

**WARRANT
FOR THE
2013 ANNUAL TOWN MEETING
OF THE
TOWN OF OGUNQUIT**

TO: **PATRICIA L. ARNAUDIN**, 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 **Tuesday, the eleventh (11th) day of June 2013**, A.D. at eight o'clock in the morning (8:00 a.m.) until eight o'clock in the evening (8:00 p.m.) to vote by secret ballot on the following warrant articles; to wit:

Article 1: To elect a Moderator to preside at said Meeting. [**Note:** This question is not intended to be acted upon as part of the official secret ballot at the Annual Town Meeting.]

Article 2: To elect **one (1) Select Board Member** for a three (3) year term to commence at the conclusion of the 2013 Annual Town Meeting; term ending ATM 2016.

Article 3: To elect **one (1) Budget Review Committee Member** for a three (3) year term to commence at the conclusion of the 2013 Annual Town Meeting; term ending ATM 2016.

Article 4: To elect **one (1) Wells-Ogunquit Community School District Trustee Member** for a three (3) year term to commence on July 1, 2013; term ending June 30, 2016.

To elect **one (1) Wells-Ogunquit Community School District Trustee Member** for a two (2) year term to commence on July 1, 2013; term ending June 30, 2015.

Article 5: To elect **six (6)** registered voters to the newly established Charter Commission; term ending upon completion of charge.

Article 6: Shall an ordinance entitled "**An Ordinance to Amend the Ogunquit Zoning Ordinance to Adjust Traffic Standards in Response to a Decision of the Maine Supreme Judicial Court**" and dated February 14, 2013, be enacted? [**Note:** A copy of the ordinance is posted together with this Warrant as **Exhibit A** and is hereby incorporated by reference.]

Article 7: Shall an ordinance entitled "**An Ordinance to Amend the Ogunquit Pesticide/Herbicide Usage on Town Owned Lands Ordinance to Include a Ban on Both Public and Private Lands**" and dated August 26, 2012, be enacted? ? [**Note:** A copy of the ordinance is posted together with this Warrant as **Exhibit B** and is hereby incorporated by reference.]

Article 8: Shall an ordinance entitled "**An Ordinance to Amend the Ogunquit Shellfish Management Ordinance to Clarify Types of Shellfish Licenses and Permits Available to the Public**" and dated March 5, 2013, be enacted? [**Note:** A copy of the ordinance is posted together with this Warrant as **Exhibit C** and is hereby incorporated by reference.]

Article 9: Shall the Town vote to expend **\$15,000** from its **Land Conservation Fund** for one-time stewardship contribution to the Great Works Regional Land Trust (GWRLT) in order to ensure the conservation and public use of fifty-six (56) acres of undeveloped land, and to help protect water quality in the Ogunquit River?

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Petitioned Article

Article 10: Shall the Town vote to extend the Ogunquit business district from its current location at School Street south down Shore Road to the Fireman’s Park (a total of 40 yards) and from Shore Road west along the side of Fireman’s park to the Residential District at the fire station (33 yards)?

Petitioned Article

Article 11: Shall the Town vote to locate the newly funded Department of Public Works building at a location on Captain Thomas Road known as “the Salt Shed” instead of at the transfer station off Berwick Road? The Captain Thomas area has worked perfectly for the past 30 years and will reduce noise, traffic and other associated problems with moving to the Berwick Road location.

Article 12: Shall the Town vote to transfer **\$25,000** in additional funds from the **Undesignated Fund Balance** to the **Accrued Liabilities Account** to fund unanticipated employee **paid-time off (PTO) buyouts** in the **2012-2013** budget year?

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 4-0

Article 13: Shall the Town vote to transfer **\$27,000** in additional funds from the **Undesignated Fund Balance** to the **Insurance Account** to fund unanticipated costs in the **General Liability and Workers’ Compensation** Account in the **2012-2013** budget year?

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 4-0

Article 14: Shall the Town vote to transfer **\$65,000** in additional funds from the **Undesignated Fund Balance** to the **Fire Department** to fund unanticipated costs within the **Fire Department** in the **2012-2013** budget year? [**Note: Pursuant to Section 503.6.1, this Article includes the Select Board and the Budget Review Committees’ recommendation as the two (2) voter choices.**]

Select Board recommends: Yes \$65,000 5-0
OR
Budget Review Committee recommends: Yes \$ 0 5-0

BUDGET ARTICLES 15 - 63

Article 15: Shall the Town vote to raise and appropriate the sum of **\$779,433** for **General Government** expenditures? [**Note: If this article is defeated, the appropriation for General Government will default to \$711,196 pursuant to Section 503 of the Town Charter.**]

Select Board recommends: Yes 3-2
Budget Review Committee recommends: Yes 5-0

Article 16: Shall the Town vote to raise and appropriate the sum of **\$15,000** for the **Recreation Department** expenditures? [**Note: Pursuant to Section 503.6.1, this Article includes the Select Board and the Budget Review Committees’ recommendation as the two (2) voter choices.**]

Select Board recommends: Yes \$15,000 4-1
OR
Budget Review Committee recommends: Yes \$ 8,000 5-0

Article 17: Shall the Town vote to raise and appropriate the sum of **\$10,000** for the **Ogunquit Performing Arts (OPA)**? [Note: If this article is defeated, the appropriation for OPA will default to \$5,000 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 4-0

Article 18: Shall the Town vote to raise and appropriate the sum of **\$314,928** for **Land Use Department** expenditures? [Note: If this article is defeated, the appropriation for the Land Use Department will default to \$306,418 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 19: Shall the Town vote to raise and appropriate the sum of **\$151,942** for **Visitors Services** expenditures? [Note: If this article is defeated, the appropriation for Visitors Services will default to \$144,500 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 4-1
Budget Review Committee recommends: Yes 4-1

Article 20: Shall the Town vote to raise and appropriate the sum of **\$1,340,000** for **Police Department** expenditures? [Note: Pursuant to Section 503.6.1, this Article includes the Select Board and the Budget Review Committees' recommendation as the two (2) voter choices.]

