

**WARRANT RETURN FOR THE SPECIAL TOWN MEETING
OF THE
TOWN OF OGUNQUIT
Tuesday, November 8, 2005**

The Special Town Meeting was called to order by Town Clerk Judy S. Kagiliery with the Reading of the Call, Return and First Article. The polls were declared open at 9:00 AM.

Marjorie Esau, Blanche Feinberg, Alan Kupper and Mary Littlefield served as Ballot Clerks/Counters. A total of 720 people voted at the polls. Christine L. Murphy was Elected Moderator and closed the polls at 8:00 PM. Counting of the ballots then 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].

ARTICLE 2: To vote by secret ballot on the following questions, to wit:

REFERENDUM QUESTION #1

Shall Chapter 3; Section 301 of Title VIII entitled "Harbor and Watercraft Ordinance" of the Ogunquit Municipal Code be amended by the addition of a new Section 301.7 as shown below?

301. General Regulations
301.7 "Trawling for fish within the confines of the inner harbor and above the drawbridge is prohibited"

YES - 525

NO - 153

REFERENDUM QUESITON #2

Shall the Town vote to establish a reserve account for the purpose of computer software and hardware purchases pursuant to Title 30-A, MRSA, Section 5801.2 and, furthermore, to transfer \$40,000 from previously appropriated capital improvement monies from the 2004 Capital Improvement Program (\$20,000) and the 2005 Capital Improvement Program (\$20,000)? [NOTE: **These monies have previously been raised and appropriated and will not affect the tax commitment.**]

YES - 510

NO - 182

REFERENDUM QUESTION #3

Do you want the Town of Ogunquit's Zoning Ordinance to be amended so that fast food restaurants and formula restaurants defined as restaurants that prepare food and beverages on site for public sale and are required by contractual or other arrangement to utilize any of the following: prescribed employee uniforms, interior or exterior color schemes, architectural design, signage, name, presentation format or similar standardized features which cause the restaurant to be substantially identical to another restaurant regardless of ownership or location, to be prohibited in every zoning district in Ogunquit? [NOTE: **Petitioned Article**]

YES - 506

NO - 207

REFERENDUM QUESTION #4

Shall a new Article 14 entitled “**CONDOMINIUM CONVERSION ORDINANCE**” be added to the Ordinance entitled “Ogunquit Zoning Ordinance”, which is also known as Title X of the Ogunquit Municipal Code, in the form posted and previously made available in the Town Clerk’s Office for inspection, use and examination by the public?

14.1 Title

This Chapter shall be known and may be cited as “Condominium Conversion Ordinance of Ogunquit.”

14.2 Purpose

The purpose of this Ordinance is to protect the public health, safety, and welfare by regulating condominium conversions in Ogunquit. The necessity for regulating condominium conversions is to protect the public from fraud or duress.

14.3 Authority

Authority to enact is found generally under Maine Home Rule authority and 33 M.R.S.A. sec. 1604-111 (f).

14.4 Permit Required

As of date of passage, any existing structure or property which is converted to condominium ownership in accordance with the provisions of the Maine Condominium Act, Title 33, Chapter 31, regardless of whether or not there is any proposed change in use or any proposed physical change in the structure or property, shall be required to obtain a condominium conversion permit from the Code Enforcement Officer.

14.5 Procedure and Fee

The Code Enforcement Officer, with the assistance of the town attorney and the Town's planning consultant, shall review the proposed condominium declaration and any drawings or supporting documents, and shall only approve the condominium conversion permit upon finding that the declaration is worded in a way that will insure that the prospective condominium owner will be thoroughly informed of the permitted use of their property and any restrictions placed upon its use by the Zoning Ordinance, Subdivision Regulations, Planning Board conditions of approval, or other Town Codes or Town license restrictions. The permit application fee for a Condominium Conversion Permit shall be \$250. In addition, the applicant shall pay a fee of \$1500 to be deposited in a special account designated for that condominium conversion permit application to be used by the Code Enforcement Officer for hiring independent consulting services to review the application. If the balance in this special account is drawn down by 75%, the Code Enforcement Officer shall notify the applicant and require that an additional \$750 be deposited by the applicant. The Code Enforcement Officer shall continue to notify the applicant and require an additional \$750 be deposited as necessary whenever the balance of the account is drawn down by 75% of the original deposit. Any balance in the account remaining after a decision on the Condominium Conversion Permit application by the Code Enforcement Officer shall be returned to the applicant.

14.6 Violations

Filing of a condominium declaration converting an existing structure or property to condominium ownership prior to obtaining a Condominium Conversion Permit shall be considered a violation of this Ordinance. In addition to any court ordered injunctive relief, violation of this ordinance shall be deemed a land use violation for which fines and attorney's fees shall be allowed under 30-A M.R.S.A. sec. 4452.

YES - 523

NO - 160

REFERENDUM QUESTION #5

Shall the Town vote to approve the proposed Charter amendment printed below?

Section 504 Revenue and Expenditures

Anticipated revenues and taxation will be identified on each appropriation account. The budget for all departments shall include all proposed expenditures. Total expenditures will not exceed total income. The gross appropriation for each department shall not be exceeded except by vote at a Special Town Meeting or as provided herein. Amounts may be transferred by the Board of Selectmen within the department as long as the approved total departmental budget amount is not exceeded. Transfers between departments (Warrant Articles) shall be allowed only as a final adjustment at the end of the fiscal year following a public hearing at a Board of Selectmen Meeting; provided, this transfer is limited to an amount not to exceed Ten Thousand Dollars (\$10,000) for any one department and not to exceed Fifty Thousand Dollars (\$50,000) to all departments overall; provided further, amounts above these limits require approval at a Special Town Meeting preceded by a public hearing before the Board of Selectmen at least ten (10) days in advance, said public hearing to be preceded by at least seven (7) day's notice by a posting of the proposed Warrant Article(s), together with the time and place of the public hearing, and with absentee ballots to be available no less than fifteen(15) days before the date of the Special Town Meeting. [NOTE: Proposed amendment is underlined.]

YES - 550

NO - 111

Moderator Murphy posted the results of the vote and prepared the Return of Votes Cast for the Town Clerk. The Special Town Meeting was officially adjourned at 8:45 PM.

Town of Ogunquit

ATTEST:

Judy S. Kagiliery, Town Clerk
TOWN OF OGUNQUIT

Dated: November 9, 2005