenient for the conduct of its municipal affairs, including all powers the Town may assume pursuant to State Laws and to the provisions of the State Constitution.

SEC. 902 SEPARABILITY

If any portion of this Charter shall be held to be invalid, such decision shall not effect the validity of the remaining portions thereof.

SEC. 903 SHORT TITLE

This Charter shall be known as the Charter of the Town of Ogunquit. The Town Clerk shall cause the Charter to be printed and made available to the public within a reasonable time following its enactment.

SEC. 904 OATH OF OFFICE

Every official of the Town shall, before entering upon the duties of office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the Town Clerk:

“I _____ solemnly swear (or affirm) that I will support
the Constitution and will obey the laws of the United States of America

and of the State of Maine; that I will, in all respects, observe the provisions of the Charter and ordinances of the Town of Ogunquit and will faithfully discharge the duties of the office of _____”

SEC. 905 ORDINANCES NOT INCONSISTENT CONTINUE IN FORCE

All ordinances of the Town of Ogunquit in force at the time when this Charter takes effect, not inconsistent with the provisions of this Charter, shall continue in force until amended or repealed. All ordinances or parts of ordinances in conflict herewith are hereby repealed, but only to the extent of such conflict.

SEC. 906 CONTINUANCE OF PRESENT ELECTIVE AND ADMINISTRATIVE

All persons holding elective or administrative office at the time this Charter takes effect shall continue in office and in the performance of their duties until provisions shall have been made in accordance therewith for the performance of such duties or the discontinuation of such office.

SEC. 907 APPLICABILITY OF STATE STATUTE

Any subject matter not provided for by this Charter shall be controlled by the applicable State statute.

SEC. 908 CHARTER REVIEW COMMISSION

The Board of Selectmen shall provide for the election of a Charter Review Commission every five (5) years for the purpose of reviewing and recommending

updates to this Charter. In the event a Commission shall have been elected within any five (5) year period, a new five (5) year period shall commence from the date of the dissolution of said Commission.

SEC. 909 PERSONAL FINANCIAL INTEREST

Any official or employee who has any financial interest, direct or indirect, in any contract with the Town or in the sale of any land, material, supplies or services to the Town or to a contractor supplying the Town, shall make known that interest and shall refrain from voting upon or otherwise participating in his capacity as an official or employee in making of such sale or in the making or performance of such contract. Any official or employee who willfully conceals such a financial interest or willfully violates the requirement of this section shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this section with the knowledge express or implied of the person or corporation contracting with or making a sale to the Town shall render the contract or sale voidable by the Board.

ATTEST:

A TRUE COPY: _____
Judy Shaw-Kagiliery, Town Clerk

Dated: _____

OGUNQUIT

Beautiful Place by the Sea

MUNICIPAL OFFICES
23 SCHOOL STREET • P.O. BOX 875
OGUNQUIT, MAINE 03907-0875
(207) 646-5139 General Offices
(207) 646-5140 Assessor
(207) 646-9326 CEO

To the Ogunquit Town Clerk:

We hereby submit the following Referendum Questions to be printed for the Annual Town Meeting to be held Saturday, April 5, 2003. We hereby certify that all original copies have been certified and submitted to the Office of the Town Clerk.

Question #1: “Shall the Town approve the charter amendment as set forth herein?”

Question #2: “Shall the existing ordinance entitled “Ogunquit Zoning Ordinance”, more specifically referenced as Title X, Article 8.12 of the Ogunquit Municipal Code as it relates to **Signs**, be amended as set forth herein?” (**Appendix 1**)

Question #3: “Shall an ordinance entitled “**Blasting Ordinance**” be enacted as summarized herein, to be referenced as Title II, Chapter 10 of the Ogunquit Municipal Code?” (Note: An attested copy of the full text of this proposed ordinance has been posted with this warrant and copies are available from the office of the Town Clerk and will be available at the Town Meeting.)