Select Board recommends: Yes **\$1,340,000** 4-1
OR
Budget Review Committee recommends: Yes **\$1,325,000** 3-0

Article 21: Shall the Town vote to raise and appropriate the sum of **\$1,065,383** for **Fire Department** expenditures? [Note: If this article is defeated, the appropriation for the Fire Department will default to \$1,156,492 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 4-1
Budget Review Committee recommends: Yes 4-0-1A

Article 22: Shall the Town vote to raise and appropriate the sum of **\$135,680** for **Lifeguard Services** expenditures? [Note: If this article is defeated, the appropriation for Lifeguard Services will default to \$135,680 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 23: Shall the Town vote to raise and appropriate the sum of **\$185,750** to provide for **Utilities** (Street Lights, Sewer Fees and Water Hydrants)? [Note: If this article is defeated, the appropriation for Utilities will default to \$185,750 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 24: Shall the Town vote to raise and appropriate the sum of **\$899,383** for **Public Works Department** expenditures? [Note: If this article is defeated, the appropriation for the Public Works Department will default to \$810,322 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 3-2

Article 25: Shall the Town vote to raise and appropriate the sum of **\$361,102** for **Transfer Station** expenditures? [Note: If this article is defeated, the appropriation for the Transfer Station Department will default to \$386,385 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 26: Shall the Town vote to raise and appropriate the sum of **\$113,155** for **Harbormaster** expenditures? [Note: If this article is defeated, the appropriation for the Harbormaster Department will default to \$101,582 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 27: Shall the Town vote to raise and appropriate the sum of **\$3,000** for **General Assistance** expenditures? [Note: If this article is defeated, the appropriation for General Assistance will default to \$3,000 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 28: Shall the Town vote to raise and appropriate the sum of **\$168,421** for **Insurance** expenditures? [Note: If this article is defeated, the appropriation for Insurance will default to \$119,177 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 3-0

Article 29: Shall the Town vote to raise and appropriate the sum of **\$384,430** for **Administrative Services Department** expenditures? [Note: If this article is defeated, the appropriation for the Administrative Services Department will default to \$342,609 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 30: Shall the Town vote to raise and appropriate the sum of **\$13,215** for **Conservation** expenditures? [Note: If this article is defeated, the appropriation for Conservation will default to \$5,960 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 4-0-1

Article 31: Shall the Town vote to raise and appropriate the sum of **\$50,935** for **Information Services** expenditures? [Note: If this article is defeated, the appropriation for Information Services will default to \$50,377 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 32: Shall the Town vote to raise and appropriate the sum of **\$12,354** for **Shellfish Conservation** expenditures? [Note: If this article is defeated, the appropriation for Shellfish Conservation will default to \$3,430 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 33: Shall the Town vote to raise and appropriate the sum of **\$5,883** for **Piping Plover** expenditures? [Note: If this article is defeated, the appropriation for Piping Plover expenditures will default to \$6,083 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 34: Shall the Town vote to raise and appropriate the sum of **\$500** for the **American Legion**? [Note: If this article is defeated, the appropriation for the American Legion will default to \$500 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 3-0

Article 35: Shall the Town vote to raise and appropriate the sum of **\$1,800** for **Cemeteries**? [Note: If this article is defeated, the appropriation for Cemeteries will default to \$1,800 pursuant to Section 503 of the Town Charter].

Riverside Cemetery	\$ 500.00
Locust Grove Cemetery	\$ 500.00
Old Burying Ground	\$ 300.00
Ocean View Cemetery	\$ 500.00

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 3-0

Article 36: Shall the town vote to raise and appropriate the sum of **\$5,000** for the **Wells-Ogunquit Historical Society**? [Note: If this article is defeated, the appropriation for the Wells-Ogunquit Historical Society will default to \$5,000 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 3-0

Article 37: Shall the Town vote to raise and appropriate the sum of **\$761,822** for **Debt Management** expenditures? [Note: If this article is defeated, the appropriation for Debt Management will default to \$683,005 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 3-0

Article 38: Shall the Town vote to raise and appropriate the sum of **\$9,000** for the **Unemployment Reserve Account**? [Note: If this article is defeated, the appropriation for the Unemployment Reserve Account will default to \$15,000 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 39: Shall the Town vote to raise and appropriate the sum of **\$40,000** for **Accrued Liabilities**? [Note: If this article is defeated, the appropriation for Accrued Liabilities will default to \$40,000 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0
 Budget Review Committee recommends: Yes 5-0

Article 40: Shall the Town vote to raise and appropriate the sum of **\$5,000** for **Union Contracts and Salary Adjustments**, as needed? [Note: If this article is defeated, the appropriation for Union Contracts and Salary Adjustments will default to \$5,000 pursuant to Section 503 of the Town Charter].

