

# KENNEBUNKPORT Town Review

A newsletter for the residents of Kennebunkport

Number 16

Fall 2011

## Eastport scuba diving case relevant to Goose Rocks Beach lawsuit

*Extent of the public's right to recreational use of the inter-tidal zone remains unsettled*

By Larry S. Mead, Town Manager

While the lawsuit brought against the town by a group of Goose Rocks beachfront owners has not yet gone to trial in Superior Court in Alfred, the legal wrangling over what rights Maine residents have to use the state's beaches for various recreational pursuits continues to

be at issue in Maine's court system. Most recently, the Maine Supreme Court issued a ruling by a 6-0 vote to uphold an Eastport property owner's right to cross a section of beach owned in fee by his neighbor in order to engage in scuba diving (*McGarvey v. Whittredge*). This rul-

ing, and the two separate opinions written by justices of the high court, leave unsettled how the court might rule should the Goose Rocks Beach case eventually reach its docket.

may be inviting a future case that more appropriately offers the court the opportunity to address the broader issue of the public right to recreational use in the intertidal zone. This article originally appeared in the *Sun Journal* and is reprinted here with the author's permission.

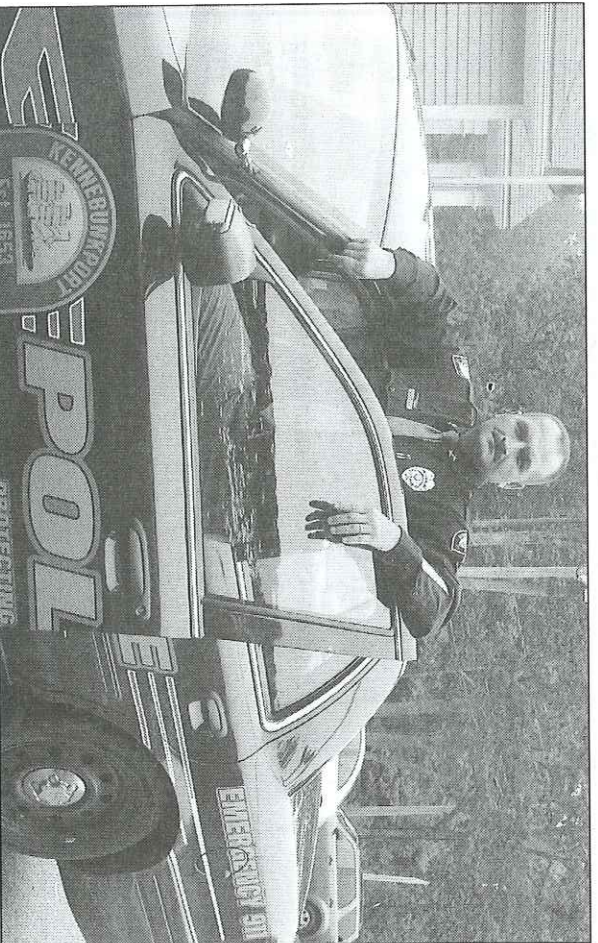
## New police chief in town

By Larry S. Mead, Town Manager

Craig Sanford was hired as the Town's Police Chief, effective July 18. He most recently served as Deputy Chief for the town of Sanford, Maine, where he served for over 20 years, rising up through the ranks as a Patrolman, Sergeant, and Major before taking on the Deputy's position.

experience in municipal law enforcement. He was responsible for managing patrol operations, personnel management, review of policy and procedures, overseeing the operations budget for the entire department in Sanford, crime investigation, and community policing. He was a leader in York County law enforcement as the

See **CHIEF** page 8



Kennebunkport Police Chief Craig Sanford.

## Beach case could cause ripples

By Douglas Rooks

Most courts are loath to redefine the law solely on the basis of the personal opinions of the justices. As noted here before, the doctrine of *stare decisis* – leaving settled legal questions settled – does not seem to bother U.S. Supreme Court Chief Justice John Roberts, whose recent campaign finance decisions have demolished a century's worth of restrictions on private and corporate fundraising.

*Stare decisis* does apply to Maine's Supreme Judicial Court, however, which is why its decision concerning ocean access for scuba divers, handed down Aug. 25, is so interesting.

Coastal access has been hotly contested in Maine over the past half century, which is hardly surprising. The state has a 3,500-mile coastline, with both robust public recreational use and accompanying deference to private landowners.

The big decision came in 1986, when a group of private landowners successfully evicted beach-goers from their shoreline in Wells. It's often called the Woody Beach decision, but its formal title is *Bell v. Wells*. A 4-3 majority of the court, applying a 1647 Massachusetts colonial ordinance, said public access is strictly limited to "fishing, fowling and navigation," and that sunbathers and body surfers need not apply.

The ruling was made possible

because, unlike many states, including neighboring New Hampshire, Maine does not own the so-called "intertidal zone" between low and high tide. Beyond those boundaries, things are simple. The state owns the immediate offshore area, the upland landowner everything above high tide. But between the tides, the landowner owns but the public has rights of use. Just how much use has been an evolving question.

Many of us thought the original *Bell* decision, and its even more definitive successor, *Bell II*, were flawed in their understanding of public use. At the time, I called it "cramped and crabbed," and have seen no reason to change my mind.

It was clear from the historical record that the Massachusetts legislature, whose laws were incorporated into Maine statutes at statehood, was primarily interested in encouraging development of private wharves, and granted neighboring landowners those rights. But they also allowed all likely public uses practiced at the time. Puritans were not known for sunbathing.

But, unless you were actually fishing, boating, or duck hunting, the Supreme Court said you could be kept out. And so things have stood for 25 years.

The scuba diving case, involving a

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See **BEACH CASE** page 3



# Warrant Articles on Ballot in November

By Larry S. Mead, Town Manager

**Question 1** is a simple change to the Land Use Ordinance that moves language relating to the regulation of dwellings from the definition section in Article 2 to Article 6, which deals with town-wide regulations. There is no substantive change to the Land Use Ordinance.

**Question 2** is an amendment to Article 10 of the Land Use Ordinance to require site plan review applicants to the Planning Board to submit digital copies of their proposed site plans in addition to the paper plans that are provided. This amendment will allow the town to easily update and coordinate new developments with the town's digital planning and assessing maps.

**Question 3** is an amendment to Article 11 of the Land Use Ordinance to make changes to the section regulating growth management permits. This amendment would incorporate into the Land Use Ordinance provisions previously approved by the voters in 2009 as part of the town's Comprehensive Plan. It would: 1) allocate permits by growth areas as identified in the Comprehensive Plan; 2) give preference to property owners who are year round residents; 3) allow a subdivision to receive more than 7 growth permits in one year if there are permits unallocated in December; and 4) add language related to affordable housing that brings the Land Use Ordinance into compliance with Maine state law.

