

Charles L. Waite, III, Chair  
John M. Daley, Vice Chair  
Richard A. Dolliver  
Madeline S. Mooney  
Robert N. Winn, Jr.



**AGENDA**  
**MEETING OF THE OGUNQUIT SELECT BOARD**  
**TUESDAY, SEPTEMBER 4, 2018**

- 1.0 **CALL TO ORDER: 6:00PM**
  - 1.1 Roll Call of Members
  - 1.2 Pledge of Allegiance
  - 1.3 Select Board Minutes - August 21, 2018
  
- 2.0 **PRESENTATIONS, PROCLAMATIONS, RESOLUTIONS & COMMUNICATIONS**
  - 2.1 Recognition of Arnie Ginsburg
  
- 3.0 **TOWN MANAGER'S REPORT**
  
- 4.0 **UNFINISHED BUSINESS**
  
- 5.0 **NEW BUSINESS**
  - 5.1 Ruck for the Fallen - Dean Barron, President & Founder of Maine Fallen Heroes Foundation  
Select Board Action on a Request to hold a Military Grade Ruck Event at Ogunquit Beach on October 20, 2018
  - 5.2 FY 2018-2019 Tax Rate  
Select Board Action to Set the Tax Mil Rate and Overlay for the 2018-2019 Fiscal Year
  - 5.3 Acceptance of Forfeited Funds to be transferred from the State of Maine  
Select Board Action on the acceptance of funds from the State of Maine in the amount of \$1,350
  - 5.4 Public Hearing on the Proposed Warrant Articles for the November 6, 2018 Special Town Meeting  
Public Comments and Questions on the Warrant Articles for the November 6, 2018 Special Town Meeting
  - 5.5 Request for the Town to Plow and Sand Mariner Overlook pursuant to the Ogunquit Public Easement Road Policy- Joseph Colozzo, Property Owner  
Select Board Action on a Request for an Article to be placed on the November 6, 2018 Special Town Meeting Warrant for Winter Maintenance of Mariner Overlook
  - 5.6 Order to the Town Clerk for Placement of Secret Ballot Referendum Questions on the Ballot for the November 6, 2018 Special Town Meeting  
Select Board Action on the November 6, 2018 Special Town Meeting Order

5.7 Special Town Meeting Warrant for November 6, 2018  
Select Board Action on the November 6, 2018 Special Town Meeting Warrant

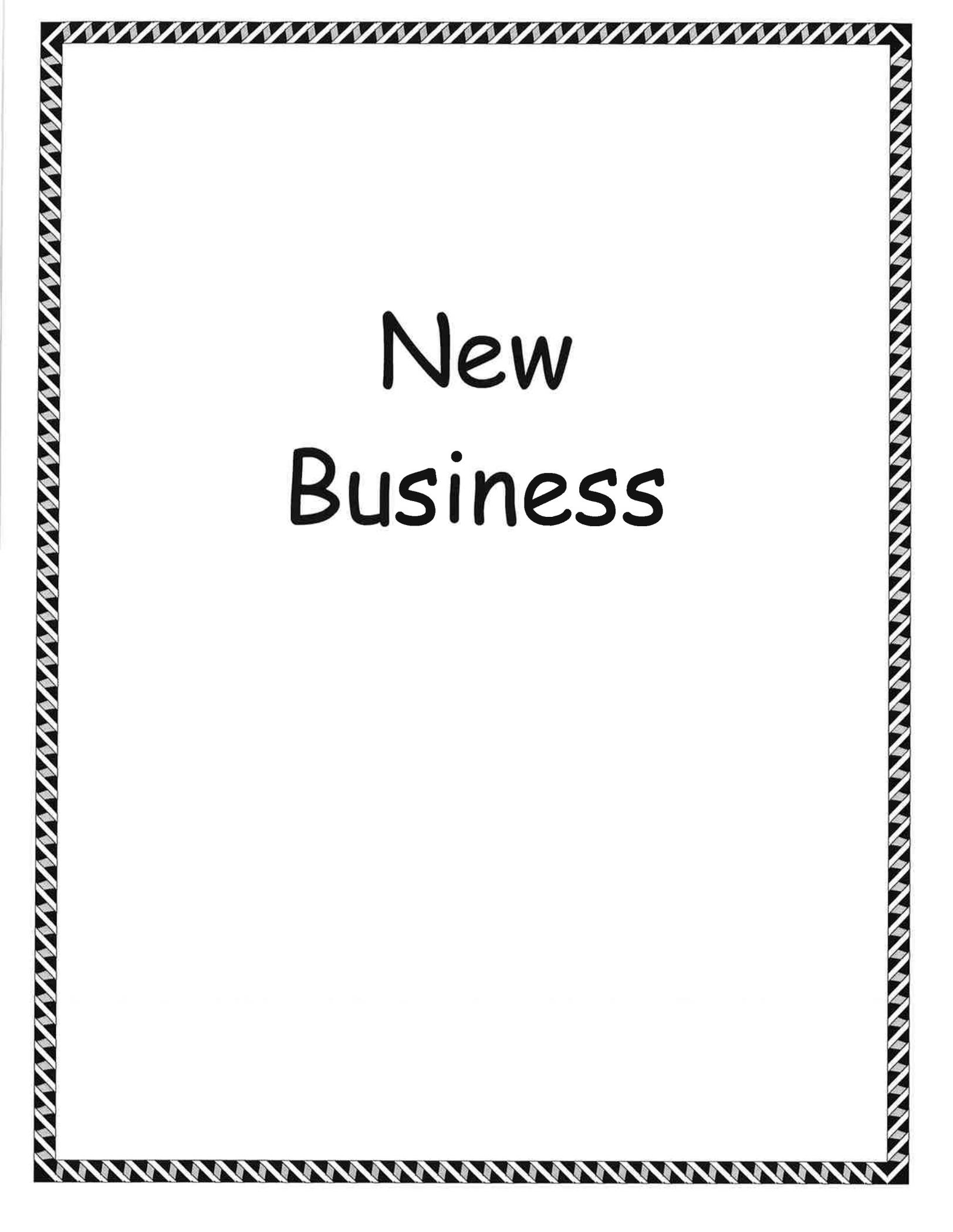
6.0 **CITIZEN COMMENTS (For town topics not on the agenda)**  
*The Select Board welcomes public comments and questions about Town-related issues that are not on the agenda. We ask that people keep comments on point and within 3 minutes.*