Select Board recommends: Yes 5-0
 Budget Review Committee recommends: Yes 5-0

Article 41: Shall the Town (1) vote to approve the purchase of a **Fire Truck Pumper** for the **Fire Department** for the **replacement of the Department's 1980 Ford Fire Truck Pumper** (the "Project"); (2) appropriate a sum not to exceed **\$300,000** to provide for the costs of the Project; and (3) to fund said appropriation, authorize the Treasurer and Chairman of the Select Board to issue general obligation securities of the Town of Ogunquit, Maine (including temporary notes in anticipation of the sale thereof) in an aggregate principal amount not to exceed **\$300,000**; and (4) delegate to the Treasurer and the Chairman of the Select Board the authority to fix the date(s), maturity(ies), interest rate(s), call(s) for redemption, refunding of said securities, place(s) of payment, form, and other details of said securities, including execution and delivery of said securities on behalf of the Town of Ogunquit, and to provide for the sale thereof?

FINANCIAL STATEMENT

1. Total Indebtedness
 - a. Bonds outstanding and unpaid: \$ 8,033,749
 - b. Bonds authorized and unissued: \$ -0-
 - c. Bonds to be issued if this Article is approved \$ 300,000
2. Costs
 - a. At an estimated interest rate of 4.0% for a ten (10) year maturity, the estimated costs of this bond issue will be:

Principal:	\$ <u>300,000</u>
Interest	\$ <u>61,345</u>
Total Debt Service:	\$ <u>361,345</u>

3. Validity
 The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

/s/ _____
 Judith A. Yates
 Town Treasurer

[Note: Pursuant to Section 503.6.1, this Article includes the Select Board and the Budget Review Committees' recommendations as the two (2) voter choices].

Select Board recommends: Yes **\$300,000** 4-1
OR
 Budget Review Committee recommends: Yes **\$0** 4-0-1A

Article 42: Shall the Town vote to (1) vote to approve the purchase of a **street sweeper** for the **Public Works Department** (the "Project"); (2) appropriate a sum not to exceed **\$195,000** to provide for the costs of the Project; and (3) to fund said appropriation, authorize the Treasurer and Chairman of the Select Board to issue

general obligation securities of the Town of Ogunquit, Maine (including temporary notes in anticipation of the sale thereof) in an aggregate principal amount not to exceed \$195,000; and (4) delegate to the Treasurer and the Chairman of the Select Board the authority to fix the date(s), maturity(ies), interest rate(s), call(s) for redemption, refunding of said securities, place(s) of payment, form, and other details of said securities, including execution and delivery of said securities on behalf of the Town of Ogunquit, and to provide for the sale thereof?

FINANCIAL STATEMENT

1. Total Indebtedness
 - a. Bonds outstanding and unpaid: \$8,033,749
 - b. Bonds authorized and unissued: \$ -0-
 - c. Bonds to be issued if this Article is approved \$ 195,000
2. Costs
 - a. At an estimated interest rate of 4.0% for a ten (10) year maturity, the estimated costs of this bond issue will be:
 - Principal: \$ 195,000
 - Interest \$ 39,874
 - Total Debt Service: \$ 234,874

3. Validity
The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

/s/ _____
Judith A. Yates
Town Treasurer

Select Board recommends: Yes 3-2
Budget Review Committee recommends: Yes 4-1

Article 43: Shall the Town (1) vote to approve the purchase of a **backhoe** for the **Transfer Station Department** (the "Project"); (2) appropriate a sum not to exceed **\$90,000** to provide for the costs of the Project; and (3) to fund said appropriation, authorize the Treasurer and Chairman of the Select Board to issue general obligation securities of the Town of Ogunquit, Maine (including temporary notes in anticipation of the sale thereof) in an aggregate principal amount not to exceed **\$90,000**; and (4) delegate to the Treasurer and the Chairman of the Select Board the authority to fix the date(s), maturity(ies), interest rate(s), call(s) for redemption, refunding of said securities, place(s) of payment, form, and other details of said securities, including execution and delivery of said securities on behalf of the Town of Ogunquit, and to provide for the sale thereof?

FINANCIAL STATEMENT

1. Total Indebtedness
 - a. Bonds outstanding and unpaid: \$ 8,033,749
 - b. Bonds authorized and unissued: \$ -0-
 - c. Bonds to be issued if this Article is approved \$ 90,000
2. Costs
 - a. At an estimated interest rate of 4.0% for a ten (10) year maturity, the estimated costs of this bond issue will be:
 - Principal: \$ 90,000
 - Interest \$ 18,404
 - Total Debt Service: \$ 108,404

3. Validity
The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt

service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

/s/ _____
Judith A. Yates
Town Treasurer

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 44: Shall the Town (1) vote to approve a capital improvement project consisting of the **rehabilitation of the Town’s comfort stations** (the “Project”); (2) appropriate a sum not to exceed **\$90,000** to provide for the costs of the Project; and (3) to fund said appropriation, authorize the Treasurer and Chairman of the Select Board to issue general obligation securities of the Town of Ogunquit, Maine (including temporary notes in anticipation of the sale thereof) in an aggregate principal amount not to exceed **\$90,000**; and (4) delegate to the Treasurer and the Chairman of the Select Board the authority to fix the date(s), maturity(ies), interest rate(s), call(s) for redemption, refunding of said securities, place(s) of payment, form, and other details of said securities, including execution and delivery of said securities on behalf of the Town of Ogunquit, and to provide for the sale thereof?