**Question 4** would make amendments to the town's Administrative Code that would: 1) limit service for all appointees to the Planning Board, the Board of Appeals and the Board of Assessment Review to three consecutive 3-year terms and also require a training session for all appointees; 2) clarify that the Town Clerk is appointed by the Board of Selectmen but shall report directly to, and is supervised by, the Town Manager; and 3) limit the service of full-time town employees on standing boards and commissions to ex-officio appointments. This limitation is already contained in the town's Personnel Policy.

**Question 5** would appropriate \$325,000 from the undesignated fund balance account to replace the roof at the highway department garage. The town's structural engineer determined that the steel roof is structurally compromised by extensive rust and corrosion and may not withstand its designed load.

## Absentee ballot changes

By April Dufoe, Town Clerk

If you are one of those voters who likes the ease and convenience of voting by absentee ballot, please take note. On September 28, 2011, a new law went into effect that prohibits the issuance of absentee ballots after the third business day before an election day, except when the voter signs an affidavit designating one of the allowable reasons for voting by absentee ballot on that day. This law means that the last day to get a "no excuse" absentee ballot for the November election is Thursday, November 3, 2011.

After that day, the only acceptable reasons an absentee ballot can be issued are: 1) an unexpected absence from the municipality during the entire time the polls are open on election day; or 2) a physical disability or an incapacity or illness that has resulted in the voter being unable to leave home or a treatment facility.

Since the heaviest volume of absentee ballots are issued the Friday and Monday just before election day, I want to get the word out to voters to make sure you come in early from now on to request your absentee ballot. The very last thing I want to do is make it more difficult for voters to vote, but I will have no choice other than to enforce the laws that are passed in Augusta by our legislators. **So please, plan ahead and request your absentee ballot no later than Thursday, November 3, 2011.**

If you have any further questions, please call April Dufoe, Town Clerk at 967-4243 ext. 110.

## Town Of Kennebunkport Special Town Meeting November 8, 2011 PLEASE TAKE NOTICE

To the voters of Kennebunkport: You are hereby notified that a **Special Town Meeting** of this municipality will be held at the **Village Fire Station, 32 North Street, in said Town on Tuesday, the 8th day of November, AD 2011, at 8:00 a.m.** for the purpose of acting on Article 1 and Questions 1 through 6 (Referendum Questions) as set forth in the Town Warrant. The polls for voting on Questions 1 through 6 shall be opened immediately after the election of the Moderator at 8:00 a.m. on November 8, 2011, and shall close at 8:00 p.m.

### The Referendum Questions to be voted on relate to:

1. Amendment to the Land Use Ordinance concerning the Definition of a Dwelling.
2. Amendment to the Land Use Ordinance concerning Submission of Digital Plans for Site Plan Applications.
3. Amendment to the Land Use Ordinance concerning Growth Management Permits.
4. Amendments to the Administrative Code.
5. Replacement of the Highway Garage Roof.

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.

An attested copy of the Town Warrant is posted at the United States Post Office, Temple Street; Atlantic Hall, Main Street; Cape Porpoise; Louis I. Graves Memorial Library, Maine Street; Goose Rocks Beach Fire Company, Winter Harbor Road; and at the Town Offices, 6 Elm Street.

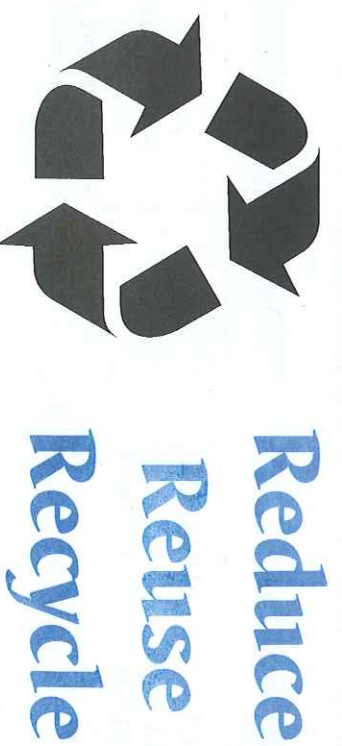
Complete Ordinance amendment language is available from the Town Clerk or on the Town's website ([www.kennebunkportme.gov](http://www.kennebunkportme.gov)).

April Dufoe, Town Clerk

## Registrar of Voters holds evening hours

By April Dufoe, Town Clerk

The Kennebunkport Town Clerk/Registrar of Voters will hold evening hours at the Kennebunkport Town Hall on Wednesday, November 2, 2011, from 4:30-6:30 p.m. to conduct absentee voting, register any person eligible to vote, and accept any enrollment/address changes.





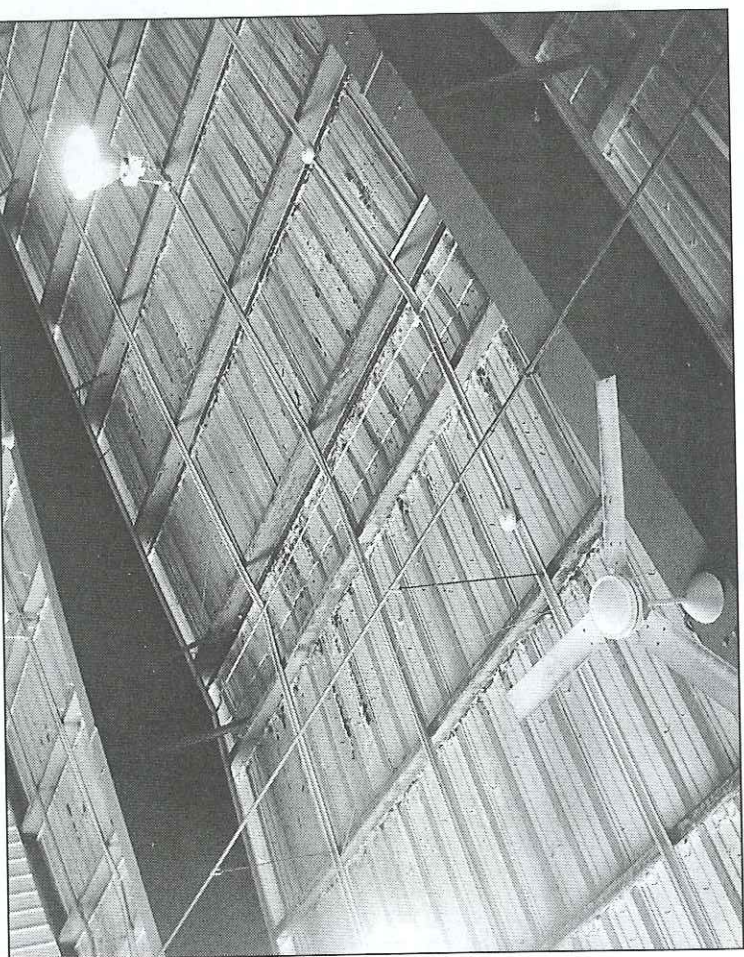
# Voters asked to approve funding for replacement of highway garage roof

By Larry S. Mead, Town Manager

Ballot question five asks voters to approve funding for the highway garage roof. The building is now over 25 years old and the steel roof is extensively corroded, with numerous visible areas of significant rusting that has compromised the structural integrity of the roof. The extent of the damage had been hidden from view because the steel roof was covered over with a rubber membrane after less than 10 years of use because of ongoing problems with moisture infiltration. Because the steel roof was sandwiched between two layers of insulation and not ventilated, the pervasive moisture in and around the roof resulted in rust and corrosion.

