

**WARRANT RETURN FOR THE SPECIAL TOWN MEETING
OF THE
TOWN OF OGUNQUIT
Tuesday, November 4, 2008**

The Special Town Meeting was called to order by Town Clerk Judy Shaw-Kagiliery with the Reading of the Call, Return and First Article. The polls were declared open at 8:00AM.

Marjorie Esau, Blanche Feinberg, Frederica Hart, Alan Kupper, Leila Kupper, and Mary Littlefield served as Ballot Clerks/Counters. A total of 939 people voted at the polls Moderator Murphy closed the polls at 8:00PM and the counting of ballots commenced.

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 Special Town Meeting].

Christine L. Murphy was elected Moderator.

Article 2: Shall the Town vote to approve the proposed Charter Amendment printed below? [Note: Proposed amendment is underlined. Language proposed to be removed is indicated by a ~~strikeout~~.]

Section 204 Procedures

The Annual Town Meeting shall be held on the ~~first~~
Saturday of April second Tuesday of June.

YES - 734 NO - 120

Article 3: Shall the Town vote to approve the proposed Charter Amendment printed below? [Note: Proposed amendment is underlined. Language proposed to be removed is indicated by a ~~strikeout~~.]

Section 303 Election and Term of Office

303.1 Select Board members shall be elected ~~to serve staggered~~
three year terms for a term to run from July 1 to June 30.
Election shall be for a three year term, unless elected to fill
an unexpired term.

YES - 747 NO - 101

Article 4: Shall the Town vote to approve the proposed Charter Amendment printed below? [Note: Proposed amendment is underlined. Language proposed to be removed is indicated by a ~~strikeout~~.]

Section 503 Budget Process

503.3 Prior to finalizing the budget, the Select Board shall hold a
public hearing on ~~the Town Manager's~~ its proposed budget
at least ~~forty-five (45)~~ thirty (30) days prior to the Annual
Town Meeting vote.

YES - 751 NO - 98

Article 5: Shall the Town vote to approve the proposed Charter Amendment printed below? [Note: Proposed amendment is underlined. Language proposed to be removed is indicated by a ~~strikeout~~.]

Section 802 Budget Review Committee

802.1 Appointment and Terms

The Budget Review Committee consists of five (5) members who shall be elected at the Annual Town Meeting commencing ~~April~~ June 2009.

802.2.3 In the event of a tied election result, the ~~Independent Election Committee shall determine the outcome~~ Select Board shall schedule a special run-off election to be held within sixty(60) days pursuant to 30-A MRSA § 2528(10).

YES - 758 NO - 91

Article 6: Shall the Town vote to approve the proposed Charter Amendment printed below? [Note: Proposed amendment is underlined. Language proposed to be removed is indicated by a ~~strikeout~~.]

Section 803 Planning Board

803.1 The Planning Board consists of five (5) members who shall be elected at the Annual Town Meeting commencing ~~April~~ June 2009.

803.3.3 In the event of a tied election result, the ~~Independent Election Committee shall determine the outcome~~ Select Board shall schedule a special run-off election to be held within sixty (60) days pursuant to 30-A MRSA § 2528(10).

YES - 750 NO - 95

Article 7: Shall an ordinance entitled “**An Ordinance to Amend the Organization of the Planning Board in the Ogunquit Zoning Ordinance (Title X) To Match the Town Charter Provisions**”, be enacted as printed below? [Note: Proposed amendment is underlined. Language proposed to be removed is indicated by a ~~strikeout~~.]