FINANCIAL STATEMENT

1. Total Indebtedness
 - a. Bonds outstanding and unpaid: \$ 8,033,749
 - b. Bonds authorized and unissued: \$ -0-
 - c. Bonds to be issued if this Article is approved \$ 90,000
2. Costs
 - a. At an estimated interest rate of 4.25% for a twenty (20) year maturity, the estimated costs of this bond issue will be:

Principal:	\$ <u>90,000</u>
Interest	\$ <u>38,604</u>
Total Debt Service:	\$ <u>128,604</u>

3. Validity
The validity of the bonds and of the voters’ ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

/s/ _____
Judith A. Yates
Town Treasurer

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 3-2

Article 45: Shall the Town (1) vote to approve a capital improvement project consisting of the **replacement of the Dunaway Community Center roof** (the “Project”); (2) appropriate a sum not to exceed **\$68,000** to provide for the costs of the Project; and (3) to fund said appropriation, authorize the Treasurer and Chairman of the Select Board to issue general obligation securities of the Town of Ogunquit, Maine (including temporary notes in anticipation of the sale thereof) in an aggregate principal amount not to exceed **\$68,000**; and (4) delegate to the Treasurer and the Chairman of the Select Board the authority to fix the date(s), maturity(ies), interest rate(s), call(s) for redemption, refunding of said securities, place(s) of payment, form, and other details of said securities, including execution and delivery of said securities on behalf of the Town of Ogunquit, and to provide for the sale thereof?

FINANCIAL STATEMENT

1. Total Indebtedness
 - a. Bonds outstanding and unpaid: \$ 8,033,749
 - b. Bonds authorized and unissued: \$ -0-
 - c. Bonds to be issued if this Article is approved \$ 68,000
2. Costs
 - a. At an estimated interest rate of 4.0% for a ten (10) year maturity, the estimated costs of this bond issue will be:

Principal:	\$ <u>68,000</u>
Interest	\$ <u>13,905</u>
Total Debt Service:	\$ <u>81,905</u>

3. Validity
 The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the above estimates. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

/s/ _____
 Judith A. Yates
 Town Treasurer

Select Board recommends: Yes 5-0
 Budget Review Committee recommends: Yes 5-0

Article 46: Shall the Town vote to appropriate the sum of \$30,000 from **Undesignated Fund Balance** for the **Administrative Services Department** for the **purchase of a 4x4 pickup truck**?

Select Board recommends: Yes 5-0
 Budget Review Committee recommends: Yes 4-1

Article 47: Shall the Town vote to appropriate the sum of \$30,000 from **Undesignated Fund Balance** for the **rehabilitation of the interior** of the **Dunaway Community Center**?

Select Board recommends: Yes 5-0
 Budget Review Committee recommends: Yes 4-1

Article 48: Shall the Town vote to appropriate the sum of \$20,000 from **Undesignated Fund Balance** for the **rehabilitation of the Main Beach Awning Structure**? [Note: Pursuant to Section 503.6.1, this Article includes the Select Board and the Budget Review Committees' recommendation as the two (2) voter choices.]

Select Board recommends: \$20,000 Yes 3-2
OR
 Budget Review Committee recommends: \$0 Yes 5-0

Article 49: Shall the Town vote to appropriate the sum of \$26,000 from **Undesignated Fund Balance** for the **replacement of the Main Beach Comfort Station roof**?

Select Board recommends: Yes 5-0
 Budget Review Committee recommends: Yes 5-0

Article 50: Shall the Town vote to appropriate the sum of \$20,000 from **Undesignated Fund Balance** to **replace storm damaged beach fencing**?

Select Board recommends: Yes 5-0
 Budget Review Committee recommends: Yes 5-0

Article 51: Shall the Town vote to appropriate the sum of **\$20,000** from **Undesignated Fund Balance** to replenish the **Natural Disaster Account**, which was used to fund an emergency expenditure to **replace the Wharf Lane Bridge**?

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 52: Shall the Town vote to appropriate the sum of **\$12,000** from **Undesignated Fund Balance** to replenish the **Natural Disaster Account**, which was used to fund an emergency expenditure to **repair Perkins Cove Pilings and Ramp**?

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 53: Shall the Town vote to appropriate the sum of **\$38,000** from **Undesignated Fund Balance** to replenish the **Natural Disaster Account**, which was used to fund an emergency expenditure to **repair the Perkins Cove back parking lot**?

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 54: Shall the Town vote to appropriate **\$25,000** from the **Undesignated Fund Balance** to fund the **Land Conservation Reserve Fund**? [Note: Pursuant to Section 503.6.1, this Article includes the Select Board and the Budget Review Committees' recommendations as the two (2) voter choices].

Select Board recommends: **\$25,000** Yes 4-1
OR
Budget Review Committee recommends: **\$0** Yes 4-0-1A

Article 55: Shall the Town vote to appropriate **\$1,425,000** from **anticipated parking lot revenues** to fund the **2013-2014** fiscal year budget?

Select Board recommends: Yes 5-0
Budget Review Committee recommends: Yes 5-0

Article 56: Shall the Town vote to increase the property tax levy limit established for Ogunquit by State law in the event that the municipal budget approved for fiscal year **2013-2014** will result in a tax commitment that is greater than the property tax levy limit?

Article 57: 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 58: Shall the Town authorize the Select Board to apply for and accept grant funds, donations and gifts; and authorize the Select Board to spend such funds for the purposes intended as allowed by law?