The extent of the problem became evident in August when the town had the ceiling panels removed from the garage bays as part of a planned maintenance program to install ventilation, replace lighting fixtures and install new insulation. As the photograph illustrates, it quickly became apparent that the roof was damaged beyond repair, a conclusion that was confirmed by a structural engineer from Woodard and Curran.

The town proposes to remove and replace the steel roof and to install adequate ventilation so that the moisture problems that have long plagued the building do not continue. These problems are particularly troublesome in winter



The corroded highway garage roof.

months when the plow trucks are often laden with snow and ice.

The budgeted cost of the roof replacement, heating, ventilation and lighting improvements is \$400,000, which includes engineering and contingency. Voters

appropriated \$55,000 for garage repairs in June. The town also has \$20,000 in state energy improvement funds available. As a result, voters are being asked to approve the use of \$325,000 from the town's undesignated fund balance to complete the required work.

## Time to register your dog

By April Dufoe,  
Town Clerk



Mister Murphy Dufoe.

It's that time of year again! Time to renew your dog's license. According to the laws of the state of Maine, a dog may not be kept anywhere within the limits of the state unless the dog has been licensed. An owner of a dog that is 6 months of age or older and kept in town must obtain the license from the Town Clerk **between October 15 and December 31 each year**. The fee to license your dog is \$11.00 if the dog is capable of producing young, or \$6.00 if the dog has been spayed or neutered.

When you come to the town office to license your dog, you must bring proof that a veterinarian has immunized the dog against rabies. Also, if you are licensing the dog for the first time and the dog has been spayed or neutered, you must bring with you the dog's Certificate of Neutering that was provided by the veterinarian after the surgery.

**If you apply for the dog's license after January 31, a late fee of \$25.00, in addition to the annual license fee, will be charged.**

So don't wait until the last minute. Come early (**anytime after October 15**) and avoid waiting in line. The Town Clerk's hours are Monday through Friday, 8:00 AM–4:30 PM. You can also license your dog by mail if that is more convenient for you. If you have any questions, please call April Dufoe, Town Clerk at 967-4243 ext. 110.

## Beach Case

from page 1

dispute between two landowners in Eastport, could mark a shift toward greater public access. The decision in *McGarvey v. Whittridge* was unanimous, but it reveals an interesting split that could prove significant. On the surface, the decision to allow scuba divers to walk across a neighboring landowner's intertidal land could be seen as an expansion of the "navigation" exception.

But Chief Justice Leigh Saufley's elegantly written opinion specifically denies that interpretation, saying "The dives do not involve the use of a boat, and no one engages in any form of fishing or fowling." Later on in the opinion, Saufley takes a sly shot at the Bell decision's reliance on the colonial ordinance, referring to it as "a historical artifact of the British and colonial attempts to encourage commercial wharf development at private expense." She also slyly refers to "the three talismanic activities" – fishing, fowling and navigation – covered by the 364-year-old ordinance.

Finally, Saufley asserts that "the three terms adequately provide context, but they simply do not and have never, until *Bell II*, been understood to wholly or exclusively define the public trust rights."

In a concurrence, but one that reads

more like a dissent, Justice Jon Levy concludes that Saufley's views point toward overruling *Bell II*, and I suspect that's exactly what's going on.

While this decision is limited to scuba diving – the court did not take up the requests of a surfing organization to gain access – it seems to invite another case with a different legal premise. The stakes are high, as reflected in the 47 pages consumed by the two opinions, which include Saufley's thorough review of the historical and legal record.

Currently, three judges – Saufley, Andrew Mead and Joseph Jabar – would revisit and perhaps ease the barriers to public access erected in the *Bell* cases. Three others – Levy, Ellen Gorman, and Donald Alexander – would probably stick with *Bell*. That leaves Justice Warren Silver as a potential deciding vote. Silver did not participate in the *McGarvey* case.

Maine's high court is wise not to make sudden changes in direction, but adjustments are possible. Before long, the public could gain rights to use our magnificent coast that in most other states are taken for granted.

*Douglas Rooks writes for a variety of state, regional, and national publications.*



# Police to go with Dodge Chargers

By Craig Sanford, Police Chief

With Ford's decision to stop the production of the police Crown Victoria in 2011, the Kennebunkport Police Department fell into the same dilemma as most law enforcement agencies around the country. What are cops going to drive now?

Police agencies have many variables to consider when making such a change. Cost is important to all police managers but function, durability, and systems integration become just as important in the decision making. Ford is coming out with an entirely new design for a police car on the Taurus frame and Chevrolet developed a newly designed Chevy Caprice police package. Neither car was available for test-driving for local police agencies. One equipment manufacturer actually suggested that police agencies purchase double the needed cars in 2010 and put half on mothballs to be used in 2011. This would give police agencies an extra year to deal with issues with the

new style cars and give manufacturers of add-on equipment that time to design new gear to go into each car. As you can imagine this idea is not possible for most municipalities.

Dodge has redesigned the Dodge Charger police package with input from the law enforcement community and will be releasing the updated version in the 2012 model. We were able to go to a local dealership and see the 2012 Dodge Charger and ask questions about performance and see the actual upgrades. We also spoke to a few agencies that have used the Charger for several years now. All spoke in favor of the Charger and were going to purchase more in the upcoming fiscal year.

The interior of a police car more closely resembles the cockpit of an airplane than your normal day-to-day passenger car. Officers must monitor the police radio, computer, speed radar, digital camera, and



The 2012 Dodge Charger.

Courtesy: Dodge

be able to turn on the blue lights and siren quickly. A weapons rack, prisoner screen, and cell phone are crammed in most cars as well. All of this must be secured in the car to prevent any piece from becoming a projectile during a sudden stop or an unfortunate collision. With any change in car makes and models comes the changes in dimensions inside and out. This usually requires purchasing new equipment to go into each new cruiser because current equipment will not fit. Sometimes the cost can be close to \$ 8,000.00 extra per car.

Kennebunkport did well in the bid process with the Dodge Charger and got very good value on two trades. We also decided to go with black for a cruiser color. The decision to go to with black was easy. It saved the town \$ 500.00 per car because any shade of blue was extra. With the total savings, we will be able to outfit each car with the needed equipment and stay within the budgeted funds. We expect the new cruisers to be up and running sometime in early November so don't be surprised to see the new color and style soon.