The proposed Blasting Ordinance adopts a permit process for the use of explosives in the Town of Ogunquit; provides for definitions, application requirements, insurance, cash securities to be used in the event of damages; requires compliance with applicable state and federal regulations, pre-blast surveys, abutter notifications within 2,000 feet and other public notices, minimum record keeping requirements and post-blasting reports, establishes time limits for blasting that are generally limited to 9am-5pm on weekdays; imposes minimum fines of one hundred dollars (\$100.00) per violation per day with a maximum fine of up to two thousand five hundred dollars (\$2,500) per violation per day; authorizes the Code Enforcement Officer (and his/her designee) to enforce the ordinance; and allows the Board of Selectmen to adopt permit fees. (**Appendix 2**)

Question #4: “Shall the existing ordinance entitled “**1984 Noise Control Ordinance**”, more specifically referenced as Title II, Subchapter 4.b of the Ogunquit Municipal Code be amended to as set forth herein?” (**Appendix 3**)

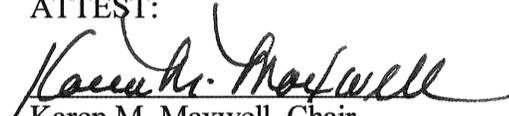
Question #5: "Shall the existing ordinance entitled "**Alarm Ordinance**", more specifically referenced as Title II, Chapter 3 of the Ogunquit Municipal Code be repealed in its entirety?"

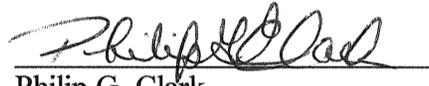
Question #6: "Shall the existing ordinance entitled, "**Animal Control Ordinance**", more specifically referenced as Title VII of the Ogunquit Municipal Code, be amended as set forth herein?" (**Appendix 4**)

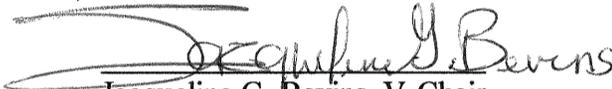
Question #7: "Shall the Town vote to authorize the Board of Selectmen to enter into renewable lease agreements with commercial vendors on Town property, under such terms and conditions as the Selectmen may deem to be in the best interests of the Town?"

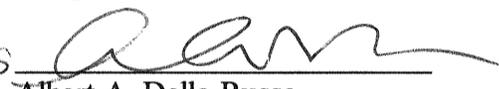
Given under our hands this 18th day of February 2003, in Ogunquit, Maine, by the Board of Selectmen, acting in their capacity as the municipal officers.

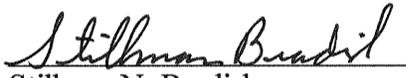
ATTEST:


Karen M. Maxwell, Chair


Philip G. Clark


Jacqueline G. Bevins, V-Chair


Albert A. Dello Russo


Stillman N. Bradish

A TRUE COPY, ATTEST:

Judy Shaw-Kagiliery, Town Clerk

DATED:

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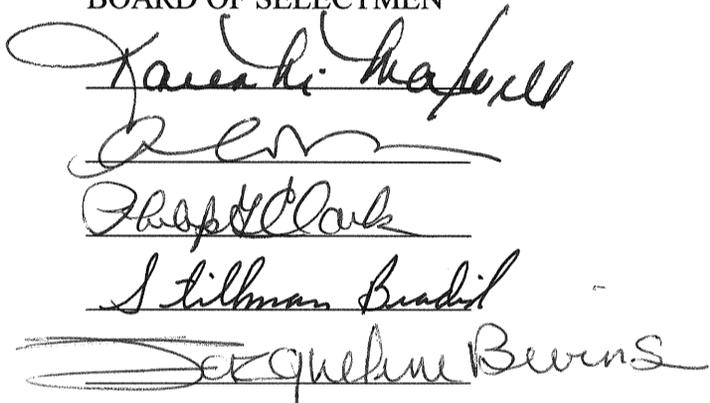
To the Town Clerk of Ogunquit:

We hereby certify that the document to which we have affixed this Certificate is a true copy of the official text of an Ordinance entitled, "**Ogunquit Zoning Ordinance**", more specifically referenced as Title X, Article 8, Section 8.12 of the Ogunquit Municipal Code, as it relates to **Signs**. This amendment will be presented to the voters by referendum ballot, for their consideration, at the Annual Town Meeting to be held on April 5, 2003.

Pursuant to 30-A, MRSA ss 3002(2), you will retain this copy of the complete text of the ordinance amendment as a public record and make other copies available for distribution to the voters, and you will ensure that these copies are available at the polling place on the day of the vote.