Article 59: Shall the Town vote to accept the categories of funds, listed herein, as provided by the Maine Legislature:

<u>ITEM</u>	<u>AMOUNT</u>
Homestead Reimbursement	\$Unknown
State Aid Road Grant	\$Unknown
Municipal Revenue Sharing	\$Unknown
State Education Tax Relief	\$Unknown
Emergency Management Funds	\$Unknown
General Assistance Rebate	\$Unknown

Snowmobile Registration	\$Unknown
Tree Growth Reimbursement	\$Unknown
Veteran's Exemption Rebate	\$Unknown
Public Library Aid	\$Unknown
Specialized State Grants/Funds	\$Unknown

Article 60: Shall the Town vote to fix the date when property taxes shall be due and payable as follows:

- One-half (1/2) of the tax commitment shall be due 45 days after the commitment; on or about October 31
- The other one-half (1/2) of the tax commitment shall be due on or about April 30; and further
- Interest at the rate of seven-percent (7%) per annum shall be charged for taxes not paid within 45 days following each due date.

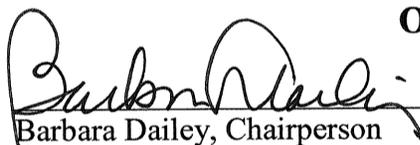
Article 61: Shall the Town vote to pay no more than four-percent (4%) per annum to taxpayers who pay taxes in excess of the amounts finally assessed, and to authorize such interest paid or abatements granted to be charged against the Town's annual overlay, or if necessary, against the Town's **Undesignated Fund** balance?

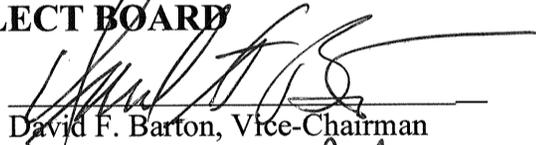
Article 62: Shall the Town vote to authorize the Select Board to sell and convey tax acquired property as they shall deem to be necessary and/or in the best interests of the Town; provided, however, that a delinquent taxpayer shall be given a thirty (30) day grace period after approval of this warrant 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 Select Board 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?

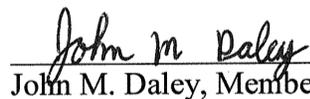
Article 63: Shall the Town vote to authorize the Select Board to dispose of town-owned surplus property upon such terms and conditions as the Select Board may deem to be in the best interests of the Town as otherwise allowed by law?

Given under our hands this **7th day of May 2013**, A.D. in Ogunquit, Maine, by the Select Board, acting in their capacity as the municipal officers. ATTEST:

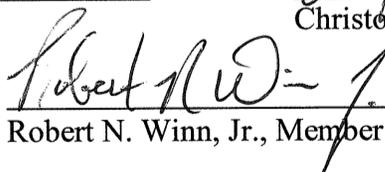
OGUNQUIT SELECT BOARD


Barbara Dailey, Chairperson


David F. Barton, Vice-Chairman


John M. Daley, Member


Christopher M. Jarochym, Member


Robert N. Winn, Jr., Member

ATTEST:
A TRUE COPY _____
Judy S. Kagiliery, Town Clerk/Date:

VOTER INFORMATION: The Registrar of Voters will hold office hours while the polls are open to correct any error in or change a name or address on the voting list, to accept the registration of any person eligible to vote and to accept new enrollments. A person who is not registered to vote may not vote in any election.

RETURN OF WARRANT CERTIFICATION

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

Pursuant to the foregoing 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 **15th day of May, 2013**, A.D. copy of said Warrant at the Dunaway Community Center, Ogunquit Post Office, and WOGT, those being three (3) conspicuous and public places in said Town.


Patricia L. Arnaudin, Chief of Police
Town of Ogunquit

UNDER SEAL OF THE TOWN, A True Copy: ATTEST:

Office of the Town Clerk

OGUNQUIT

Beautiful Place by the Sea

To the Town Clerk of Ogunquit:

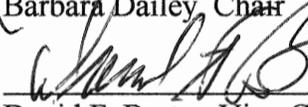
We hereby certify that the document to which we have affixed this Certificate is a true copy of the official text of an Ordinance entitled "**An Ordinance to Amend the Ogunquit Zoning Ordinance to Adjust Traffic Standards in Response to a Decision of the Maine Supreme Judicial Court**", which will be presented to voters by referendum ballot, for their consideration at the Annual Town Meeting to be held on June 11, 2013.

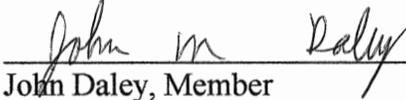
Pursuant to 30-A, MRSA §3002(2), you will retain this copy of the complete text of the ordinance amendments as a public record and make other copies available for distribution to the voters, and you will ensure that these copies are available at the polling place on the day of the vote.