## May we burn your house?

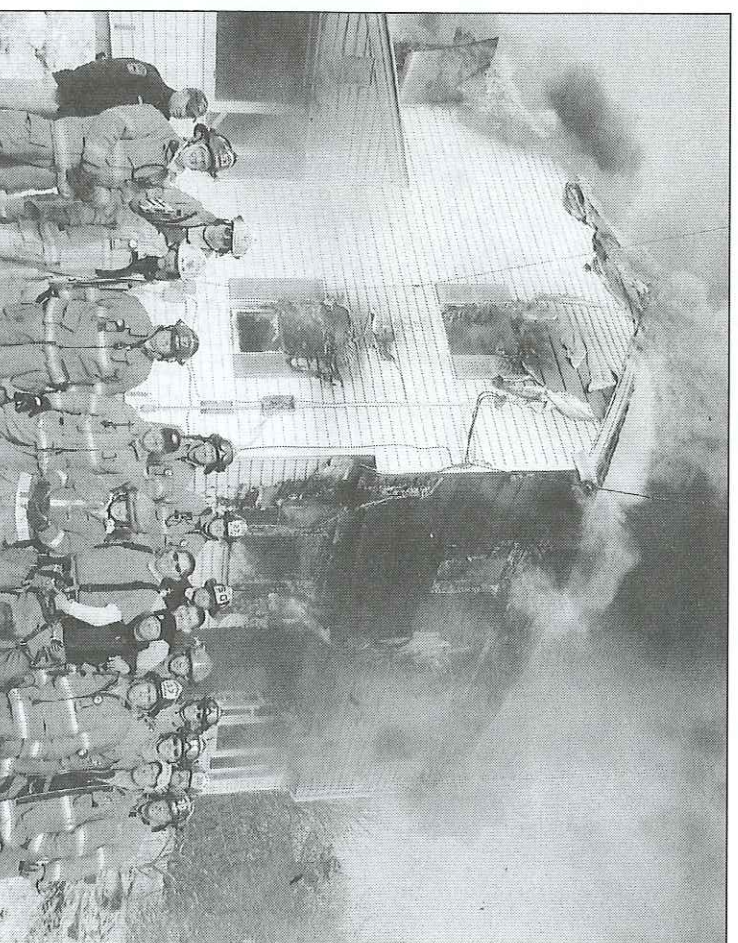
By Dick Stedman, Fire Administrator

The Kennebunkport Fire Department, like all small, rural departments, faces a dilemma. As a result of modern construction standards and years of fire prevention education, we are called to deal with only a few serious structure fires each year. Yet, we must keep our volunteer firefighters trained and ready to fight those fires that do occur in a safe and efficient manner. We train often under simulated conditions using props and theatre smoke, but these are no substitute for the conditions encountered in an actual fire.

Earlier this year, we were offered the opportunity to utilize a house on Henchey Way at Goose Rocks Beach to conduct a series of training burns and practice other important operations such as search and rescue of trapped persons, ventilation, and salvage. These drills culminated in a controlled burn of the entire structure which allowed us to practice water supply, aerial ladder operations and many other procedures. These training sessions were conducted

in the safest possible fashion for both our members and the surrounding property owners. As with virtually everything we do, we follow the modern Incident Command System and employ our most experienced fire officers and dedicated safety officers throughout the operation. Actual burns took place only when weather conditions were ideal for burning. Allowing us the opportunity to both train in the structure and then burn it may have saved the property owner significant expense for the demolition of the building, and it afforded us priceless training experience.

Recently, we were offered the use of the present Landing Restaurant building for training, as it is slated for demolition to make way for a much improved facility. While this building is not suitable to burn due to its proximity to Dock Square, it is ideal for many other training scenarios. Our plans include utilizing it for several drills in techniques of firefighter safety and survival, emergency escape, the



Kennebunkport firefighters take a moment to pose for pictures during the controlled burn of a house on Henchey Way earlier this year. The property owners generously allowed us to conduct several training exercises in the structure before having it demolished to make way for new construction.

advancement of hose lines, and other aspects of our operations that we normally are unable to do in a realistic manner.

If you are planning to have a building torn down to make way for new construction, please consider allowing the Kennebunkport Fire Department to train in it. Please

call the department business office at 967-2114, and we will quickly assess whether or not we can utilize the building for training and possibly for burning. Doing so will provide us with extremely important training and help us to protect the lives and property of the people of Kennebunkport.



# Town Report dedicated to Leo Martin

**By Larry S. Mead, Town Manager**

Long-time Budget Board Chair Leo Martin was honored by the town for his public service when the town's Annual Report was dedicated to him this past June.

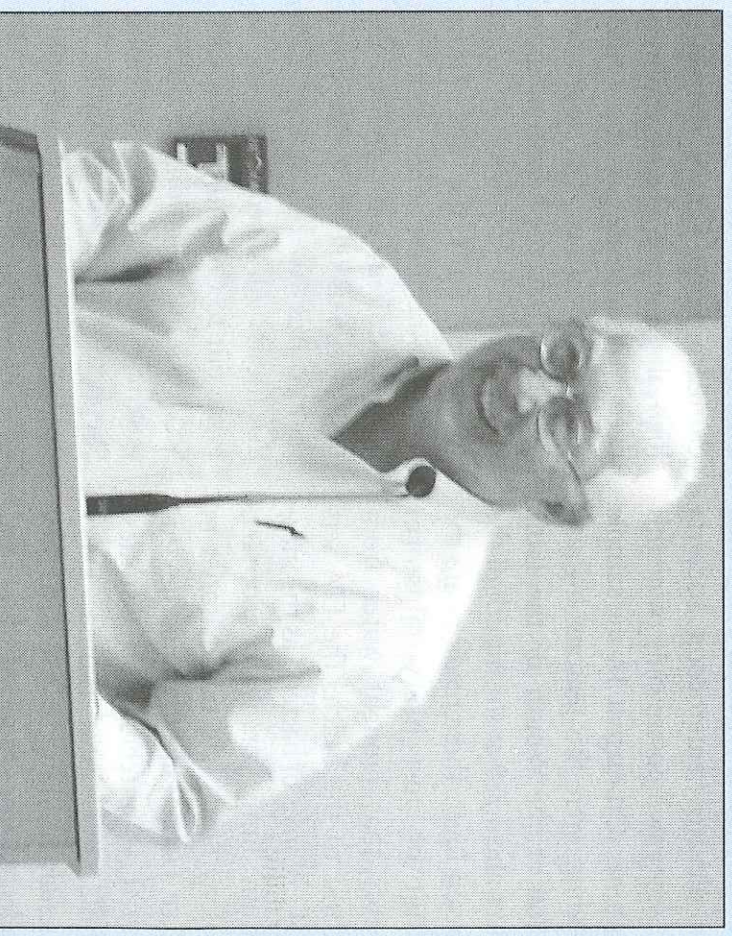
Martin has spent most of his adult life in public service, both in education and in municipal government. He began his career in education in 1955 as a teacher at the Park Street School in Kennebunk and became Assistant Superintendent of the former

SAD-71 in 1965. In 1976, he was named Superintendent of Schools where he served with distinction until 1992, when he was named Commissioner of Education for the State of Maine, serving until 1996.