7.0 **OTHER BUSINESS**

7.1 Select Board Goals

7.2 Select Board Reports and Announcements

8.0 **ADJOURNMENT**



# New Business

## 2018 Ruck for Our Fallen

If approved, the following information will be publicized:



**#MHOFH #MGSFANF #FORTHEM**

**Join Our Military, Veterans, Police, Fire, EMT's & The Families of our Fallen**

**Saturday, October 20th 12:00 Noon**  
*On beautiful Ogunquit Beach for an event you'll never forget!*

**RUCK FOR OUR FALLEN**  
a military grade ruck event

**Ogunquit Beach - October 20th, 1200 - 1800 hrs**  
**3 Fitness Levels - Something for Everyone!**

**Challenge Other 4, 6 & 8 Person Teams**  
Individual Participation is Always Welcome

**GORUCK**



**In Co-operation with The Town of Ogunquit & Ogunquit Chamber of Commerce**

**BIG NEWS!! THIS AMAZING EVENT IS JUST EIGHT SHORT WEEKS AWAY!**

We're headed back to Ogunquit where it all began 10 years ago! The Ruck for our Fallen is a ruck event which will take place on Ogunquit Beach. Our event takes place at the same time as the 15th Annual OgunquitFest so they'll be thousands on hand to watch our event! We've also teamed up with GoRuck.com if you're looking for any gear you might need for the event!

The Ruck for our Fallen is a military-style ruck event which will take place on Ogunquit Beach. This event is to honor ALL of Maine's Fallen Heroes and give their families a unique bonding experience.

We're wicked excited to announce that registration for the 2018 Ruck for our Fallen is Open! We have (3) fitness levels so there is something for everyone to enjoy! Slick (Light), Tactical (not so easy), Heavy (where the fun starts!)

Get your team together & challenge the others! We're expecting people from near & far for this first of its kind annual event for our fallen heroes & their families. We look forward to seeing you on Oct 20th!

This event has something for every fitness level! Slick is actually a 5K walk & minimal pushups & situps at the end. It's light and fairly easy!

This event is designed as an adult competition. Children under the age of 12 may participate at no cost. They will not be given a t-shirt at the end of the ruck. They will be given awards suitable for children. We're not giving away t-shirts. We hope you can understand that this is a charity event.

Team Ruck Competition: The key to this event is to do it as a team. We suggest a team of 4, 6 & 8 members. Team rucks help raise money for a good cause. They also build community relations and help us all share our love for one another.

Individual registrations are also welcome!

Registration Options:

**Slick - No weight, walking/rucking**

Slick means that you won't be carrying a pack or any additional weight. You may want to use your empty pack to tote some water with you on the first leg of the ruck. At the end of your 5K Ruck you will be required to attempt 10 pushups & 10 sit-ups before completing the Slick level. All registered participants will receive a t-shirt and award upon completion.

\$25.00

**Tactical - 7 lbs+ weight, walking/rucking**

At the Tactical level you will be carrying a pack with additional weight in it. We aren't checking weights, but would like all participants in this level to ruck with at least 10lbs. You may also want to tote some water with you and make sure you save some for the second leg of the ruck. At the end of your 10K Ruck you will be required to attempt 20 pushups & 20 sit-ups before completing the Tactical level. All registered participants will receive a t-shirt & finishers medal upon completion.

\$50.00

**Heavy - 20 lbs+ weight, walking/rucking**

The Heavy level requires you will be carrying a pack with at least 20lbs. in it. You may also want to tote some water with you and make sure you save some for the third leg of the ruck. At the end of your 15K Ruck you will be required to attempt 30 pushups, 30 sit-ups, 5 chin-ups, tire flip & sandbag drag before completing the Heavy level. All registered participants will receive a t-shirt & special finishers medal upon completion.

\$75.00

We encourage you to get your team together & challenge the other teams from around Maine! Fire Departments challenge your Police Departments! Boy Scouts come and challenge our Military Cadets! Everyone come and challenge yourself!

We also encourage you to share this event with your friends & family so that they're aware of this amazing event!

If you aren't interested in rucking. There's a Car Show w/ 130 vehicles & a Shopping Bazaar with over 75 vendors close to the beach as well as many other activities in conjunction with the 15th Annual OgunquitFest.

Please feel free to call me at 207-229-0229 or email me. If you have any questions about this inaugural event.

Best Regards,

Chris Robinson

President

Register as an Individual or as a Team Here!

Families of our Fallen & Volunteers Register Here!

Maine Fallen Heroes Foundation

P.O. Box #226, Auburn, ME 04212

Phone: (207) 229-0229

Best Regards,

Dean

Dean Barron

P.O. Box 226

Auburn, ME 04212-0226

Office: 207-747-0888

Cellphone: 207-229-0229

Toll-Free 1-800-590-2449

Fax Number: 207-747-0888 ext #7

Maine New Media - Partner/Owner

Maine Fallen Heroes Foundation - Chairman

Maine Veterans Memorial Cemetery - Secretary

My Personal Website & Resume

START VIDEO CONFERENCE

## Admin

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**From:** John Quartararo [treasurer@townofogunquit.org]  
**Sent:** Tuesday, August 21, 2018 2:16 PM  
**To:** 'Pat Finnigan'  
**Cc:** Chief Patricia L. Arnaudin; 'Christine Murphy'; 'Admin@townofogunquit.org'  
**Subject:** Select Board Action Required  
**Attachments:** 0210\_001.pdf

Pat,

Chief Pat received the attached document by mail.