DATED: February 18, 2003

OGUNQUIT
BOARD OF SELECTMEN



A TRUE COPY, ATTEST:

Judy Shaw-Kagiliery, Town Clerk

DATED:

APPENDIX 1

OGUNQUIT ZONING ORDINANCE - SIGNS

Title X, Article 8, Section 8.12:

Add a new Section C.4 under Number of Signs to read: “In multiple tenant buildings (two [2] or more tenants), there shall be a collective sign or free standing collective sign post that consolidates the signs for all of the individual tenants in the building. A multiple-tenant building shall have not more than one (1) collective sign or free standing collective sign post for each side of the building that faces a public way and there shall be no more than one (1) collective sign or free standing collective sign post located on any individual side of a building that faces a public way. All signs permitted under this subsection shall be subject to the total size limitation set forth in Subsection D of this Section.”

Amend Section D Size Restrictions to read: “Signs shall not exceed the following standards. Sign area shall include both the combined area of free standing signs and signs attached to buildings, as well as any signs permitted on collective signs or free standing collective sign posts in accordance with the requirements of Subsection C of this Section.”

Label the existing paragraph under Section F Nonconforming Signs to be F.1 and add a new subsection F.2 under Nonconforming Signs to read: “Removal of nonconforming signs from properties with multiple tenant buildings. The Town hereby determines that there has been a proliferation of signs on lots that contain multiple tenant buildings. This proliferation has had a deleterious effect upon the aesthetics of the neighborhoods in which such buildings are located and in some cases may cause traffic safety problems with traffic circulation either on the site or on adjoining streets or both. Based upon these problems and notwithstanding the provisions of Subsection F.1 of this Section, any sign or signs that are located on a lot that contains a multiple tenant building must be brought into compliance with all applicable requirements for collective signs set forth in this Section. Such signs must be in full compliance with these requirements within one year from the effective date of these amendments.”

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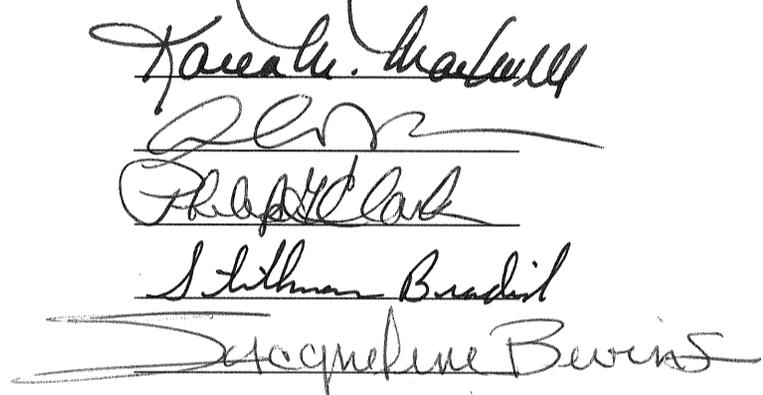
To the Town Clerk of Ogunquit:

We hereby certify that the document to which we have affixed this Certificate is a true copy of the official text of an Ordinance entitled, "**Town of Ogunquit Blasting Ordinance**", which will be presented to the voters by referendum ballot, for their consideration, at the Annual Town Meeting to be held on April 5, 2003.

Pursuant to 30-A, MRSA ss 3002(2), you will retain this copy of the complete text of the ordinance amendment as a public record and make other copies available for distribution to the voters, and you will ensure that these copies are available at the polling place on the day of the vote.

DATED: February 18, 2003

OGUNQUIT
BOARD OF SELECTMEN



The image shows five handwritten signatures, each written over a horizontal line. From top to bottom, the signatures are: 1. A cursive signature that appears to be 'Karen L. Marshall'. 2. A cursive signature that appears to be 'John'. 3. A cursive signature that appears to be 'Philip Clark'. 4. A cursive signature that appears to be 'William Bradish'. 5. A cursive signature that appears to be 'Jacqueline Bowers'.

A TRUE COPY, ATTEST:

Judy Shaw-Kagiliery, Town Clerk

DATED:

APPENDIX 2
OGUNQUIT ZONING ORDINANCE
PROPOSED BLASTING ORDINANCE

SECTION 1 PURPOSE

Unregulated blasting may cause undue psychological, physical or nuisance damage to the residents and environment of the community.

The establishment of standards, notice requirements and instrument monitoring of blasting operations is intended to minimize the effect of airblast over pressure, ground vibration, dust and noise associated with blasting which may be detrimental to individuals and the community in the enjoyment of life, property and the conduct of business.