In 1997, Martin was appointed to the Kennebunkport Budget Board, where he has served as chair for the past 10 years. His steady hand, good humor, and thoughtful stewardship have been a great asset through that period.

In 2006, the town tapped Martin to serve as Interim Town Manager from July through December, during which time he chaired the process for selecting a new Town Manager.

Martin remains extremely active in educational service, traveling throughout the state as a mediator for special education disputes, and across the globe performing accreditation reviews for international schools.

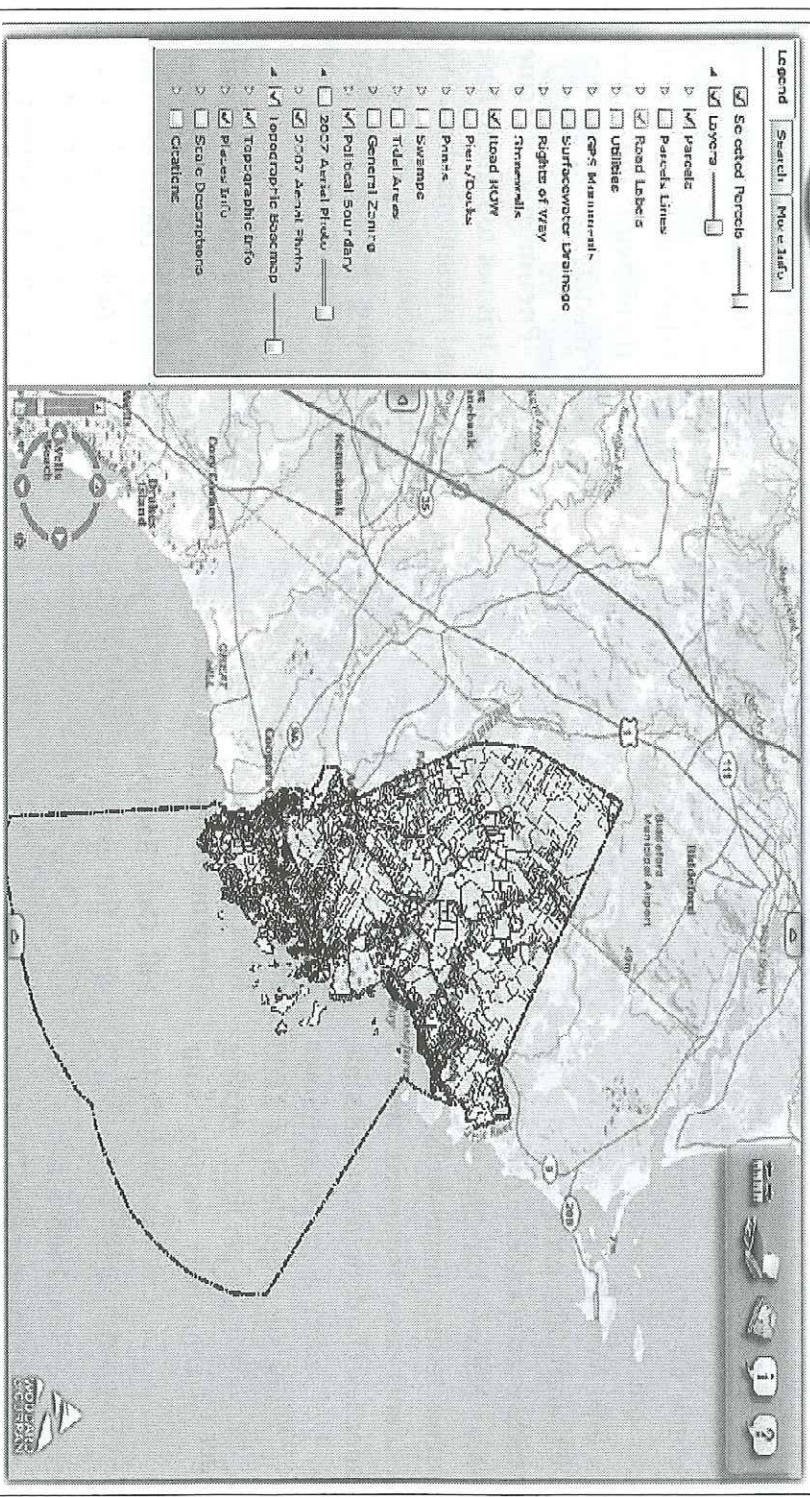


Leo Martin addresses the Board of Selectmen after receiving recognition for his years of service to the town.

**Kennebunkport digital data available online**

By **Werner Gilliam Assessors Assistant/Town Planner**

## Kennebunkport, Maine



As of October 8, much of Kennebunkport's digital data will be available to the public online via the Town website ([www.kennebunkportme.gov](http://www.kennebunkportme.gov)). This project represents the display of a large amount of information regularly used by town staff and support consultants. The vast majority of this data was compiled when the assessing department successfully converted its tax parcel maps into a digital format. This work was completed by consultant Tom Burns of GIS Mapping and Analysis. Burns work along with the expertise of engineering firm Woodward and Curran have come together to offer this user friendly mapping product. Information available includes parcel lines, aerial imagery, utilities, water features, and much more. In addition to displaying information, this site offers a multitude of tools that will assist the user in creating abutters' lists for construction projects, along with measurement tools for estimating distances. While we strive to display accurate data, it should be noted that this information is to be used for planning purposes only and should not be considered a substitute for actual survey work or field verification of displayed features. This service does require the download of Microsoft Silverlight, a free web-browser plug-in available for all major operating systems.

**Town of Kennebunkport**  
**ATTENTION CLAM DIGGERS**  
**PLEASE TAKE NOTICE**

The Kennebunkport Shellfish Conservation Committee recommended, and the Board of Selectmen and the Department of Marine Resources approved a Conservation Closure for all Kennebunkport clam flats from October 1, 2011, through March 31, 2012.



# Kennebunkport Public Health

By Judy Barrett, R.N., B.S.

## Healthy Maine Beach Program:

An elevated enterococci bacteria advisory was posted only twice this summer. On August 17, the sample readings were this seasons' highest: 1,860 at the mouth of the Little River and 1,789 at the mouth of the Batson River. These readings are the result of post heavy rainstorm events that brought water from inland to the beach. The EPA sets 104 colonies of bacteria as the maximum limit for water contact. Colony Beach had no advisories in place. I would like to thank the dedicated volunteers, Bob Osthues, Linda and Steve Hanna. Every Tuesday morning at 7:30 AM, they collected the required data and water samples. If we had an elevated sample, a retest was done. Believe me, as your Colony Beach tester, the water is cold in June.