The purpose of the letter is to advise the Town that the State of Maine intends to transfer \$1,350.00 of forfeited funds to the Town.

Before the transfer can be made, the Select Board must formally act to accept the transfer of funds.

Therefore, on the next Select Board agenda please add an item for accept of forfeited funds to be transferred from the State of Maine.

Suggested language for the motion is included below.

Upon affirmative action by the Select Board, you or Chris Murphy, as Town Clerk, would be able to sign and seal the document and then return it to the Attorney General's Office.

Suggested language:

*Motion to accept the transfer of \$1,350.00 or such other amount of forfeited funds from the State of Maine per the requirements of 15 MRSA sec 5824(3). The Town Manager or the Town Clerk is directed to complete and return the document provided by the Attorney General's Office for the Superior Court to the Attorney General.*

These funds come from a criminal case in which our police officer participated when was assigned to Maine Drug Enforcement Agency.

Thank you,

***John Quartararo***

*Treasurer*

*Town of Ogunquit*

*PO Box 875*

*Ogunquit, ME 03907-0875*

*207-646-3018*

*fax 207-646-5920*

JANET T. MILLS  
ATTORNEY GENERAL



REGIONAL OFFICES  
84 HARLOW ST. 2ND FLOOR  
BANGOR, MAINE 04401  
TEL: (207) 941-3070  
FAX: (207) 941-3075

415 CONGRESS ST., STE. 301  
PORTLAND, MAINE 04101  
TEL: (207) 822-0260  
FAX: (207) 822-0259

14 ACCESS HIGHWAY, STE. 1  
CARIBOU, MAINE 04736  
TEL: (207) 496-3792  
FAX: (207) 496-3291

TEL: (207) 626-8800  
TTY USERS CALL MAINE RELAY 711

STATE OF MAINE  
OFFICE OF THE ATTORNEY GENERAL  
6 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0006

August 10, 2018

Ogunquit Police Department  
Chief Patricia Arnaudin  
10 Cottage Street, P.O. Box 666  
Ogunquit, ME 03907

RE: State of Maine vs. Charles Hayes, Jr.  
York County Superior Court Doc. No. CR-16-261 - **Criminal Forfeiture**  
Required Vote of Municipal Officers/Approval of Transfer of Forfeiture Assets

Dear Chief Arnaudin:

Enclosed please find a draft Approval form for submission to the municipal officers.

Please inform the municipal officers that:

A. 15 M.R.S.A. §5824(3) requires that, before any forfeitable item may be transferred to a State Agency, County or Municipality, the municipal legislative body must publicly vote to accept the item(s) **if subsequently ordered forfeited by the Court;**

B. Under Rules issued by the Department of the Attorney General, a public vote must be made on each forfeiture "approval" and a "continuing resolution" of approval cannot be accepted;

C. As with all forfeitures, an approval of a transfer by the municipal legislative body does not guarantee either that the Defendant(s) *In Rem* will in fact be forfeited or, if forfeited, that the Court will order the item(s) transferred to the approving Department, Agency, County or Municipality. The municipal legislative body's approval only signifies that, if the Defendant(s) *In Rem* are in fact ordered forfeited and, if the Attorney General and the Court agree to a transfer of all or part of the Defendant(s) *In Rem* to a Department, Agency, County or Municipality based upon the "*substantial contribution*" of that Department, Agency, County or Municipality, then that entity is in fact, willing to accept the Defendant(s) *In Rem* or portions thereof. In order to streamline what is otherwise a cumbersome forfeiture process, it is our practice to seek State, county or municipal approval in anticipation of the final order of forfeiture. However, final forfeiture is not guaranteed and both the municipal legislative body and the law

enforcement agency involved are **cautioned** that they **should not encumber** funds or property until a Final Order granting them lawful title to the property is delivered to them;

D. Under the provisions of the Forfeiture Statute, if the municipal legislative body fails to approve a transfer in a timely manner, any forfeited items shall be transferred to the State of Maine General Fund.

Assuming your municipal legislative body does grant its approval, kindly see to it that the accompanying form is signed by the appropriate person and is "embossed" with the seal of the municipality. Then, please return the **original** to me for filing, and retain a copy for your records.

My sincere thanks for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Raphaëlle Silver for". The signature is written in a cursive style.

Raphaëlle Silver  
Assistant Attorney General  
**CRIMINAL DIVISION**

Enclosure

STATE OF MAINE  
York, ss  
•

SUPERIOR COURT  
Criminal Action  
Docket No. CR-16-261

State of Maine	}	
	}	Municipality of Ogunquit
v.	}	Approval of Transfer
	}	15 M.R.S.A. §5824(3) & §5822(4)(A)
Charles Hayes, Jr.,	}	
Defendant;	}	
	}	
And	}	
	}	
\$2,700.00 U.S. Currency	}	
Defendant(s) In Rem	}	

NOW COMES the municipality of Ogunquit, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) to the transfer of the above captioned Defendant(s) in Rem (\$1,350.00 U.S. Currency), or any portion thereof, on the grounds that the Ogunquit Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Ogunquit, Maine does hereby approve of the transfer of the Defendant(s) in Rem, or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Ogunquit municipal legislative body on or about

\_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
Municipal Officer  
Ogunquit, Maine  
(Impress municipal legislative body seal here)



**TOWN OF OGUNQUIT**

**NOTICE OF PUBLIC HEARING**

*The Municipal Officers of the Town of Ogunquit will conduct a Public Hearing at 6:00 PM on Tuesday, September 4, 2018 in the Auditorium of the Dunaway Community Center, 23 School Street, for the purpose of a Public Hearing on the proposed Warrant for the November 6, 2018 Special Town Meeting.*

  
Jo Anne Lepley, Deputy Town Clerk

  
Patricia Arnaudin, Police Chief

Posted: August 28, 2018  
Dunaway Community Center  
Ogunquit Transfer Station  
WOGT

# **PUBLIC EASEMENT ROAD POLICY**

## **TOWN OF OGUNQUIT, MAINE**

*Adopted April 5, 2016*

*Effective July 1, 2016*

### **PURPOSE**

The Ogunquit Town Select Board has adopted this policy to legally aid various public easement road associations maintain publicly deeded easements in a reasonable condition. The Town has adopted this policy in accordance with state law as of the policy's adoption date. This Public Easement Policy shall only apply to those roads in existence prior to the adoption date of this Public Easement Policy, April 5, 2016.