This Ordinance is intended to prevent permanent damage to the geologic, hydrogeologic, wildlife resources and ecological balance in the region and to have provisions which can be effectively and efficiently administered without causing undue influence and administrative hardship to blasting operations.

SECTION 2 AUTHORITY

This Ordinance is enacted pursuant to Title 30-a, M.R.S.A, Section 3001 and shall be administered by the Code Enforcement Office. The requirements of this Ordinance are in addition to any other Ordinances, regulations and statutes and where different standards are contained elsewhere, the more restrictive standards shall apply.

SECTION 3 DEFINITIONS

Blast/Blasting

The use of explosives to break up or otherwise aid in the extraction or removal of rock or other consolidated natural formation.

Blasting Operations

Any activity or conduct carried on or conducted within the Town of Ogunquit in which explosives are used.

SECTION 4 BLASTING

1. Blasting is allowed in all zoning districts of Ogunquit except the Resource Protection District, ***provided that blasting shall only be permitted on weekdays (Monday through Friday, excluding holidays), between the hours of 9:00 AM and 5:00 PM, unless otherwise permitted by the Code Enforcement Officer under extraordinary circumstances as may be determined by the Code Enforcement Officer.*** (The above bolded, underlined and italicized language was added by the Board of Selectmen at their February 4, 2002 Meeting)
2. No blasting shall be done as part of any excavation or mineral extraction operation, nor as part of any approved construction activity without first obtaining a permit to blast from the Code Enforcement Office pursuant to this section. The applicant shall provide:
 - a) A completed application form for a permit to blast;

- h) The video recorded survey and the well test results shall be held by the insurance company providing liability coverage to the entity performing the blasting work and upon request, said video recorded survey and/or well test results shall be made available to the landowner at the expense of the contractor.
 - i) The contractor shall submit proof of adequate liability insurance to cover the blasting operations to the Code Enforcement Office.
 - j) Prior to any blast, the entity conducting such blast shall first notify the Code Enforcement Office that a blast is planned to occur at a specific time. Such notification shall be made to the Code Enforcement Office at least four (4) hours prior to the planned detonation and shall give the time, within thirty (30) minutes of the blast, the location where the blast will occur and the name and address of the company responsible for the blasting operation. This notification may be given by telephone, however, the burden of proof as to whether such notification was in fact received rests with the company responsible for the blasting operation.
 - k) The contractor shall submit proof of a Letter of Credit, bond or cash surety in an amount to be determined by the Municipal Officials for the purpose of covering any documented damage claims which occurred because of the blasting operations.
 - l) The contractor shall submit a post-blast report to the Code Enforcement Office within ten (10) days of completing blasting operations. The Code Enforcement Office shall keep the post-blast report on file and make it available to all interested parties.
 - m) A Blasting Permit Fee shall be established by the Municipal Officers in compliance with the Municipal Code.
 - n. Failure to comply with any and all terms of this section will result in fines being imposed at a rate of not less than One Hundred (\$100.00) Dollars per day or more than Two Thousand Five Hundred (\$2,500.00) per day as per Title 30-A M.R.S.A, Section 4452.
- 3 The Code Enforcement Officer or his designee shall:
- a) issue a Blasting Permit within ten (10) days of the receipt of a complete application form, fee and all supporting evidence as set forth above;
 - b) notify any abutting town within two thousand (2,000) feet of the blast site of the issuance of said permit; and
 - c) post a notice of the said blasting ten (10) days prior to the actual blasting occurring in the usual places for posting of other Town notices.
 - d) *solicit acknowledgement of such blasting notification from the Police Chief and Fire Chief (or their designees).***
(The above bolded, underlined and italicized language was added by the Board of Selectmen at their February 4, 2003 Meeting)

**TOWN OF OGUNQUIT
MUNICIPAL CODE
TITLE II
CHAPTER 10
BLASTING ORDINANCE**

SECTION 1 PURPOSE

Unregulated blasting may cause undue psychological, physical or nuisance damage to the residents and environment of the community.

The establishment of standards, notice requirements and instrument monitoring of blasting operations is intended to minimize the effect of airblast over pressure, ground vibration, dust and noise associated with blasting which may be detrimental to individuals and the community in the enjoyment of life, property and the conduct of business.