**Well Water Testing Program:** This is the first year that the Public Health Office sponsored a TEST YOUR WELL WATER DAY. Nelson Analytical laboratory, Route One, Kennebunk provided the test kits for free, as well as offered reduced rates for Kennebunkport residents. Over 1,000 households in Kennebunkport have well water. Twenty-seven households participated. Of those samples, 22% were positive for total coliform bacteria and some level of arsenic was found in 74%. Most levels were between .002 and .009 parts per million which is acceptable. Lorri Maling from Nelson Lab recommends arsenic testing for all wells. Some residents also requested that a radon level be done. Most had some level of radon; a couple were over the Maine suggested level of 2,000 pCi/L "picocuries per liter." Maling also recommends testing your household air. Our next Well Water Test Day is spring 2012.

**Stuff the Bus:** Unfortunately, the word out of Washington DC is that a budgetary proposal before Congress would greatly reduce the amount of funding that states would receive to assist low income residents with meeting their cost for winter heat. If the proposal passes, more Maine residents than ever will be facing crisis situations. Kennebunkport requests for food

assistance from the Community Outreach Food Pantry remained high all summer. The community need will increase as the colder months are with us. On November 8, Election Day, the Kennebunkport Health Council members are again sponsoring Stuff the Bus. Please bring a nonperishable food or household item with you to the polls. Help us fill the food pantry shelves. Yes, we do accept cash donations. All checks are to be made out to Community Outreach Services. Cash donations are used to purchase food from the Good Shepherd Food Pantry. Anyone in need of food assistance is encouraged to contact the Public Health Department at 967-4401.

**Fuel Assistance:** Have you signed up for the LOW INCOME FUEL ASSISTANCE PROGRAM yet? If you are in need of help to meet your winter heating expenses, please contact York County Community Action at 1-800-965-5762, today for an appointment. Kennebunkport residents are fortunate to have the Kennebunkport Emergency Fuel Program. Remember, this program is only for emergencies and is not intended to cover your entire winter heating needs. Residents are responsible for monitoring the level of fuel in their tanks and notifying the General Assistance Administrator in a timely manner. It is not automatically an emergency if you run out.

**State of Maine and Kennebunkport Property Tax and Rent Rebate Programs:** Kennebunkport residents are encouraged to apply for both of these income-based programs. Contact the Kennebunkport Town Office or the Public Health Department regarding applications.

**Fill Our Backpacks:** This year, with the assistance of the Good Cheer Club, the He Cares Ministry and residents, we were able to provide and fill 20 backpacks with back-to-school supplies for Kennebunkport children.

**Secret Santa:** The holidays are coming up. If you are in need of some help meeting your child's special wish list, please contact the Public Health Department for a Secret Santa application. Only par-

ents or legal guardians can complete the application. The child must reside in Arundel, Kennebunk or Kennebunkport in order to qualify for this program. Please, when you see the Secret Santa trees at your local bank, library, or town office, take a tag and purchase that gift for one of our children. The number of requests continues to increase. Secret Santa's goal is that every child in our tri-town area has a special holiday.

**Holiday dinners:** And speaking of the holidays, Community Harvest volunteers are again providing holiday dinners for families that need a little extra help. In addition to holiday food baskets, the volunteers are also again offering a free community dinner on Thanksgiving and Christmas at Saint Martha's Church, Route One, Kennebunk. Please contact the Public Health Department if you wish to sign up for these programs or to volunteer.

**Medication and Sharps Return Program:** Residents are reminded that the Public Health Department, year round, accepts all sharps, prescription, over the counter and even your pet's medications for safe disposal. Do not throw them down the drain or out in the trash. Drop them off at the Health Department or leave them with the Police Dispatcher on duty.

**Flu and Pneumonia Vaccine Program:** It is not too late to have your flu and pneumonia shots. We still have vaccine. Visit the nurses during office hours: Monday-Friday, 8:00-9:30 AM and 1:00-2:00 PM.

**Home Medical Equipment Loan Closet:** Are you in need of a walker, wheelchair, cane or commode? Visit our FREE durable medical equipment closet. We are overflowing with adaptive home equipment.

**Public Health Nursing/Health Officer/Social Services:** Residents are reminded that there is an on-call R.N working seven days a week. Yes, we do work on weekends and holidays. Contact the Public Health Office-967-4401, with any nursing, health officer complaints, or social service needs.

## Town of Kennebunkport

### SPECIAL TOWN MEETING

Village Fire Station  
32 North Street

Tuesday,  
November 8, 2011

8:00 AM to 8:00 PM

To vote on Articles  
relating to:

Amendments to the Land Use Ordinance pertaining to:

- 1) Definition of a Dwelling;
- 2) Submission of Digital Plans for Site Plan Applications; and
- 3) Growth Management Permits.
- 4) Amendments to the Administrative Code.
- 5) Replacement of the Highway Garage Roof.

A copy of the Warrant  
and sample ballots  
are posted at:

Kennebunkport Town Offices  
Graves Memorial Library  
Kennebunkport Post Office  
Atlantic Hall  
Goose Rocks Beach Fire Station

The Warrant and the  
Proposed Ordinance  
Amendments  
can be viewed on:

[www.kennebunkportme.gov](http://www.kennebunkportme.gov)

A copy of all documents  
can be obtained from  
the Town Clerk.

## Selectmen meeting schedule

Second and fourth  
Thursday, monthly

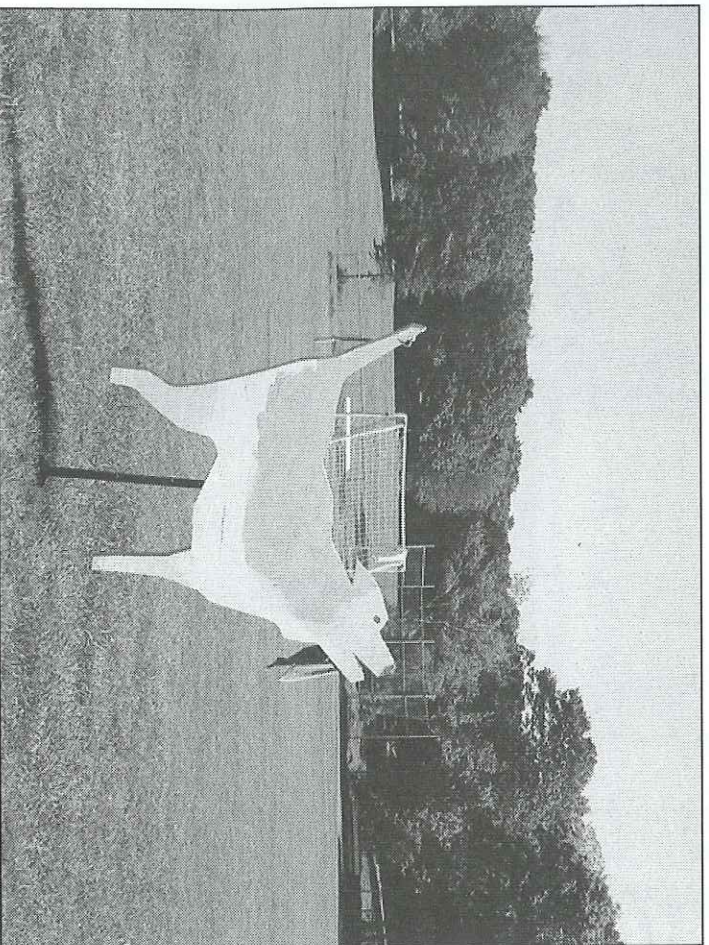
7:00 p.m., at the  
Village Fire Station

The meetings are  
televised live on cable  
channels 2/16

Visit the Town Website at [www.kennebunkportme.gov](http://www.kennebunkportme.gov)



## Have you seen the coyotes on Parsons Field?



Parsons Field became a popular stop for Canada geese on their migration route, but the mess they left behind was disgusting. A television news story about a similar situation suggested life-size cutouts of coyotes with something fluttering to simulate an animal in their mouths. The parks and recreation department decided to try it as a safe, nonchemical solution and is very pleased with the results.

