

**WARRANT RETURN FOR THE SPECIAL TOWN MEETING
OF THE
TOWN OF OGUNQUIT**

October 28, 2003

The Special Town Meeting was called to order by Town Clerk Judy Shaw-Kagiliery with the Reading of the Call, Return and Article 1. The Meeting convened at 7:05 PM. Linda Ireland served as Ballot Clerk. Article 1 was done by written ballot. A total of 54 registered voters attended the Special Town Meeting.

ARTICLE 1: Wayne Adams was elected as Moderator and sworn in by Town Clerk Judy Shaw-Kagiliery.

Prior to the reading of the remaining Articles, a Motion was made and seconded to allow non-residents to address the proceedings, if so requested. Passed by a show of hands.

ARTICLE 2: Shall the existing ordinance entitled "Blasting Ordinance", more specifically referenced as Title II, Chapter 10 of the Ogunquit Municipal Code, be amended as set forth herein?

Amend Section 4.2 to add the language underlined and delete the language with a line through as noted below:

- 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. ~~The contractor shall offer to make a video recorded survey of any structure located within a two thousand (2,000) foot radius of the blasting site at the expense of the landowner, 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, ~~total solids, volatile organic compounds and hardness.~~ 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. ~~The contractor shall offer to test the wells of any structure located within a two thousand (2000) foot radius of the blasting site at the expense of the landowner.~~
 - iii) ~~_____~~
- 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.~~

Motion was made and seconded to accept the Article as read. No discussion. Passed by a show of hands.

ARTICLE 3: Shall the Town vote to appropriate the sum of twenty thousand dollars (\$20,000.00) to be added to the Fiscal Year 2003 General Government account for unanticipated legal and professional services expenditures, provided that said funds are transferred from the Town's undesignated surplus fund balance and no tax dollars are raised for this appropriation?

Board of Selectmen Recommendation: \$20,000.00 (5-0)
Budget Committee Recommendation: \$20,000.00 (5-0)

Motion was made and seconded to accept the Article as read. No discussion. Passed by a show of hands.

ARTICLE 4: Shall the Town vote to appropriate the sum of eighteen thousand dollars (\$18,000.00) to be added to the Fiscal Year 2003 Police Department account for unanticipated payroll expenditures, provided that said funds are transferred from the Town's undesignated surplus fund balance and no tax dollars are raised for this appropriation?

Board of Selectmen Recommendation: \$18,000.00 (5-0)
Budget Committee Recommendation: \$18,000.00 (3-2)

Motion was made and seconded to accept the Article as read. Moderator Adams called for discussion. Nancy Fording asked as to why there was not a unanimous recommendation by the Budget Committee. Loring DeAgazio, standing in for Chairman Herbert Hoffman, explained that the 3/2 vote was because the item being requested was not in the original budget and 2 members felt that as we were far into the existing budget year and the two (2) positions had not been filled, the request should go to another budget. Moderator Adams called for a vote. Passed by a show of hands.

ARTICLE 5: Shall the Town vote to appropriate the sum of thirty thousand dollars (\$30,000.00) to be added to the Fiscal Year 2003 Fire Department account for unanticipated staff overtime expenditures, provided that said funds are transferred from the Town's undesignated surplus fund balance and no tax dollars are raised for this appropriation?

Board of Selectmen Recommendation: \$30,000.00 (5-0)
Budget Committee Recommendation: \$30,000.00 (5-0)

Motion was made and seconded to accept the Article as read. Moderator Adams called for discussion. Gary Littlefield asked why this request had been made. Town Manager Dunn explained that this account was \$37,000 in the red. This was due to the fact this was the first year with the new 8-man department and there was unanticipated overtime. Moderator Adams called for a vote. Passed by a show of hands.

ARTICLE 6: Shall the Town vote to appropriate the sum of twenty-four thousand dollars (\$24,000.00) to be added to the Fiscal Year 2003 Parks & Recreation Department account for unbudgeted payroll expenditures, provided that said funds are transferred from the Town's undesignated surplus fund balance and no tax dollars are raised for this appropriation?