### **DEFINITIONS**

- A. TOWN WAY – 23 MRSA Section 3021:** An area or strip of land designated and held by the Town for the passage and use for the general public by motor vehicle or foot. The Town is under a duty to maintain said roads in repair for safe and convenient passage or motorized vehicles.
- B. PUBLIC EASEMENT – 23 MRSA Section 3021:** An easement held by the Town for the purpose of public access on designated land and includes all rights enjoyed by the public with respect to unobstructed access by motor vehicle or foot. The town may at its discretion provide limited maintenance services to the public easement.
- C. PRIVATE ROAD –** A road over which neither the Town nor general public has the right to pass over by vehicle or foot.
- D. ROAD MAINTENANCE / BASIC ROAD SERVICES –** Shall mean only snow plowing and road sanding.
- E. ADEQUATE / ADEQUACY –** The Public Works Director shall determine any standard or requirement based on adequacy.
- F. ROAD –** Refers to a duly recorded (deeded) public road easement.
- G. ROAD ASSOCIATION –** A public easement road association.

### **POLICY EFFECTIVE DATE**

The Public Easement Road Policy as passed by the Select Board shall be effective July 1, 2016.

## **ROAD ADOPTION REQUIREMENTS AND PROCEDURE**

In order to provide basic road services, the Select Board, at its discretion, may “accept” a recorded public easement road. Upon acceptance, the Town Select Board at its discretion may expend public funds on a public easement road for winter maintenance only under this policy.

The Town Select Board has established the following road adoption criteria. This criterion has been established to ensure a standard level of service can be provided and to ensure that road conditions are maintained at a certain level sufficient to allow services to be provided.

All public easement roads shall meet the following criteria:

- A. Requests for public easement road acceptance under this policy shall be made in writing to the Town Manager by the road association president or designee on a Town form obtained from the Land Use offices located in Town Hall.
- B. Each respective road association shall be incorporated unless all property owners of which the respective public easement crosses over sign an individual road easement and a hold harmless clause. Each Deed shall be filed and recorded with the York County Registry of Deeds and a certified copy of such presented to the Town with their application.
- C. Each respective road association and each individual property owner if required shall sign a general release to the Town granting permission to enter upon the road and a hold harmless/release of liability agreement for any damages incurred while performing winter maintenance to the road.
- D. Only roads that outlet onto a Town Way or State Road shall be eligible for winter maintenance.
- E. At least three (3) full time year round residents are residing on the road.
- F. The traveled portion of the road is at least fifteen feet (15) in width with an overall clearance width of twenty three feet (23).
- G. The traveled portion of the roadway must have a minimum of fifteen feet (15’) from edge to edge.
- H. Four feet (4’) of unobstructed shoulder on each side of the fifteen foot roadway must be maintained at all times for a minimum road clearance of twenty-three feet. The twenty-three foot outer boundaries of the roadway must be clearly marked with survey pins and recorded in the York County Registry of Deeds.
- I. A paved or smooth gravel surface and adequate drainage to the traveled portion of the roadway must be maintained at all times. The respective Road Association or Designee

will be responsible for keeping the roadway, drainage, and clearance issues maintained and in good repair as determined by the Town Public Works Director.

- J. A clear unobstructed minimum overhead road clearance of thirteen feet six inches (13'-6") shall be maintained at all times.
- K. There is/are adequate emergency vehicle & plow truck turnaround(s).
- L. Suitability of turn-around will be determined by the Road Commissioner, Fire Chief, and Public Works Director. Compliance with all other minimum standards will be determined by the Public Works Director and Road Commissioner or their Designees.
- M. By September 1<sup>st</sup> of each year, the Public Works Director shall visit all roads accepted for Winter Maintenance to identify necessary road maintenance needed to bring that road up to standards and notify appropriate personnel of the Town's findings within seven days of that visit.
- N. All required maintenance must be completed by the end of the first full week in November on an annual basis to be eligible for winter maintenance.
- O. Upon written application to the Town Select Board and demonstration of extraordinary circumstances the Town Select Board has sole authority to waive or modify requirements of the road adoption criteria.
- P. Accompanying each road association request for acceptance shall be separate, written recommendations by the Road Commissioner and Public Works Director either supporting or not supporting public easement acceptance and their reasoning for their recommendation. A copy of the recommendation shall be forwarded to the Town Planning Office for notification purposes prior to a public easement acceptance.
- Q. All costs associated with each public easement road acceptance shall be borne by the respective road association and property owners. Said costs may include public easement recording fees, public notices, surveying, and other costs deemed relevant by the Road Commissioner, Public Works Director, and/or Town Select Board.
- R. After all criteria have been met and Select Board approval has been granted, a town vote will be necessary to bring the road into Public Easement Status. After the road has been certified by Town vote, the Select Board will have sole authority to suspend winter maintenance operations at its discretion for any reasons the Select Board may deem prudent. Annual Town votes will not be necessary after a road has been accepted as a public easement road and winter maintenance will be performed at the pleasure of the Select Board.
- T. The Town Select Board reserves the right to suspend winter maintenance to any Public Easement Road that does not comply with all required standards.

## **ROAD ASSOCIATION REPRESENTATION**

In order to provide an efficient and workable relationship between the Town and the road associations, each respective road association president or designee shall be the liaison between the Town and road association. Each road association is responsible to inform the Town Manager, in writing, identifying their respective association president or designee, address and telephone number by August 1st of each respective year.