## Kennebunkport Parks and Recreation

By Carol Cook, Director of Parks and Recreation

### Park Improvements

The parks and recreation department has been able to complete several park improvement projects this summer/early fall. With the help of the highway department, the third and final side of the drainage ditch around **Parsons Field** was completed. They also removed an old sandbox and cleaned up the trees beside the ditch. New swings and some minor changes to the playground equipment are also planned.

The Portside Rotary Club donated \$2,000 for improvements to **Beachwood Park** and spent June 8 (United Way Day of Caring) providing the manpower to make it happen. The swings were moved to the center area of the playground, the area was weeded, and the guardrail replaced. Many beautiful geraniums and other annuals were donated by Bill Harmon of Fern Cottage Gardens in Kennebunk for

planting. New basketball backboards were donated by Bob Ory and installed by Ginger Hill Designs. In the fall, a new privacy hedge will be planted, new swings installed, horseshoe pits finished, more wood chips added to the playground, and mulch spread.

Toms of Maine volunteered a day of service at **The Park at Crow Hill**. They painted, moved many items from the warming hut to the new storage shed, repaired the benches damaged by vandals last winter, and did some general cleaning.

The riverbank at **Silas Perkins Park** has been stabilized; landscaping is next.

THANKS to everyone who has helped the parks and recreation department maintain its facilities.

### Adult Van Trips

Watch channel 2, call 967-4304, or check our webpage for more trips



## Magic of Christmas Portland Symphony Orchestra at Merrill Auditorium Friday, December 16

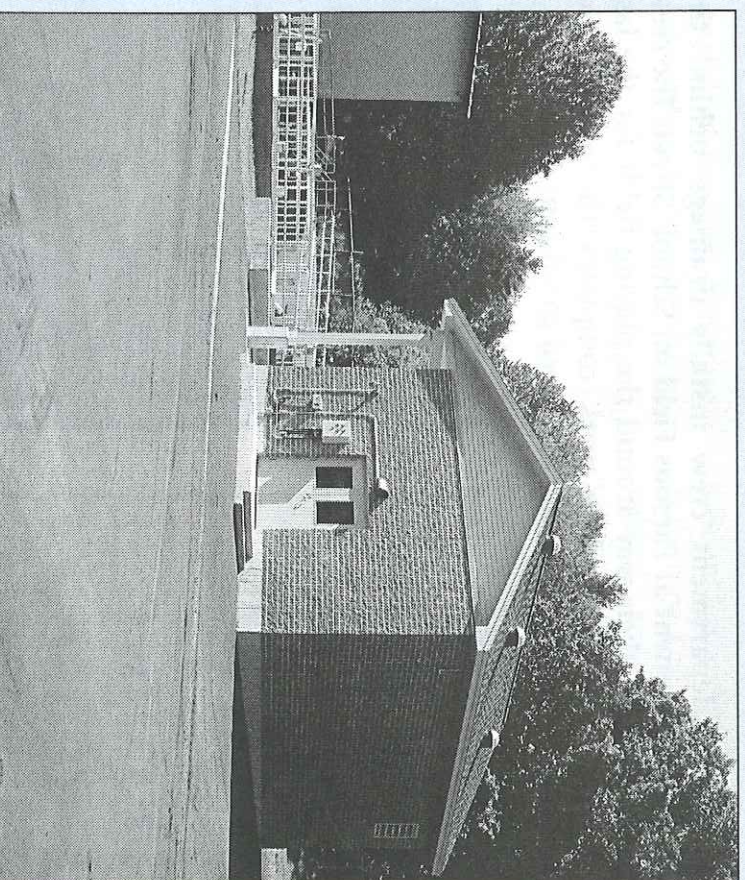
Van leaves 30 North Street at 12:45 PM  
\$45/person (Seats in the Grand Tier)

Please make checks payable to the  
Kennebunkport Parks and Recreation;  
mail to PO Box 566, Kennebunkport, ME 04046.  
Receipt of payment will reserve a seat on the bus  
as space allows. Minimum of 6 and maximum  
of 14 participants on each trip.

## Wastewater treatment plant upgraded

By Allan Moir, Sewer Superintendent

The upgrade of the wastewater treatment plant is complete. First, a new headworks building was added that is an intrinsically safe building with new screening equipment for the influent wastewater. Second, the influent wet wells were also reconfigured to make them safer for the employees to work around. Finally, the size of the compost building was increased so that all of the biosolids are composted under a building to keep it dryer.



The new wastewater treatment plant headworks building.



## Chief

from page 1

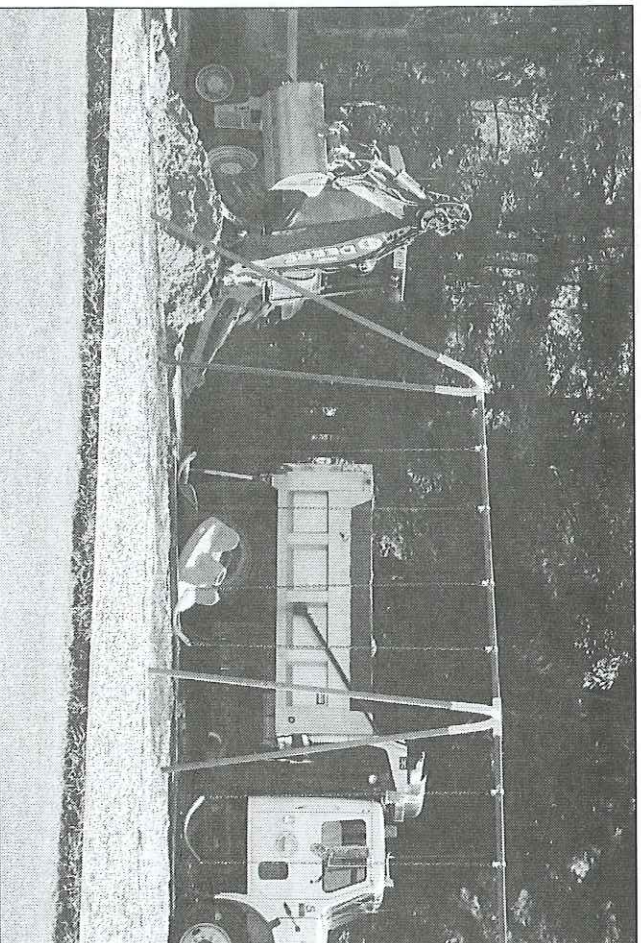
Commander of the Southern Maine Special Response Team and was responsible for obtaining certification of this tactical unit through the Maine Criminal Justice Academy, the first such regional certification in Maine. He possesses a traditional Maine work ethic and a record of professional and personal conduct that has earned the respect of those who worked with him. He has a commitment to continuing education and training both for himself and for the officers under his command. He completed the FBI Command Institute for Law Enforcement Executives, the FBI New England Executive Development Seminar, and the Maine Criminal Justice Academy's New Chief's Seminar. He was accepted to participate in the prestigious FBI National Academy in 2012.