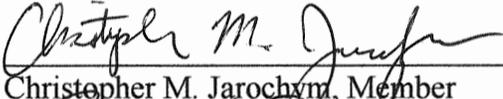
DATED: April 22, 2013

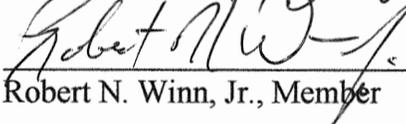
**OGUNQUIT
SELECT BOARD**


Barbara Dailey, Chair


David F. Barton Vice-Chairman


John Daley, Member


Christopher M. Jarochym, Member


Robert N. Winn, Jr., Member

TRUE COPY, ATTEST:

Judy Shaw-Kagiliery, Town Clerk

Dated: _____

Ordinance Certification

14 February 2013

(Note: Language proposed to be inserted is indicated by underlining. Language proposed to be removed is indicated by a ~~strikeout line~~. All other portions of the ordinance are proposed to remain unchanged. The symbol “* * * * *” indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.

* * * * *

6.6 Procedures for Site Plan Review (Amended 4/01/06 ATM)

* * * * *

C. Application Procedure.

* * * * *

3. Application Submission Requirements.

* * * * *

T. Estimate of Traffic Generated. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from the most recent available edition of the *Trip Generation Manual*, published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions. At the expense of the applicant, the Planning Board may obtain the services of a professional engineer for a peer review of any trip generation estimates, pursuant to section 6.6.C.

U. Traffic Impact Analysis. ~~For proposed projects requiring 40 or more parking spaces or projected to generate more than 200 vehicle trips per day, a~~ A traffic impact analysis, prepared by a Registered Professional Engineer with experience in traffic engineering, shall be submitted for any proposed project or proposed expansion of an existing project requiring 10 or more parking spaces or projected to generate more than 50 vehicle trips per day. Submission of a traffic impact analysis shall not be waived for proposed projects or expansions of existing projects requiring 30 or more parking spaces or projected to generate more than 150 vehicle trips per day. The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site, ~~and neighboring streets and any~~ Route 1 intersection within one mile as measured by the actual travel distance from the proposed development which may be affected, and recommended improvements to maintain the desired level of service on the affected streets and intersections. At the expense of the applicant, the Planning Board may obtain the services of a professional engineer for a peer review of any traffic impact analysis, pursuant to section 6.6.C.

* * * * *

An Ordinance to Amend the Ogunquit Zoning Ordinance To Adjust Traffic Standards in Response to a Decision of the Maine Supreme Judicial Court

8.13 Traffic Impacts and Street Access Control.

- A. General. Provision shall be made for vehicular access to, and circulation within, all development land use activities, lots, subdivisions and activities requiring site plan review, and circulation upon the lot in such a manner as to safeguard against hazards to traffic and pedestrians in the street and within the development, to avoid traffic congestion on any street and to provide safe and convenient circulation on public streets and within the development. In addition, access and circulation shall also conform to the following standards and the design criteria below.
- ~~1. The vehicular access to the development shall be arranged to avoid traffic use of local residential streets.~~
- B. The following standards and design criteria shall apply only to those developments defined as subdivisions or activities requiring site plan review by this Ordinance, which are projected to generate average daily traffic (ADT) of 50 or more trips per day, or which are required to provide 10 or more parking spaces. If a proposed subdivision or development requiring site plan approval is located on land contiguous to land on which a subdivision or site plan was approved by the Planning Board within the past five years and such prior approval was obtained by the same applicant or by an applicant who is an immediate family member, or is under common control, of the current applicant, the ADT and parking spaces of such prior development shall be included in determining whether the proposed amount of ADT to be added, or required parking to be provided, has met or exceeded the threshold of 8.13.B. Proposed projects owned and operated by the Town of Ogunquit are exempted from these requirements, if the Town can demonstrate and the Planning Board finds that trips generated by the Town project shall be prohibited during peak traffic hours; or otherwise controlled by the Town to avoid or minimize congested streets or intersections.
- ~~2. Where a lot has frontage on two or more streets, the access to the lot shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.~~
 - ~~3.1. The street giving access to the lot and neighboring streets which can be expected to carry traffic to and from the development shall have sufficient traffic carrying capacity, as defined below, or and be suitably improved, to accommodate the amount and types of traffic generated by the proposed use.~~
 - a. No development which meets or exceeds the ADT or parking space threshold of 8.13.B shall increase the volume:/capacity ratio of any street above 0.8 nor reduce the street's giving access to the proposed development to a Level of Service to "D" or below, nor shall it reduce any Route 1 street intersection within one mile as measured by the actual travel distance from the proposed development to a Level of Service "D" or below, unless the applicant constructs traffic improvements or agrees to reasonable conditions of approval to mitigate the traffic impacts of the proposed development. Level of Service shall be defined according to the latest edition of the Highway Capacity Manual, published by the Transportation Research Board, National Academy of Sciences.

An Ordinance to Amend the Ogunquit Zoning Ordinance To Adjust Traffic Standards in Response to a Decision of the Maine Supreme Judicial Court

b. If the volume/capacity ratio of the existing street giving access to the proposed development already exceeds 0.8, or the level of service of the existing street giving access or of any Route 1 street intersection within one mile as measured by the actual travel distance from the proposed development is streets or nearby intersections leading to the proposed project are already at "D" or below, the application for such a subdivision or activity requiring site plan review meeting or exceeding the ADT or parking space threshold of 8.13.B above, shall be denied unless the applicant can improve the street or intersection capacities or level of service so that no further diminution of the level of service increase in delay or waiting times will occur, should the project be constructed, as demonstrated by a traffic impact analysis prepared by a licensed professional engineer, submitted by the applicant.

