

**WARRANT RETURN
FOR THE
2012 SPECIAL TOWN MEETING
OF THE
TOWN OF OGUNQUIT
NOVEMBER 6, 2012**

The Special Town Meeting was called to order by Deputy Town Clerk Christine L. Murphy with the Reading of the Call, Return and First Article. The polls were declared open at 8:00 AM.

Cynthia Douglass, Marjorie Esau, Blanche Feinberg, Kay Hamlin, Frederica Hart and Tracey-Ann Leach served as Ballot Clerks/Counters. A total of **915** people voted at the polls.

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.]

Cheryl Emery was elected as Moderator.

ARTICLE 2: Shall the Town vote to spend up to \$25,000 from the Undesignated Fund Balance for the repairs and maintenance of the Perkins Cove Drawbridge?

YES 799 NO 102

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~~.]

Article 3 – Section 308.2 – Quorum and Voting

308.2.3 Each Board member in attendance shall vote on all issues and questions presented for a vote except when a valid conflict of interest or appearance of a conflict of interest clearly exts., in which case, the member must abstain. ~~If any member does abstain from a vote, other than because of a recognized conflict of interest, he or she shall be considered to have cast a vote in the affirmative and the record shall so show.~~ Otherwise, members in attendance will vote in one of the following responses: “in favor”, “against”, or “present”. A member voting “present” will be considered to be part of the necessary quorum. The record will show votes “in favor”, “against”, and “present”.

Summary: A member should have the opportunity and right to vote “present” if they feel they have insufficient information or no opinion.

YES 708 NO 158

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

Article 3

REMOVE:

~~SECTION 312~~ AN INDEPENDENT ELECTION COMMITTEE SHALL BE JUDGE OF ELECTIONS

ELECTIONS

~~312.1~~ ~~The Town Clerk shall convene and swear in an independent committee of three citizens, to be known as the Election Committee, to resolve all disputed and challenged ballots~~

~~in elections for municipal office where there are enough challenged or disputed ballots to affect the result of the election. It shall have the power to subpoena witnesses and require the production of records. The Election Committee shall determine the result of the election as soon as reasonably possible and certify that result to the Town Clerk. The decision of the Election Committee shall be subject to court review pursuant to applicable law.~~

~~312.2 The Election Committee shall consist of three registered voters of Ogunquit; one Democrat, one Republican, and one who is not registered as either a Democrat or Republican.~~

~~312.3 Candidates for the Election Committee positions shall submit their names to the Town Clerk who shall place them on the ballot at the Annual Town Meeting. The three candidates (Democrat, Republican and one who is not registered as either a Democrat or Republican) who receive the highest vote in each category will be declared the winner and serve as a member of the Election Committee until the next Annual Town Meeting.~~

**Article 3 -
REPLACE WITH:**

SECTION 312 SELECT BOARD SHALL BE JUDGE OF ELECTIONS

The Select Board 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.

Summary: Since the Independent Election Committee was approved by the voters in April 2008, there has been a "failure to elect". Therefore, it is recommended that the Town revert back to the Select Board acting as judge of elections.

YES 604 NO 239

ARTICLE 5: Shall the Town vote to approve the proposed Charter amendment printed below? [Note: Proposed amendment is underlined.]

Article 1 – Section 102 - Powers of the Town

102.6 Lay out, construct, reconstruct, alter, maintain, repair, control and operate roads, streets and ways, sidewalks, Marginal Way, public parks and beaches, public walks, public parking lots, and public wharves and buildings.

Summary: Marginal Way was removed in 2008 Charter revision. It was always specified in the past Charters and should be reinserted due to its distinct characteristic.

YES 793 NO 91

Moderator Cheryl Emery had to leave the polls at 5:00PM and appointed Judy Yates to serve as Deputy Moderator in her absence. Moderator Yates declared the polls closed at 8:00PM and counting of the ballots commenced. Deputy Moderator Yates officially adjourned the meeting at 9:30PM.

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

Office of the Town Clerk