Article 6 Planning Board

Section 6.3 Organization and Rules

A. The Board shall consist of five (5) elected full members and two appointed alternate members, pursuant to Section 803 of the Town Charter. ~~who shall be residents and registered voters of the Town of Ogunquit. They shall be appointed by the Board of Selectmen. The term of office of the five members of the Board shall be three years. The term of office of alternate members shall be one year. Vacancies on the Board shall be filled for the unexpired term only. Mid-term vacancies in the office of full members shall be filled first by the first alternate then by the second alternate. Each member's term of office shall expire on April 30 of the year in which the member's term ends; except that a member may continue to serve until reappointed or until a successor has been appointed to the position. When a member is unable to act because~~

of conflict of interest, physical incapacity or otherwise unable to participate, the Chair shall designate an alternate to act in that member's stead. ~~Any member of the Board may be removed for cause as determined by the Board of Selectmen upon written charges and after a public hearing for which at least 10 days notice shall be given in the same manner as the notice of the Town.~~ The Board shall annually revise or render Bylaws setting forth procedural rules, regulations and guidelines governing the conduct of the Board, its members, employees and other interested parties who regularly appear before the Board. These Bylaws may be amended from time to time throughout the year and may include such rules and regulations as the Board deems necessary to clarify its duties as set forth in this Ordinance.

YES - 594 NO - 219

Article 8: Shall an ordinance entitled “**An Ordinance to Amend the Ogunquit Zoning Ordinance (Title X) to Comply with New Minimum Shoreland Zoning Guidelines**”, dated 12 September 2008, be adopted with an effective date of April 1, 2009? [Note: Copies of this amendment are on file with the Town Clerk and are available for inspection, use and examination by the public in both the Town Clerk and Land Use Offices.]

YES - 578 NO - 212

Article 9: Shall an ordinance entitled “**An Ordinance to Amend the Ogunquit Zoning Ordinance (Title X) to Protect Additional Streams Beyond Those Required by Department of Environmental Protection Minimum Shoreland Zoning Guidelines**”, dated 24 June 2008, be adopted with an effective date of April 1, 2009, and to include adoption of the “**Official Zoning Map Version “B”** dated 10 June 2008? [Note: Copies of this amendment are on file with the Town Clerk and are available for inspection, use and examination by the public in both the Town Clerk and Land Use Offices.]

YES - 503 NO - 296

Article 10: Shall an ordinance entitled, “**An Ordinance to Amend Title IV of the Ogunquit Municipal Ordinance (Public and Conservation Ordinance) Chapter 1, Section 401.1.a – Definitions**”, be enacted? [Note: Proposed amendment is underlined.

401.1.a Ogunquit River Estuary – The land area described as follows:

Starting at the Ogunquit Sewer District pumping station (Lighthouse); then running northerly to the southeast side of the sand dunes; then running northerly on the easterly side of the sand dunes to the Wells-Ogunquit town line; then running westerly to the west side of the Ogunquit River including the Rachel Carson Preserve; then running southerly including private and public land(s) along the west side of the Ogunquit River, back to the Lighthouse. The estuary is to include the riverside beaches, river, sand dunes, clam flats and marshland, but does not include: the Ogunquit Beach Parking Lot, Footbridge Parking Lot, and North Beach Parking Lot (Moody Beach Parking Lot).

YES - 606 NO - 195

Article 11: Shall an ordinance entitled “An Ordinance to Amend Title IV of the Ogunquit Municipal Code (Public and Conservation Ordinance) Chapter 4, Section 403.4.1 and 403.4.2 be enacted? [Note: Proposed amendment is underlined. Language proposed to be removed is indicated by a ~~strikeout~~.]

403.4.1 Dogs are permitted within the Ogunquit Beach area from October 1 to March 31, if on a cord, leash or chain. 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. Dogs are not permitted in the Ogunquit River Estuary.

403.4.2 ~~No person shall lead or ride a pony within the Ogunquit Beach area from April 1 to September 30. Ponies or horses are not permitted on Ogunquit Beach, including the Ogunquit River Estuary, year-round.~~

YES - 558 NO - 285

Article 12: Shall an ordinance entitled “An Ordinance to Amend Title VII of the Ogunquit Municipal Code (Animal Control Ordinance) Chapter 2, Section 206.1.1 and 206.1.2 be enacted? [Note: Proposed amendment is underlined. Language proposed to be removed is indicated by a ~~strikeout~~.]