## **MAINTENANCE POLICY**

Maintenance services covered under this policy shall consist only of snowplowing and road sanding. The provision of required materials: road sand and road salt is implied by this policy. All other maintenance aspects, materials and requirements of public easement roads accepted under this policy are the responsibility of the road association and its members. The Town does not assume or accept liability for any defects in or lack of repair to public easements.

The Town makes no presumption in any form or manner that any road accepted under this policy by the Town of Ogunquit is to be accepted as a Town Way, as defined above.

If a public easement's traveled portion is paved, the public easement road association and abutting property owners agree the Town assumes no responsibility for damages or injury to the paved surface.

## **GRADING**

The Town shall not provide grading services for public easements.

## **SNOW EMERGENCY**

If the Public Works Director determines that an emergency exists on any public easement road due to heavy snowfall and/or narrowing of the travel ways due to snow banks, the Public Works Director and the Town Manager may take such additional snow plowing and/or removal action as is deemed reasonably fit to abate the emergency. The Public Works Director shall keep accurate financial records of any such emergency work and report the same to the Town Manager at least monthly.

## **POLICY MODIFICATION**

The Town Select Board may modify this policy at any time after proper notice and public hearing as required by 1 MRSA 401 et seq.

## **HOLD HARMLESS**

As a condition of this policy, for public easement road acceptance and road maintenance, each road association hereby recognizes the Town of Ogunquit responsibilities shall be limited to the

scope of this policy and to hold the Town harmless regarding any liability for any negligent damage to property: including but not limited to: driveways, mail boxes, lawns, trees, curbing, shrubs or property markers. Each road association or individual benefiting from this policy agrees to hold the Town of Ogunquit, its officers, agents and employees harmless. This clause does not mean to hold harmless private contractors for their negligent acts.

STATE OF MAINE  
COUNTY OF YORK, ss

**ORDER FOR THE SPECIAL TOWN MEETING  
&  
Municipal Officers Certification of Official Text of Secret Ballot Referendum Questions**

**TO:** Christine L. Murphy, Town Clerk

We, the undersigned municipal officers, hereby order that the following articles be placed on the ballot as questions to be presented to the voters at the Annual Town Meeting to be held on **Tuesday, November 6, 2018**, A.D.; whereby said questions shall be presented to the voters for their consideration by secret ballot; 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.]

**\*\* Submitted by Petition \*\***

**Article 2:** Shall the municipality approve and adopt the Ogunquit Comprehensive Plan revision, dated August 10<sup>th</sup>, 2018, superseding the 2004 Comprehensive plan. A copy of said plan is available in the Town Clerk's Office for inspection, use and examination by the Public. This Warrant Article is by Petition of Voters.

**Article 3:** Shall an ordinance entitled "**Amendments to Title IV, Public Resources and Conservation Ordinance, Chapter 4 – Beaches as it relates to fines and penalties for trespassing in the dunes and dogs on the Beach and in the Estuary**" be enacted?

**Article 4:** Shall an ordinance entitled "**Amendments to Title IX, Business Ordinance, Chapter 9 – Business Registrations**" be enacted?

**Article 5:** Shall an ordinance entitled "**Amendment to the Ogunquit Zoning Ordinance Article 2, Definitions - Expansion of a Structure**" be enacted?

**Article 6:** Shall an ordinance entitled "**Amendment to the Ogunquit Zoning Ordinance, Article 6, Section 6.6.E.4 - Establishing a time frame within which a denied application may return to the Planning Board**" be enacted?

**Article 7:** Shall an ordinance entitled "**Amendment to the Ogunquit Zoning Ordinance Article 6, Section 6.6.E.5 to establish a time frame by which an active application may remain in tabled status**" be enacted?

**Article 8:** Shall an ordinance entitled "**Amendment to the Ogunquit Zoning Ordinance Article 9.15.P.6 - Shoreland Zoning Standards**" be enacted?

**Article 9:** Whereas Article 70 of the June 13, 2018 Annual Town Meeting authorized a Capital Improvement Project for repair of the Wharf Lane Footbridge in an amount of \$30,000.00; and,

Whereas on May 15, 2018 the Select Board approved the use of up to \$35,000.00 from the Natural Disaster Emergency Repair Fund for the immediate Repair of the Wharf Lane Footbridge; and

Whereas, the repair work was completed for a cost of \$28,550.00,

Now, therefore, the Capital Improvement Project approved in Article 70 of the June 13 Annual Town Meeting is hereby abandoned and \$28,550.00 of the authorized \$30,000.00 shall be transferred to the Natural Disaster Emergency Fund to make it whole for the funds authorized and expended; and \$1,450.00, the balance of the authorized amount, shall be returned to the General Fund.

**Article 10:** Shall the Town vote to allow the Highway Department to plow and sand **Mariner Overlook**, a private road on which the Town holds a recorded public easement, pursuant to the Town of Ogunquit Public Easement Road Policy, adopted by the Select Board on April 5, 2016 and effective July 1, 2016, or as otherwise allowed by Title 23 M.R.S.A. §3105-A, provided that any necessary expenses pertaining thereto must fall within existing appropriations?

Given under our hands this **4<sup>th</sup> Day of September, 2018**, A.D. in Ogunquit, Maine, by the Select Board, acting in their capacity as the Municipal Officers:

**OGUNQUIT SELECT BOARD**

\_\_\_\_\_  
Charles L. Waite, III, Chair

\_\_\_\_\_  
John M. Daley, Vice Chair

\_\_\_\_\_  
Richard A. Dolliver, Member

\_\_\_\_\_  
Madeline S. Mooney, Member

\_\_\_\_\_  
Robert N. Winn, Jr., Member

\*\*\*\*\*

State of Maine  
County of York, ss

A True Copy,  
Attest:

\_\_\_\_\_  
Christine L. Murphy, Town Clerk  
Town of Ogunquit, Maine

Dated: \_\_\_\_\_

**WARRANT  
FOR THE  
2018 SPECIAL 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, 23 School Street in said Town of Ogunquit on **Tuesday, the sixth (6<sup>th</sup>) day of November, 2018**, 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.]