This Ordinance is intended to prevent permanent damage to the geologic, hydrogeologic, wildlife resources and ecological balance in the region and to have provisions which can be effectively and efficiently administered without causing undue influence and administrative hardship to blasting operations.

SECTION 2 AUTHORITY

This Ordinance is enacted pursuant to Title 30-a, M.R.S.A, Section 3001 and shall be administered by the Code Enforcement Office. The requirements of this Ordinance are in addition to any other Ordinances, regulations and statutes and where different standards are contained elsewhere, the more restrictive standards shall apply.

SECTION 3 DEFINITIONS

Blast/Blasting

The use of explosives to break up or otherwise aid in the extraction or removal of rock or other consolidated natural formation.

Blasting Operations

Any activity or conduct carried on or conducted within the Town of Ogunquit in which explosives are used.

SECTION 4 BLASTING

1. Blasting is allowed in all zoning districts of Ogunquit except the Resource Protection District, provided that blasting shall only be permitted on weekdays, (Monday through Friday, excluding holidays), between the hours of 9:00 a.m. and 5:00 p.m., unless otherwise permitted by the Code Enforcement Officer under

extraordinary circumstances as may be determined by the Code Enforcement Officer.

2. No blasting shall be done as part of any excavation or mineral extraction operation, nor as part of any approved construction activity without first obtaining a permit to blast from the Code Enforcement Office pursuant to this section. The applicant shall provide:
 - a) A completed application form for a permit to blast;
 - b) A site plan showing where the blasting will take place;
 - c) A statement of the purposes and extent of the blasting further indicating the approximate dates and times the blasting will occur;
 - d) The name, address and telephone number of the entity that will actually perform the blasting operation.
 - e) Proof that the entity applying for the permit to blast is properly licensed by the State of Maine and that the work will be performed in compliance with the State Fire Marshal Rules and any other applicable State statutes and regulations.
 - f) Evidence that notice of the proposed blasting operation has been sent by United States Certified Mail, Return Receipt Requested to all landowners abutting the subject property of the application within three hundred and fifty (350) feet of the proposed blast site. Said notice shall indicate the location of the proposed blasting, approximate date and times that the blasting will occur and the name, address and telephone number of the entity that will actually perform the blasting operation. A copy of said notification together with a copy of the names and addresses of the landowners and a copy of the Return Receipts shall be filed with the Code Enforcement Office.
 - g) Before blasting operations begin, the contractor shall:
 - i) make a reasonable effort to obtain landowner permission to have a video recorded survey made of all structures within a three hundred and fifty (350) foot radius of the blast site at the contractor's expense and at the convenience of the abutting landowners; and.
 - ii) make a reasonable effort to obtain landowner permission to test all drinking water supply wells within a three hundred and fifty (350) foot radius of the blast site at the contractor's expense and at the convenience of the abutting landowners. Such tests shall

document the flow rate of the well prior to blasting as well as the values of the Coliform bacteria, E-coli, Nitrite-N, Nitrate-N, Ph; Cooper, Iron, Chloride, Manganese, Arsenic, Calcium and Sodium. A copy of the results of the pre-blast well testing shall be furnished to the landowner prior to the commencement of the blasting operations.

- iii) where an owner or occupant of property denies permission to enter a property for purposes of the video recorded survey and there is no other means of conducting the survey for that property, or where the owner or occupant denies permission to enter the property for purposes of testing the drinking water supply well, the contractor shall list the names and addresses of all properties where such permission was denied and submit a copy of the list to the Code Enforcement Office and to the insurance company issuing the insurance required by Subsection h of this section.
- h) The video recorded survey and the well test results shall be held by the insurance company providing liability coverage to the entity performing the blasting work and upon request, said video recorded survey and/or well test results shall be made available to the landowner at the expense of the contractor.
- i) The contractor shall submit proof of adequate liability insurance to cover the blasting operations to the Code Enforcement Office.
- j) Prior to any blast, the entity conducting such blast shall first notify the Code Enforcement Office that a blast is planned to occur at a specific time. Such notification shall be made to the Code Enforcement Office at least four (4) hours prior to the planned detonation and shall give the time, within thirty (30) minutes of the blast, the location where the blast will occur and the name and address of the company responsible for the blasting operation. This notification may be given by telephone, however, the burden of proof as to whether such notification was in fact received rests with the company responsible for the blasting operation.
- k) The contractor shall submit a post-blast report to the Code Enforcement Office within ten (10) days of completing blasting operations. The Code Enforcement Office shall keep the post-blast report on file and make it available to all interested parties.
- l) A Blasting Permit Fee shall be established by the Municipal Officers in compliance with the Municipal Code.