206.1.1 Ogunquit Beach

Dogs are permitted within the Ogunquit Beach area from October 1 to March 31, September 8 to May 15, if on a cord, leash or chain. 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 ~~May 16 to September 7~~. ~~Dogs and other domesticated animals are never allowed on the dunes at Ogunquit Beach.~~ Dogs are not permitted in the Ogunquit River Estuary.

206.1.2 ~~No person shall lead or ride a pony within the Ogunquit Beach area from April 1 to September 30. Ponies or horses are not permitted on Ogunquit Beach, including the Ogunquit River Estuary, year-round.~~

YES - 537 NO - 321

Article 13: Shall an ordinance entitled “An Ordinance to Amend Title IV of the Ogunquit Municipal Code (Public Resources and Conservation) Chapter 2, Section 206.6 be amended to provide as follows? [Note: Proposed amendment is underlined. Language proposed to be removed is indicated by a ~~strikeout~~.]

206.6 ~~No person shall play or play a game in which a ball, Frisbee, or similar object is used on any public street or way in Ogunquit. No person shall play a game or participate in any like activity in which a ball, Frisbee, or other similar object is used, on U.S. Route One, Beach Street, Shore Road, River Road, Hoyt’s Lane or Berwick Road, and no such object, activity or game shall, otherwise or elsewhere, interfere with the orderly flow of vehicular and pedestrian traffic.~~

YES - 584 NO - 254

Article 14: Shall an ordinance entitled “An Ordinance to Amend Title VI of the Ogunquit Municipal Code (Bicycles and Pedestrians) Chapter 2, Section 204.3 and Chapter 3, Section 302.1 be amended to provide as follows? [Note: Proposed amendment is underlined. Language proposed to be removed is indicated by a ~~strikeout~~.]

204.3 ~~A person shall not park or secure a bicycle in or on any public property for a period exceeding twenty-four (24) hours. ride a bicycle on any lawful sidewalk or Marginal Way, on any private property without permission of the owner, on Ogunquit Beach from May 15 until September 15 of each year, or in a fashion which causes damage to any municipal property. A bicyclist is permitted to walk a bicycle over any grassy area, wooded trail, or any paved surface, including sidewalks, reserved for pedestrian use.~~

302.1 ~~No person shall use, ride or operate, or attempt to upon any public highway, use, ride or operate a skateboard, as here and after defined, roller blades, or roller skates, on U.S. Route One, Shore Road, Beach Street, River Road, Hoyt’s Lane and Berwick Road or upon a lawful sidewalk, or upon private property without permission from the property owner. within the Town of Ogunquit. Skateboarding is permitted on public parking areas from October 1 to May 15. The operation of a skateboard and use of roller blades or roller skates within public parking areas is permitted, if undertaken in a manner which does not interfere with the flow of traffic associated with vehicular parking and vehicular and pedestrian passage.~~

YES - 602 NO - 245

Article 15: Do you favor a prohibition on the sale of water by the Kennebunk, Kennebunkport & Wells Water District for resale as bottled water?

[Note: This Article was generated by the Select Board due to overwhelming public support to continue to provide high water quality for the citizens and future generations of the Town of Ogunquit].

YES - 617 NO - 229

Article 16: Shall the Town vote to adopt the following addition to Title I, Chapter 3, Departments, of the Ogunquit Municipal Code?

Add the following to the end of Section 301, “Informational Bureau”:
Recreation Department Recreation Director
[Note: **Petitioned Article**]

YES - 489 NO - 280

Article 17: Shall an ordinance entitled “An Ordinance to Amend Title VII of the Ogunquit Municipal Code (Animal Control) Chapter 1, Section 104.1 Definitions” be amended to provide as follows? [Note: Proposed amendment is underlined.]

104.1 At large: Off the premises of the owner, unless controlled by a leash, cord, chain or unless within a vehicle, or under restraint in an open vehicle being driven or parked in any public area, or under voice control as demonstrated to, and accepted, by the Animal Control Officer.