**\*\* Submitted by Petition \*\***

**Article 2:**       Shall the municipality approve and adopt the Ogunquit Comprehensive Plan revision, dated August 10<sup>th</sup>, 2018, superseding the 2004 Comprehensive plan. A copy of said plan is available in the Town Clerk's Office for inspection, use and examination by the Public. This Warrant Article is by Petition of Voters.

**Article 3:**       Shall an ordinance entitled "**Amendments to Title IV, Public Resources and Conservation Ordinance, Chapter 4 – Beaches, as it relates to fines and penalties for trespassing in the dunes and dogs on the Beach and in the Estuary**" be enacted?

*Note: The symbol of "\*\*\*\*\*" indicates that there is missing text that will remain unchanged, which has been left out of this document for the purpose of brevity. Underline indicates proposed language added; and ~~strikeout~~ indicates proposed removal of language.*

**Amendments to Title IV, Public Resources and Conservation Ordinance,  
Chapter 4 - Beaches**

\*\*\*\*\*

403    *Other Beach Restrictions*

The following restrictions pertaining to the Ogunquit Beach are in addition to applicable State of Maine laws and other Ogunquit ordinances governing the public area.

403.1   *Public Behavior*

\*\*\*\*\*

403.1.3 No person shall enter restricted portions of the Ogunquit Beach **including the dune areas** and the Ogunquit Sewer Treatment Plant. The Select Board shall designate restricted areas. The minimum fine for violation of this subsection shall be ~~Fifty Dollars \$50~~ **\$200 for each violation.**

\*\*\*\*\*

403.4 *Animals*

The restrictions in this subsection are also found in the Animal Control Ordinance of Ogunquit.

403.4.1 Dogs are permitted within the Ogunquit Beach area from September 9 to March 31. 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 8. Dogs are not permitted in the Ogunquit River Estuary **year round.** (*Amended Annual Town Meeting 04/09/2001, Amended Special Town Meeting 11/04/2008, Amended Special Town Meeting 1/03/2009, Amended Annual Town Meeting Amended Annual Town Meeting 06/14/2016*)

403.4.2 Ponies or horses are not permitted on Ogunquit Beach, including the Ogunquit River Estuary, year-round. (*Amended Special Town Meeting 11/04/2008*)

**403.4.3 Penalties**

**The minimum fine for violation of this subsection shall be \$200 for each violation.**

**Article 4:** Shall an ordinance entitled “**Amendments to Title IX, Business Ordinance, Chapter 9 – Business Registrations**” be enacted?

*Note: The symbol "\*\*\*\*\*" indicates that there is missing text that will remain unchanged, which has been left out of this document for the purpose of brevity. **Underline** indicates proposed language to add, and ~~strikeout~~ indicates proposed removals of language.*

**Chapter 9 Business Registration**

901 *Title, Purpose and Definition*

901.1 This Chapter shall be known and may be cited as the ~~1989~~ Business Registration Ordinance of Ogunquit.

\*\*\*\*\*

902 *Registration Required*

902.1 No business in Ogunquit shall conduct any enterprise unless the 24 business has registered with the Town of Ogunquit and obtained all required licenses with the State of Maine. *STM 11/04/14*

902.2 Application

Applications for registration shall be on forms prescribed by the Municipal Officers and filed with the Town Clerk. Applications shall state the name of the applicant; all aliases; the applicant's residence address; the name of the business to be conducted; the business address; the precise location of the business; the nature of the business; whether the applicant has ever had a license to conduct business either denied or revoked and, if so, the circumstances of such denial or revocation. ~~If the applicant is other than an individual, the applicant shall describe its legal structure and, in the case of a partnership, shall state, for each partner, all of the information required for the individuals. If the applicant is a corporation, the applicant shall state the name, all aliases, and the names and residential and business addresses of all directors and officers.~~ The applicant shall also state the size of the business in terms required by the Municipal Officers, ~~the age of the business,~~ the maximum number of employees, and other information the Municipal Officers deem generally useful for administrative and planning purposes.

The applicant will certify that all personal property taxes assessed against the owner and/or business are paid in full, including any upcoming tax installments; and that a declaration of value was filed with the Tax Assessor for that years April 1 assessment date. (*Amended Annual Town Meeting 06/14/2016*)

902.3 After a completed application is filed with the Clerk, together with the required non-refundable registration fee, the Clerk shall forward the application ~~a Notice of Inspection~~ to the Code Enforcement Officer ~~or, Fire Chief or designee~~ or Harbormaster ~~and the Fire Chief for compliance review~~. The Tax Collector shall verify receipt of real and personal property tax payment ~~and the Tax Assessor will verify the filing of the declaration of value~~. An inspection of the business premises ~~may~~ shall be conducted by the Code Enforcement Officer and the Fire Chief or designee and if these officials find the business and the business premises to be in compliance with all municipal ordinances, regulations and life safety codes, they shall issue a Certificate, ~~within thirty (30) days of receipt of the application~~. This certificate shall be displayed conspicuously within the business premises at all times.

The certificate, so issued, shall only be evidence of compliance with this Business Registration Ordinance and shall not prevent the Town or others from later asserting noncompliance with other municipal ordinances, regulations or life safety codes. (*Amended Annual Town Meeting 06/14/2016*)

- 902.4 A copy of the certificate, signed by either the Code Enforcement Officer, Fire Chief or designee or the Harbormaster ~~and by the Fire Chief~~, shall be returned to the Clerk and filed with the original application as a permanent record of the Town.
- 902.5 The Harbormaster shall be the Inspection and Enforcement authority under this Section for all boats and fishing businesses afloat.
- 902.6 Businesses, which do not provide access to the public, and do not have any employees other than the owners are exempt from the inspection requirements of 902.3, but must register said business with the Clerk.