C. The following standards and design criteria in this subsection shall apply to any land use activities, lots, subdivisions, or activities requiring site plan review, as applicable:

21. Where a lot has frontage on two or more streets, the access to the lot shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.
42. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage roads, driveways and traffic controls within public streets.
53. Accessways shall be of a design and have sufficient capacity to avoid queuing of entering vehicles on any street or exiting the development onto any street.
64. Where topographic and other conditions allow, provision shall be made for circulation driveway connections to adjoining lots of similar existing or potential use
 - a. when such driveway connection will facilitate fire protection services as approved by the Fire Chief and/or
 - b. when such driveway will enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a street.

BD. Driveway Design

* * * * *

[Note: Re-letter and renumber subsequent sections of 8.13, in the same sequence.]

OGUNQUIT

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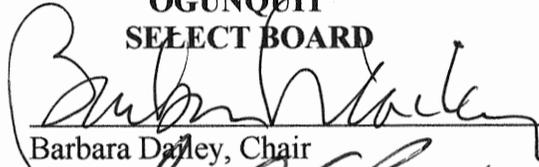
To the Town Clerk of Ogunquit:

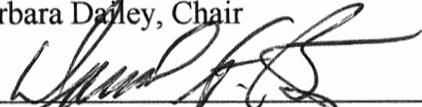
We hereby certify that the document to which we have affixed this Certificate is a true copy of the official text of an Ordinance entitled "**An Ordinance to Amend the Pesticide/Herbicide Usage on Town Owned Lands to Include a Ban on Both Public and Private Lands**", which will be presented to voters by referendum ballot, for their consideration at the Annual Town Meeting to be held on June 11, 2013.

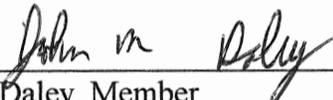
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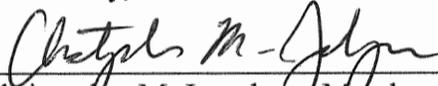
DATED: April 16, 2013

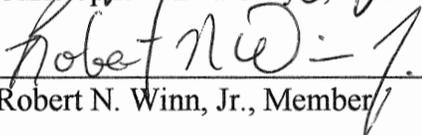
**OGUNQUIT
SELECT BOARD**


Barbara Daley, Chair


David F. Barton Vice-Chairman


John Daley, Member


Christopher M. Jarochyn, Member


Robert N. Winn, Jr., Member

TRUE COPY, ATTEST:

Judy Shaw-Kagiliery, Town Clerk

Dated: _____

Ordinance Certification

**An Ordinance to Amend the Pesticide/Herbicide Ordinance to
Include a Ban on Usage of Pesticides/Herbicides on Both Public and Private Lands
26 August 2012**

(Note: Language proposed to be inserted is indicated by underlining. Language proposed to be removed is indicated by a ~~strikeout line~~).

CHAPTER 11 Pesticide/Herbicide Usage ~~on Town-Owned Lands~~

1101 Purpose

The purpose of this chapter is to safeguard the health and welfare of the residents of the Town of Ogunquit and to conserve and protect the town's ground water, estuarine, marine and other natural resources, while ensuring preservation and enhancement of ~~town-owned land~~ public and private lands.

1102 Provisions.

The following provisions shall be applicable to all turf, landscape and outdoor pest management activities ~~on town-owned land~~ conducted within the Town of Ogunquit, on both public and private lands.

(a) Permitted:

1102.1 Use or application of natural, organic land care protocols.

1102.2 All control products and soil amendments, including fertilizer and compost, used under the terms of this article shall be in keeping with, but not limited to, products that can be used on Maine Organic Farmers and Gardeners Association Certified Farms, and/or products permitted by the Organic Materials Review Institute or the USDA National Organic Program.

1102.3 Use or application of sludge or sludge-derived products to the extent permitted by the Maine Hazardous Waste, Septage and Solid Waste Management Act 38 M.R.S.A. §§1301-1319-Y, the Protection of Natural Resources Act 38 M.R.S.A. §§ 480-A-480-Z, the Site Location of Development Act 38 M.R.S.A. § 481-490, and any rules related thereto, as amended from time to time.

(b) Prohibited:

1102.4 Use or application of chemical pesticides, other than pesticides classified by the US Environmental Protection Agency as exempt materials under 40 CFR 152.25, and those products permitted by the Organic Materials Review Institute.

1102.5 Use or application of sludge or sludge-derived products not listed as permitted above.

1103 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Natural, organic land care: An extension of the principles and practices of organic agriculture to the care of turf and landscape.

Pesticide : Any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest; any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant; and any nitrogen stabilizer. It does not include multicellular biological controls such as mites, nematodes, parasitic wasps, snails or other biological agents not regulated as pesticides by the U.S. Environmental Protection Agency. Herbicides, fungicides, insecticides and rodenticides are considered pesticides.

Sludge: Defined in 38 M.R.S.A. § 1303-C (28-A), as amended from time to time.

Town-Owned Land: All land owned or leased by the Town of Ogunquit and/or managed by the Town, including outdoor grounds such as parks, playing fields, the Marginal Way, or conservation and open space.

Pest: Any undesirable insect, plant, fungi, bacteria, virus or micro-organism.

1104 Exemptions

The following processes are exempt: drinking water and wastewater treatment; indoor pesticide use; contained baits or traps for rodent control; use of pesticides classified by the US Environmental Protection Agency as exempt materials under 40 CFR 152.25 or pesticides permitted by the Organic Materials Review Institute; management of town-owned land not used or used infrequently by the public (roadway medians, for example).