- n. Failure to comply with any and all terms of this section will result in fines being imposed at a rate of not less than One Hundred (\$100.00) Dollars per day or more than Two Thousand Five Hundred (\$2,500.00) per day as per Title 30-A M.R.S.A, Section 4452.
3. The Code Enforcement Officer or his/her designee shall:
 - a) issue a Blasting Permit within ten (10) days of the receipt of a complete application form, fee and all supporting evidence as set forth above;
 - b) notify any abutting town within two thousand (2,000) feet of the blast site of the issuance of said permit; and
 - c) post a notice of the said blasting ten (10) days prior to the actual blasting occurring in the usual places for posting of other Town notices;
 - d) solicit acknowledgement of such blasting notification from the Police Chief and Fire Chief (or their designees).

SECTION 5 RECORDS

The entity responsible for the blasting operations shall maintain a record of each blast. All records shall be retained for a period of no less than three (3) years following cessation of the blasting operation and shall be available for inspection by the Town of Ogunquit's designee. Such records shall include the following data:

1. The name of the company responsible for the blasting operation.
2. The location, date and time of each and every blast.
3. The name of the licensed blaster in charge of any specific blast.
4. The type of material blasted.
5. Diameter and depth of the holes dug for the blasting.
6. Types of explosives used.
7. Amount of explosives used.
8. Method of firing and type of circuit.
9. Weather conditions at the time of each blast event to include such factors as the wind direction, cloud cover, etc.
10. Whether mats or other protection were used.

11. Type of detonators and delay periods used.
12. Seismograph and airblast readings when measured and from where measured.

SECTION 6 COMPLIANCE SCHEDULE

Thirty (30) days after the adoption of this Ordinance all blasting operations shall be brought under the provisions of this Article.

SECTION 7 PENALTIES

The submission of false information required by this Ordinance or the violation of this Ordinance or the violation of any condition attached to a permit granted under this Ordinance shall constitute a land use violation and the penalties in accordance with Title 30-A, M.R.S.A., Section 4452 shall be imposed.

SECTION 8 SEVERABILITY

If any provision of this Ordinance is declared unconstitutional or held invalid, it shall not affect any other section, clause or provision thereof, but the same shall remain in full force and effect.

IN WITNESS WHEREOF, UNDER SEAL OF THE TOWN, this Ordinance was duly approved by the voters acting on Article 5 at an Annual Town Meeting held on April 5, 2003; and furthermore, as amended by the voters acting on Article 2 at a Special Town Meeting held on October 28, 2003. ATTEST:


Office of the Town Clerk

OGUNQUIT

Beautiful Place by the Sea

MUNICIPAL OFFICES
23 SCHOOL STREET • P.O. BOX 875
OGUNQUIT, MAINE 03907-0875
(207) 646-5139 General Offices
(207) 646-5140 Assessor
(207) 646-9326 CEO

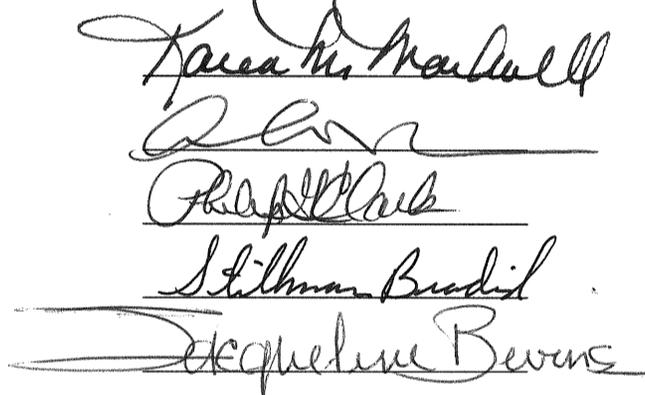
To the Town Clerk of Ogunquit:

We hereby certify that the document to which we have affixed this Certificate is a true copy of the official text of an Ordinance entitled, "**1984 Noise Control Ordinance**", more specifically referenced as Title II, Subchapter 4.b of the Ogunquit Municipal Code . This amendment will be presented to the voters by referendum ballot, for their consideration, at the Annual Town Meeting to be held on April 5, 2003.