Board of Selectmen Recommendation \$24,000.00 (5-0)
Budget Committee Recommendation: \$24,000.00 (3-2)

Motion was made and seconded to accept the Article as read. Moderator Adams called for discussion. Mrs. Ryna Lipkind asked the reason for the 3/2 Budget Committee recommendation. Loring

DeAgazio addressed the floor and explained that \$30,000 had been inadvertently left out of the salary line for this account during the budget process and that 2 members of the Committee felt that \$14,000 instead of the \$24,000 request was sufficient and that the remaining \$10,000 should come out of the account that has not yet been spent. Moderator Adams then called for a vote. Passed by a show of hands.

ARTICLE 7: Shall the Town vote to appropriate the sum of fifty thousand dollars (\$50,000.00) to be added to the Fiscal Year 2003 Capital Budget for erosion repairs to the Marginal Way, provided that fifteen thousand dollars (\$15,000.00) of said funds are transferred from the Marginal Way Beautification Fund and the remaining expenses are transferred from the Town's undesignated surplus fund balance so that no tax dollars are raised for this appropriation?

Board of Selectmen Recommendation \$50,000.00 (5-0)
 Budget Committee Recommendation: \$50,000.00 (5-0)

Motion was made and seconded to accept the Article as read.
 No discussion. Passed by a show of hands.

ARTICLE 8: Shall the Town authorize the issuance of general obligation bonds or notes in an amount not exceeding four hundred thousand dollars (\$400,000.00) in order to finance and reimburse the Town for the cost of constructing a new bulkhead in Perkins Cove, which expenditure is 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 \$696,455 of which principal is \$400,000.00 and estimated interest at 2.5% over 30 years is \$296,455)

Board of Selectmen Recommendation: \$400,000.00 (5-0)
 Budget Committee Recommendation: \$400,000.00 (4-0)

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	 \$ 275,000
Total Additional Bonds (now proposed) to be Issued, if Approved by Voters	\$ 400,000
Estimate of Potential New Interest	\$ 296,455
Total Add'l Bonds to be Issued and Estimated Interest, if Approved by Voters	\$ 696,455

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

Motion was made and seconded to accept the Article as read. Prior to the vote, Moderator Adams explained that Articles 8 And 9 involved the repair or replacement of the Perkins Cove bulkhead. If Article 8 passes, Article 9 would become moot and would need to be defeated. Nancy Fording asked that someone provide an explanation of the two (2) articles. Town Manager Dunn explained that the basic difference between Article 8 and 9 is that Article 8 would allow for a complete replacement of the 150' bulkhead wall by placing a new sheet metal wall, which would ensure a longer life and more stability. The original bulkhead built of wood in 1975, has a limited lifespan. Mr. Dunn continued that monies would be used to develop bid specifications. Gary Littlefield inquired as to whether federal funds would be available for this project. Mr. Dunn stated that he was not aware of any available federal funds for this project.

Loring DeAgazio addressed the floor and stated it was the Budget Committee's recommendation to make a permanent fix to the bulkhead rather than spending \$175,000 and not have it last too long. The complete repair would have a life expectancy of 50 years and could be done at an estimated 2.5% interest rate. Moderator Adams called for a vote. Passed by a show of hands.

ARTICLE 9: In the event Article 8 fails, or in lieu thereof, shall the Town vote to appropriate the sum of one hundred seventy-five thousand dollars (\$175,000.00) to be added to the Fiscal Year 2003 Capital Budget for repairs to a portion of the Perkins Cove Bulkhead, provided that said funds are transferred from the Town's undesignated surplus fund balance and no tax dollars are raised for this appropriation?

Motion was made and seconded to accept the Article as read.
No discussion. Motion defeated by a show of hands.

ARTICLE 10: Shall the Town vote to authorize the Board of Selectmen to grant an easement to the Ogunquit Sewer District on Town owned land in Perkins Cove, under such terms and conditions the Selectmen deem to be in the Town's best interest, for the purpose of relocating the existing sewer pump station from Rotary Park to an underground location in the vicinity of the Perkins Cove Restrooms?

Motion was made and seconded to accept the Article as read.
No discussion. Passed as read by a show of hands.

There being no further business before the floor, Moderator Adams declared the Meeting adjourned at 7:25 PM.

Dated: October 29, 2003

A TRUE COPY

ATTEST:

JudyShaw-Kagiliery, Town Clerk