903 *Registration Fee*

The registration fee shall be one hundred fifty dollars (\$150). Non-profit civil, religious and municipal organizations shall pay no registration fee. The Municipal Officers are authorized to change this fee commensurate to costs of administration. (*Select Board 04/10/2012, Select Board 05/20/2014*)

- 903.1 If it is determined by the Code Enforcement Officer, Fire Chief or ~~the Harbormaster or Fire Chief~~ that the business or business premises does not comply with all municipal ordinances and regulations and life safety codes, then the applicant or business owner shall make all necessary changes, modifications or renovations that the Code Enforcement Officer, ~~or~~ Fire Chief or Harbormaster may lawfully require in writing, within a specified time and date determined by the Code Enforcement Officer, Fire Chief or Harbormaster. If the applicant or business owner fails to comply with the lawful requirements of the Code Enforcement Officer, Fire Chief or Harbormaster by the time and date specified by such official, then the business shall be closed to both the public and the business's employees until such compliance. The Code Enforcement Officer, Fire Chief or Harbormaster may inspect the business premises at any time after issuance of the certificate to ensure compliance with this Ordinance. If at any time the premises are not in compliance, the certificate may be revoked and the business subject to all remedial actions described herein.
- 903.2 Businesses ordered closed under this section will be posted as closed by the Code Enforcement Officer, ~~or~~ Fire Chief or Harbormaster, and requests for reinspection shall be treated as a new application.

904 *Registration Term*

All businesses shall register annually by June 30<sup>th</sup> ~~May 31~~. New businesses shall register before the establishment is open to the public and thereafter by June 30<sup>th</sup> ~~May 31~~. The Business Registration filing will cover the upcoming Fiscal Year (July 1 – June 30) current calendar year. (*Amended Annual Town Meeting 06/14/2016*)

905 *Business Registration Inspections*

905.1 The Code Enforcement Officer, Fire Chief or **his designee** may, at any time, inspect every registered business for compliance with Fire Safety related laws, regulations and registration conditions. The business owner or representative shall permit access to the business premises for inspection upon request of the Code Enforcement Officer, Fire Chief or his designee. (*Amended Special Town Meeting 11/04/2014*)

~~905.2 Purpose~~

~~Because of the number of businesses in the Town of Ogunquit affected by this Ordinance, an orderly schedule of inspections must be provided.~~

~~905.3 Businesses shall be divided into the following/groups:~~

~~Group 1: All new businesses.~~

~~Group 2: All existing lodging houses, guest houses, rental cabins, hotels, motels, or all transient housing.~~

~~Group 3: All existing restaurants and retail businesses, which sell food or food products.~~

~~Group 4: All other business not described in Groups 1, 2, and 3, including non-profit organizations.~~

905.23 Time Compliance

Repealed at Special Town Meeting, November 4, 2014.

905.34 Appeals

Appeals from the decision of the Code Enforcement Officer, ~~or~~ Fire Chief or Harbormaster shall be to the Municipal Officers and from the Municipal Officers to Superior Court in accordance with Maine law. The Municipal Officers shall have the following powers and duties:

To hear and decide where it is alleged that there is an error in the order, requirement, decision, or determinations made, or not made, by the Code Enforcement Officer, ~~or~~ Fire Chief or Harbormaster in the administration or enforcement of this Ordinance. The action of the Code Enforcement Officer, ~~or~~ Fire Chief or Harbormaster may be modified or reversed by the Municipal Officers by majority vote of those present and voting; however, there shall be no appeal to the Municipal Officers from any order or decision of the Code Enforcement Officer or Fire Chief which is required by the Life Safety Code and the State of Maine Plumbing Code.

906 *Enforcement*

The Clerk shall notify the Code Enforcement Officer, in writing, ~~and by group,~~ after May 31, but before the end of the last working day in June, each year, of the businesses described in Section 901.3.1 ~~and 905.2~~ that are not in compliance with this Chapter.

The Code Enforcement Officer or Harbormaster shall issue citations for violations of this Chapter. If after thirty (30) days a business owner does not take action to sure the violation alleged by the citation, the Police Chief is authorized to summon the applicant or the business owner to court. Businesses, which have not complied with the provisions of this Ordinance, are subject to injunctions as well as monetary penalties.

\*\*\*\*\*

**Article 5:** Shall an ordinance entitled “**Amendment to the Ogunquit Zoning Ordinance Article 2, Definitions - Expansion of a Structure**” be enacted? [*Note: Copies of the proposed ordinance amendments are available in the Town Clerk's Office.*]

**Amendment to the Ogunquit Zoning Ordinance  
Article 2 Definitions - Expansion of a Structure**

*Note: The symbol "\*\*\*\*\*" indicates that there is missing text that will remain unchanged, which has been left out of this document for the purpose of brevity. Underline indicates proposed language to add, and ~~strikeout~~ indicates proposed removals of language.*

\*\*\*\*\*

*Expansion of a Structure*

An increase in the footprint or height of a structure, including all extensions such as, but not limited to: attached decks, garages, porches, and greenhouses. (Amended 11/4/08, Effective 4-1-09, Amended 6-12-18)

\*\*\*\*\*

**Article 6:** Shall an ordinance entitled “**Amendment to the Ogunquit Zoning Ordinance, Article 6, Section 6.6.E.4 - Establishing a time frame within which a denied application may return to the Planning Board**” be enacted?

**Amendment to the Ogunquit Zoning Ordinance Article 6 Section 6.6.E, Establishing a time frame within which a denied application may return to the Planning Board**

*Note: The symbol of "\*\*\*\*\*" indicates that there is missing text that will remain unchanged, which has been left out of this document for the purpose of brevity. Underline indicates proposed language added; and ~~strikeout~~ indicates proposed removal of language.*

- 4. If the Planning Board denies an application another application of a similar nature shall not be brought before the Board within 1 year from the date of the denial, unless in the opinion of a majority of the Board, substantial new evidence will be brought forward that makes the revised application different based on the initial decision to deny the application.**

**Article 7:** Shall an ordinance entitled “**Amendment to the Ogunquit Zoning Ordinance Article 6, Section 6.6.E.5 to establish a time frame by which an active application may remain in tabled status**” be enacted?