[**Note:** This Article was generated by the Select Board to replace the question submitted by Petition to be included on a Town Warrant and to clarify any confusion caused by the language in the original Petition relative to the amendment of the definition “At Large” in the Animal Control Ordinance.]

YES - 463 NO - 357

Article 18: Shall the Town vote to raise and appropriate the sum of **\$369,179** for **General Government** expenditures? (**Note:** If this article is defeated, the appropriation for General Government will default to one-half (1/2) of the 2008 budget appropriation.)

Funding for this Article:	TOTAL EXPENSES	\$369,179
	FROM REVENUE	<u>\$201,075</u>
	NET FROM TAXES	\$168,104

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

YES - 534 NO - 276

Article 19: Shall the Town vote to raise and appropriate the sum of **\$214,839** for **Land Use Department** expenditures? (**Note:** If this article is defeated, the, appropriation for the Land Use Department will default to one-half (1/2) of the 2008 budget appropriation.)

Funding for this Article:	TOTAL EXPENSES	\$214,839
	FROM REVENUE	<u>\$ 68,905</u>
	NET FROM TAXES	\$145,934

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

YES - 502 NO - 312

Article 20: Shall the Town vote to raise and appropriate the sum of **\$722,015** for **Police Department** expenditures? (**Note:** If this article is defeated, the appropriation for the Police Department will default to one-half (1/2) of the 2008 budget appropriation.)

Funding for this Article:	TOTAL EXPENSES	\$722,015
	FROM REVENUE	\$148,050
	FROM UDFB *	<u>\$ 60,000</u>
	NET FROM TAXES	\$513,965

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

YES - 480 NO - 342

Article 21: Shall the Town vote to raise and appropriate the sum of **\$531,313** for **Fire-Rescue Department** expenditures? (**Note:** If this article is defeated, the appropriation for the Fire-Rescue Department will default to one-half (1/2) of the 2008 budget appropriation.)

Funding for this Article:	TOTAL EXPENSES	\$531,313
	FROM REVENUE	\$ 65,550
	FROM UDFB*	<u>\$ 60,000</u>
	NET FROM TAXES	\$405,763

Select Board recommends: Yes (5-0)

Budget Review Committee recommends: Yes (5-0)

*Undesignated Surplus Fund Balance

YES - 556 NO - 268

Article 22: Shall the Town vote to raise and appropriate the sum of **\$104,500** to provide for **Utilities (Street Lights, Sewer Fees and Water Hydrants)? (Note: If this article is defeated, the appropriation for this item shall be one-half (1/2) of the 2008 budget appropriation.)**

Funding for this Article:	TOTAL EXPENSES	\$104,500
	FROM REVENUE	<u>\$ 0</u>
	NET FROM TAXES	\$104,500

Select Board recommends: Yes (5-0)

Budget Review Committee recommends: Yes (5-0)

YES - 595 NO - 224

Article 23: Shall the Town vote to raise and appropriate the sum of **\$452,724** for **Public Works Department** expenditures? **(Note: If this article is defeated, the appropriation for the Public Works Department will default to one-half (1/2) of the 2008 budget appropriation.)**

Funding for this Article:	TOTAL EXPENSES	\$452,724
	FROM REVENUE	<u>\$ 26,200</u>
	NET FROM TAXES	\$426,524

Select Board recommends: Yes (5-0)

Budget Review Committee recommends: Yes (5-0)

YES - 514 NO - 301

Article 24: Shall the Town vote to raise and appropriate the sum of **\$204,076** for **Transfer Station** expenditures? **(Note: If this article is defeated, the appropriation for the Transfer Station will default to one-half (1/2) of the 2007 budget appropriation.)**

Funding for this Article:	TOTAL EXPENSES	\$204,076
	FROM REVENUE	<u>\$ 57,300</u>
	NET FROM TAXES	\$146,776

Select Board recommends: Yes (5-0)

Budget Review Committee recommends: Yes (5-0)