Sanford is familiar with the town

and the department from his past service in providing assistance to the Port in Presidential protective details. Since coming on board, he has made it a priority to get to know his department and the town. So that he can be on hand for the shift change between the night duty and the day patrol, his day usually starts before 7 AM, and does not end until after 5 PM. He makes a point of being visible around town, including taking time for patrol at least once a week.

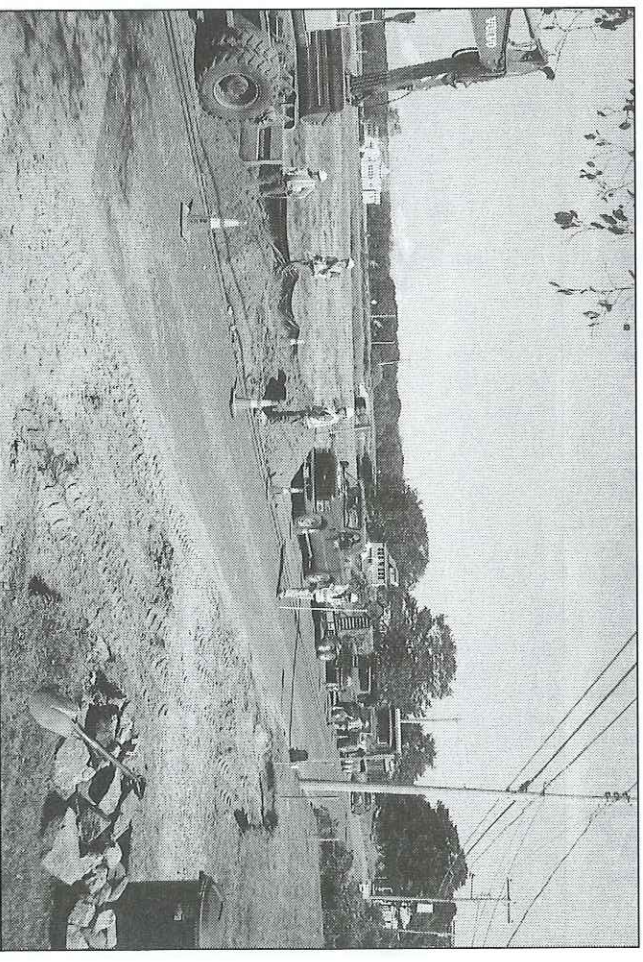
Sanford and his wife, Michelle, live in Shapleigh. They have three sons: Ryan, a police officer in Eliot; Corey, serving in the Army in Afghanistan; and Brett, who graduated from high school in June and is in the process of enlisting in the Air Force. Sanford can be reached by email at [csanford@kennebunkportme.gov](mailto:csanford@kennebunkportme.gov).

## Drainage improvements nearing completion



The highway department crew installs drainage behind the playground equipment at Parsons Field on School Street. The crew has been working their way around the playing fields for the last few budget years. This year's work completes the project. The improvements have significantly improved conditions at the field.

## Kings Highway intersection work begins



Brex Corporation began work after Labor Day on a project to eliminate the periodic flooding at the intersection of Kings Highway and Dyke Road. They will raise the road surface up to 3 feet. Flooding occurs during storms and at extreme high tides and prevents access to or from the west end of Kings Highway. These improvements will cost \$290,000 plus engineering fees. Work will be completed before Memorial Day.

### Kennebunkport Public Officials

#### Board of Selectmen

Chair Stuart E. Barwise, Vice-Chair Sheila Matthews-Bull,  
Allen A. Daggett, Mathew J. Lanigan, D. Michael Weston

#### Town Manager

Larry S. Mead

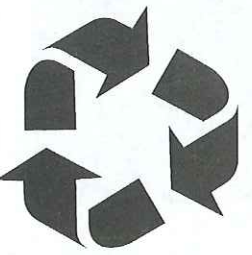
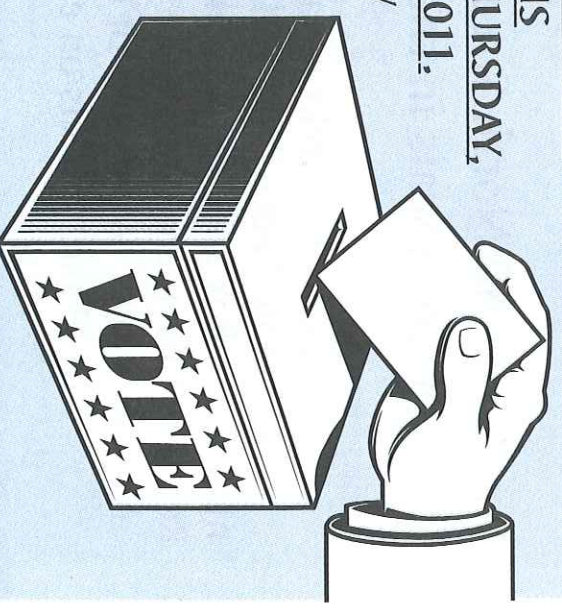
Visit the Town Website at  
[www.kennebunkportme.gov](http://www.kennebunkportme.gov)

## November 3, 2011, last day for absentee ballots

By April Dufoe, Town Clerk

Absentee ballots are now available at the Kennebunkport Town Clerk's Office for the upcoming Annual Town Meeting Election to be held Tuesday, November 8, 2011, at the Village Fire Station, on 32 North Street in Kennebunkport. Because of a new law that went into effect on Sept. 28, 2011, **THE LAST DAY TO OBTAIN A "NO EXCUSE" ABSENTEE BALLOT FOR THIS ELECTION IS THURSDAY, NOVEMBER 3, 2011.**

If you have any questions about absentee voting or about this election, please call the Town Clerk at 967-4243 ext. 110.



**Reduce  
Reuse  
Recycle**

### Town holidays observed

(Town offices closed)

New Year's Day  
Martin Luther King, Jr. Day  
Washington's  
Birthday/Presidents' Day  
Patriots' Day  
Memorial Day  
Independence Day  
Labor Day  
Columbus Day  
Veterans Day  
Thanksgiving Day  
Thanksgiving Friday  
Christmas