Pursuant to 30-A, MRSA ss 3002(2), you will retain this copy of the complete text of the ordinance amendment as a public record and make other copies available for distribution to the voters, and you will ensure that these copies are available at the polling place on the day of the vote.

DATED: February 18, 2003

OGUNQUIT
BOARD OF SELECTMEN


Karen M. Marshall
Alan
Philip Clark
William Bradish
Jacqueline Bevins

A TRUE COPY, ATTEST:

Judy Shaw-Kagiliery, Town Clerk

DATED:

APPENDIX 3

OGUNQUIT MUNICIPAL CODE - 1984 NOISE CONTROL ORDINANCE

Title II, Subchapter 4.b, Article 4.B.2:

“Between the hours of 9:00 p.m. and 7:00 a.m., no person shall make or permit any noise from whatever source and however transmitted, which noise can be heard by any other person not consenting thereto and which (a) can be heard on real estate used for residential purposes, not the location of the source, or (b) can be heard inside of buildings not the location of the source, in which people are customarily or actually present. In addition, no person shall cause any amplified or broadcasted sounds to be transmitted out of doors from a commercial property at any time when such noise can be heard by any other person not consenting thereto from any other real estate parcel.”

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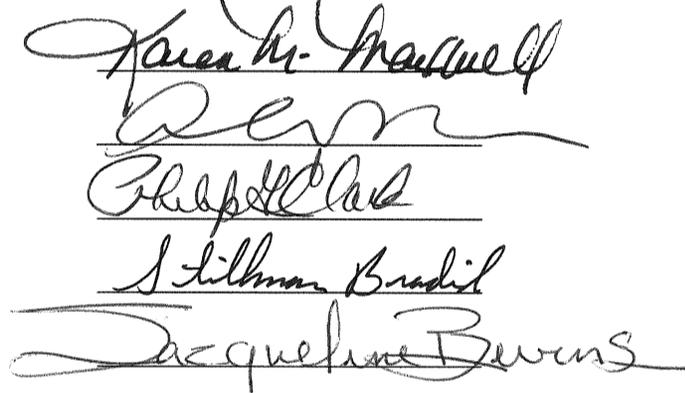
To the Town Clerk of Ogunquit:

We hereby certify that the document to which we have affixed this Certificate is a true copy of the official text of an Ordinance entitled, "**Animal Control Ordinance**", more specifically referenced as **Title VII, Chapter 2, Section(s) 202 and 206.1.1** of the Ogunquit Municipal Code as it relates to **Dogs – Running at Large and Dogs – Ogunquit Beach**. These amendments will be presented to the voters by referendum ballot, for their consideration, at the Annual Town Meeting to be held on April 5, 2003.

Pursuant to 30-A, MRSA ss 3002(2), you will retain this copy of the complete text of the ordinance amendment as a public record and make other copies available for distribution to the voters, and you will ensure that these copies are available at the polling place on the day of the vote.

DATED: February 18, 2003

OGUNQUIT
BOARD OF SELECTMEN



A TRUE COPY, ATTEST:

Judy Shaw-Kagiliery, Town Clerk

DATED:

APPENDIX 4

OGUNQUIT MUNICIPAL CODE - ANIMAL CONTROL ORDINANCE

Title VII, Chapter 2, Section 202 and 206.1.1:

Amend Section 202, Running at Large, to read: "The owner of any pet or other animal shall not permit that pet or animal to run at large, except when used for hunting or ~~upon~~ on private property ~~except~~ with the consent of the property owner. Dogs or other animals shall not be allowed to run at large on any public ~~beach~~ property or rights-of-way in Town, ~~except~~ however, dogs shall be allowed without a leash in the designated area from the Footbridge Beach walkway to the Moody Beach Town Line on the ocean side between October 1 and March 31, provided that any such animal that is not physically restrained must be completely controlled by voice or electronic command by the owner or handler at all times."

Amend Section 206.1.1, Ogunquit Beach, to read: "Dogs are permitted within the Ogunquit Beach area from October 1 to March 31, if on a leash, cord or chain. Dogs ~~may~~ shall not be allowed to run at large at anytime, but they may be off leash in the designated area as noted in Section 202. Dogs are not permitted within the entire Ogunquit Beach Area from the Main Beach to the Moody Beach Town Line from April 1 to September 30."