A specific exemption is made for poison ivy control on the Marginal Way, using the least toxic product in accordance with the US Environmental Protection Agency under 40 CFR 152.5, the Maine State Regulations Title 7 and Title 22: "Use of Pesticides", and the *Best Management Practices for the Application of Turf Pesticides and Fertilizers* of the Maine Board of Pesticide Control.

1105 Emergency waiver

If an emergency situation warrants the use of non-exempt pesticides, the Codes Enforcement Officer may, upon written request to the Board of Selectmen, grant a thirty (30) day temporary waiver. The waiver may be extended to a six (6) month total period. Waiver approval shall be subject to the use of the least toxic material available to address the given emergency. The presence of weeds or common fungal diseases in the usual course of turf maintenance shall not constitute an emergency.

(a) *Waiver determination shall be based on the following criteria:*

1105.1 The pest situation presents a) an immediate threat to human health or environmental quality, or b) an immediate threat of substantial property damage or loss; and

1105.2 Viable alternatives consistent with this article do not exist. The Select Board shall request the Conservation Commission to review any waiver requests made under this section, and to recommend a course of action.

1106. Enforcement and permits

This article shall be enforced by the Code Enforcement Officer, according to the policies governing enforcement of municipal ordinances of the Town of Ogunquit.

1107. Conflict and invalidity

If a conflict or inconsistency is found between this article and other sections of the Zoning Ordinance or Town Charter, the terms of the stricter provisions shall prevail. The invalidity of a provision of this article shall not invalidate any other provision of this article.

1108. Authority

Pursuant to 30-A M.R.S.A. § 3001, municipalities may enact ordinances to protect the welfare of their inhabitants. Pursuant to 22 M.R.S.A. § 1471-U, Maine municipalities may enact ordinances that apply to pesticide storage, distribution, or use. Pursuant to 38 M.R.S.A., § 1310-U, municipalities may enact ordinances with respect to solid waste facilities with standards that are not more strict than those contained in the Maine Hazardous Waste, Septage and Solid Waste Management Act 38 M.R.S.A. §§ 1301-1319-Y, the Protection of Natural Resources Act 38 M.R.S.A. §§ 480-A-480-Z, the Site Location of Development Act 38 M.R.S.A. § 481-490, and the rules adopted under those articles, as amended from time to time.

OGUNQUIT

Beautiful Place by the Sea

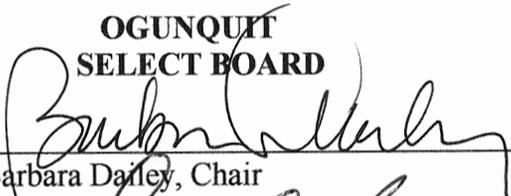
To the Town Clerk of Ogunquit:

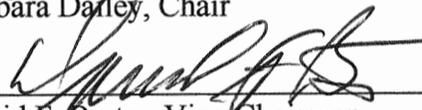
We hereby certify that the document to which we have affixed this Certificate is a true copy of the official text of an Ordinance entitled "*An Ordinance to Amend the Ogunquit Shellfish Management Ordinance to Clarify Types of Shellfish Licenses and Permits Available to the Public*", which will be presented to voters by referendum ballot, for their consideration at the Annual Town Meeting to be held on June 11, 2013.

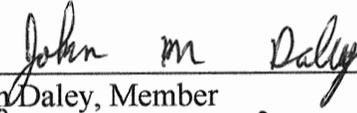
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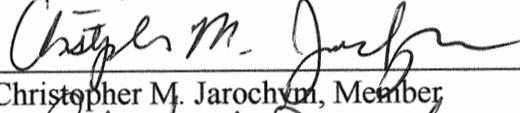
DATED: April 16, 2013

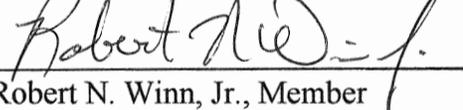
**OGUNQUIT
SELECT BOARD**


Barbara Dailey, Chair


David F. Barton Vice-Chairman


John Daley, Member


Christopher M. Jarochyn, Member


Robert N. Winn, Jr., Member

TRUE COPY, ATTEST:

Judy Shaw-Kagiliery, Town Clerk

Dated: _____

Ordinance Certification

**An Ordinance to Amend the Ogunquit Shellfish Management Ordinance
To Clarify Types of Shellfish and Permits Available to the Public
5 March 2013**

*(Note: Language proposed to be inserted is indicated by underlining. Language proposed to be removed is indicated by a ~~strikeout line~~. All other portions of the ordinance are proposed to remain unchanged. The symbol "*****" indicates that a portion of the ordinance, which is not proposed to be changed, is not shown below, in order to save space.*

605.a Type of License

**605.a.1 Resident, ~~and Real Property Taxpayer~~ and Town Employee
Recreational Shellfish License**

This license is available to residents, ~~and~~ real property taxpayers and town employees only of this municipality and entitles the holder to harvest no more than one (1) peck of shellfish in any one (1) day for the use of himself and his family, from the shore, flats or coastal waters of this municipality, when and where it is lawful to do so.

**605.a.5 One-Time, Specific Date Permit - Will be available ~~to anyone,~~
~~any state within the five (5) working days prior to the selected dig~~
~~date.~~ on specified dig date to anyone on a first-come basis, any
state, at areas designated by the town. (ATM 4/7/01) (BOS
10/18/05).**