YES - 545 NO - 272

Article 25: Shall the Town vote to raise and appropriate the sum of **\$40,098** for **Harbormaster** expenditures? **(Note: If this article is defeated, the appropriation for the Harbormaster will default to one-half (1/2) of the 2008 budget appropriation.)**

Funding for this Article:	TOTAL EXPENSES	\$ 40,098
	FROM REVENUE	<u>\$ 28,650</u>
	NET FROM TAXES	\$ 11,448

Select Board recommends: Yes (5-0)

Budget Review Committee recommends: Yes (5-0)

YES - 560 NO - 272

appropriation for the Information Services Department will default to one-half (1/2) of the 2008 budget appropriation.)

Funding for this Article:	TOTAL EXPENSES	\$ 25,888
	FROM REVENUE	\$ 20,020
	NET FROM TAXES	\$ 5,868

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

YES - 512 NO - 311

Article 31: Shall the Town vote to raise and appropriate the sum of **\$119,436** for **Debt Management** expenditures? (**Note:** If this article is defeated, the appropriation for Debt Management will default to one-half (1/2) of the 2008 budget appropriation.)

Funding for this Article:	TOTAL EXPENSES	\$119,436
	FROM REVENUE	\$ 16,200
	FROM UDFB*	\$ 70,000
	NET FROM TAXES	\$ 33,236

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

*Undesignated Surplus Fund Balance

YES - 555 NO - 263

Article 32: Shall the Town vote to raise and appropriate the sum of **\$5,500** for the **Parks Committee** expenditures? [**Note:** If this article is defeated, the appropriation for the Parks Committee will be \$0 pursuant to Section 503 of the Town Charter.]

Funding for this Article:	NET FROM TAXES	\$ 5,500
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Select Board recommends: Yes (5-0)
Budget Review Committee recommends: Yes (5-0)

YES - 560 NO - 252

Article 33: Shall the Town vote to raise and appropriate the sum of **\$3,500** for the **Performing Arts Committee** expenditures? [**Note:** If this article is defeated, the appropriation for Debt Management will default to one-half (1/2) of the 2008 budget appropriation.)

Funding for this Article:	NET FROM TAXES	\$ 5,500
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Select Board recommends: Yes (5-0)
Budget Review Committee recommends: Yes (4-1))

YES - 510 NO - 305

Article 34: Shall the Town vote to raise and appropriate up to **\$12,000** for **Tax Anticipation Note Interest**? [**Note:** This is an annual appropriation for cash flow purposes. If this article is defeated, the appropriation for Tax Anticipation Note Interest shall be one-half (1/2) of the 2008 budget appropriation.)

Funding for this Article:	NET FROM TAXES	\$ 12,000
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Select Board recommends: Yes (5-0)
Budget Review Committee recommends: Yes (5-0)

YES - 532 NO - 267

Article 35: Shall the Town vote to expend up to \$190,000 from the undesignated surplus fund balance to offset the 2009 costs of operating the emergency services dispatch and other 2009 costs?

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

YES - 570 NO - 219

Article 36: Shall the Town vote to transfer the sum of \$40,055 from Undesignated Surplus to cover the unanticipated costs of the **General Government Department** over the amounts previously budgeted for 2008?

Town Manager Search \$ 4,500
Town Manager Salary & Benefits \$ 19,830
Insurance & Retirement Benefits \$ 3,475
Additional Expenses for Union Contracts \$ 7,500
Additional Expenses for Zoning Issues \$ 4,750

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

YES - 501 NO - 299

Article 37: Shall the Town vote to transfer the sum of \$10,000 from undesignated surplus to cover the Town's share of a 2008 State Grant for Perkins Cove?

Fuel Ramp and Catwalk \$ 7,500
Floats for Mooring of Boats \$ 2,500

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

YES - 657 NO - 151

Article 38: 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 2009 will result in a tax commitment that is greater than the property tax levy limit?

YES - 306 NO - 487

Article 39: 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 MRSA §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?

YES - 546 NO - 258

Article 40: 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?

YES - 670 NO - 120