**Amendment to the Ogunquit Zoning Ordinance Article 6 Section 6.6.E to establish a time frame by which an active application may remain in tabled status**

*Note: The symbol of "\*\*\*\*\*" indicates that there is missing text that will remain unchanged, which has been left out of this document for the purpose of brevity. Underline indicates proposed language added; and ~~strikeout~~ indicates proposed removal of language.*

**5. The Planning Board shall, within 30 days of finding the application complete, hold a Public Hearing. If no decision is made concurrent to the Public Hearing, the application may not be tabled for longer than 60 days unless there is additional time mutually agreed to by the Planning Board and the Applicant. Should the parties be unable to reach an agreement the Application shall be deemed to be denied.**

**46.** An appeal may be taken to Superior Court within 30 days after a decision is rendered.

**Article 8:** Shall an ordinance entitled “**Amendment to the Ogunquit Zoning Ordinance Article 9.15.P.6 - Shoreland Zoning Standards**” be enacted?

**Amendment to the Ogunquit Zoning Ordinance Article 9.12.P.6  
Shoreland Zoning Standards**

*Note: The symbol "\*\*\*\*\*" indicates that there is missing text that will remain unchanged, which has been left out of this document for the purpose of brevity. Underline indicates proposed language to add, and ~~strikeout~~ indicates proposed removals of language.*

**6. An excavation contractor conducting excavation activity within the shoreland zone shall ensure that a person certified in erosion control practices by the Department of Environmental Protection is responsible for management of erosion and sediment control practices at the site and is present at the site each day earth-moving activity occurs for a duration that is sufficient to ensure that proper erosion control practices are followed. This requirement applies until erosion control measures that will permanently stay in place have been installed at the site or, if the site is to be revegetated, erosion control measures that will stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion have been installed.**

**For the purposes of this Article "excavation contractor" shall mean an individual or firm engaged in a business that causes the disturbance of soil, including grading, filling and removal, or in the business in which the disturbance of soil results from an activity that the individual or firm is retained to perform.**

**This Article does not apply to: activities resulting in less than one cubic yard of earth material being added or displaced; a person or firm engaged in agriculture or timber harvesting if best management practices for erosion and sedimentation control are used; and municipal, State and federal employees engaged in projects associated with that employment.**

**Article 9:** Whereas Article 70 of the June 13, 2018 Annual Town Meeting authorized a Capital Improvement Project for repair of the Wharf Lane Footbridge in an amount of \$30,000.00; and,

Whereas on May 15, 2018 the Select Board approved the use of up to \$35,000.00 from the Natural Disaster Emergency Repair Fund for the immediate Repair of the Wharf Lane Footbridge; and

Whereas, the repair work was completed for a cost of \$28,550.00,

Now, therefore, the Capital Improvement Project approved in Article 70 of the June 13 Annual Town Meeting is hereby abandoned and \$28,550.00 of the authorized \$30,000.00 shall be transferred to the Natural Disaster Emergency Fund to make it whole for the funds authorized and expended; and \$1,450.00, the balance of the authorized amount, shall be returned to the General Fund?

**Article 10:** Shall the Town vote to allow the Highway Department to plow and sand **Mariner Overlook**, a private road on which the Town holds a recorded public easement, pursuant to the Town of Ogunquit Public Easement Road Policy, adopted by the Select Board on April 5, 2016 and effective July 1, 2016, or as otherwise allowed by Title 23 M.R.S.A. §3105-A, provided that any necessary expenses pertaining thereto must fall within existing appropriations?

Given under our hands this **4<sup>th</sup> day of September, 2018**, A.D. in Ogunquit, Maine, by the Select Board, acting in their capacity as the Municipal Officers:

**OGUNQUIT SELECT BOARD**

\_\_\_\_\_  
Charles L. Waite, III, Chair

\_\_\_\_\_  
John M. Daley, Vice Chair

\_\_\_\_\_  
Richard A. Dolliver, Member

\_\_\_\_\_  
Madeline S. Mooney, Member

\_\_\_\_\_  
Robert N. Winn, Jr., Member

\*\*\*\*\*

**State of Maine**  
**County of York, ss**

A True Copy,  
Attest:

\_\_\_\_\_  
Town of Ogunquit, Maine

Dated: \_\_\_\_\_

**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 notified and warned the Inhabitants of the Town of Ogunquit herein named to meet at the time and place for purpose herein stated by posting upon the \_\_\_\_\_ day of \_\_\_\_\_, 2018, A.D. a copy of said Warrant at the Dunaway Community Center, Ogunquit Post Office, Ogunquit Transfer Station and WOGT, those being four (4) 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 Select Board Goals

September 4, 2018 – revised, but not accepted by Board

- A. Infrastructure
  - a. OVS
  - b. Police Station, Municipal Campus
  - c. Beach bathrooms
  - d. Beach Street from rotary to rte. 1
    - i. Sidewalk(s)
    - ii. Access to beach via Norseman
    - iii. Traffic & pedestrian flow
  - e. Use of Town land
    - i. What do we own
    - ii. Effective utilization/best use
- B. Capital Improvement Projects
  - a. Five year plan, ongoing
  - b. Parking
    - i. Satellite sites, garage
    - ii. What is right capacity for OGT?
- C. Finance
  - a. Review RFP process
  - b. System in place to track current projects through completion
- D. Organization
  - a. Combine Public Works and Administrative Services
  - b. Public Works Director & Project Manager
  - c. Planner
- E. Training
  - a. Annual standardized training for Select Board
  - b. Codification of Ordinances
    - i. Make sure they are clear and understood by SB/staff/committees
- F. Communication
  - a. Communicate to abutters and/or entire community about projects/changes that will affect them
  - b. Comprehensive Plan
    - i. Keep Town focused on Plan, regular updates, committee

Tasks (not goals)?

- a. Enforcement
- b. Regular updates from the Sewer District