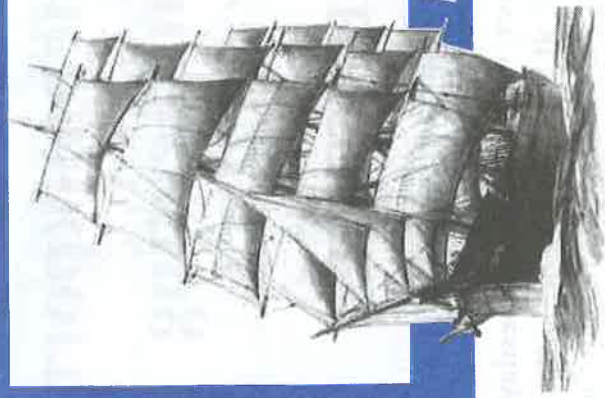




KENNEBUNKPORT Town Review

A newsletter for the residents of Kennebunkport

Number 18

Fall 2012

Beach ordinance passed; beach agreements adopted

By Larry S. Mead, Town Manager

At a Special Town Meeting held on August 20, residents passed a new ordinance establishing a management protocol for Goose Rocks Beach. The new ordinance, passed by a margin of 233-76, had the critical effect of ensuring that over half of Goose Rocks Beach will continue to be open to recreational use by the public. The passage of the ordinance culminated weeks of feverish activity by members of the Goose Rocks Beach community and representatives of the town to reach an agreement between the town, beachfront owners, and back lot owners regarding use of the beach. The impending August trial starting date for the Goose Rocks Beach litigation served as a deadline for an agreement to be reached. In the end, the Town Meeting to consider the beach ordinance was held on the same day that the trial began.

Passage of the ordinance was a required step to enable the town to enter into beach use agreements with both beachfront and non-beachfront property owners at Goose Rocks Beach. The Beach Use Agreements are legal documents that bind the respective parties: town, beachfront owners, and non-beachfront property owners, to certain conditions and

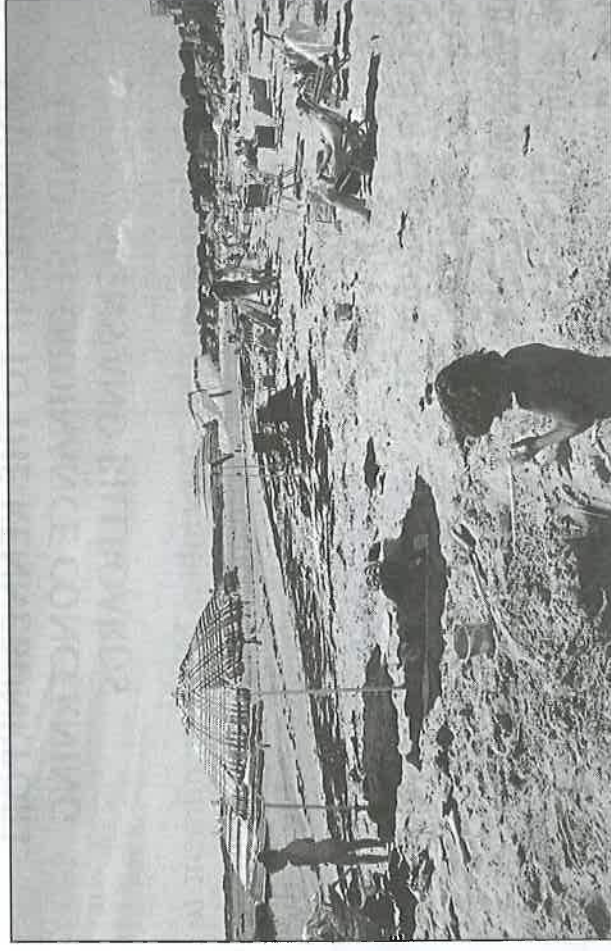
obligations. As of September 15, 63 beachfront parcels and 186 back lot parcels were covered by beach use agreements. This represents 58% of the total number of parcels along the entire length of the beach.

Beach Use Agreement provisions

- The ordinance and Beach Use Agreements, a historic step for the town and the Goose Rocks community, provide certainty. First and foremost, the agreements assure that whatever the outcome of the pending beach lawsuit, the majority of Goose Rocks Beach will continue to be available for recreational use by the public and by neighborhood residents in the same manner as it has for generations. The agreements also give security to Goose Rocks property owners relative to the value of their homes.

- As part of the agreement, the town and the participating back lot owners give up any claim of title to, or prescriptive easement to, the beach properties of the participating beachfront owners. This agreement provides beachfront owners security relative to title to their properties.

See **ORDINANCE ADOPTED** page 3



Goose Rocks lawsuit trial is held; ruling awaited

By Larry S. Mead, Town Manager

The trial in the lawsuit brought against the town by 27 beachfront owners at Goose Rocks Beach took place over a three-week period beginning August 20. The lawsuit was filed in October of 2009. The beachfront owners are seeking to quiet title to the beach areas in front of their homes to the low water mark, and to limit public recreational use to only those individuals who have their permission. These owners claim that the town violates their property rights by encouraging and permitting public

recreational use of the beach. The town filed a counterclaim asserting that the public had acquired prescriptive property rights as a result of generations of open, continuous and unchallenged recreational use of the beach. In addition, the town claimed that it held title to the beach itself growing out of a 17th century deed issued by colonial authorities. The August trial addressed only the prescriptive property rights claim

See **GOOSE ROCKS RULING** page 8

Several school issues remain in flux

By Larry S. Mead, Town Manager

There are a number of important issues related to RSU 21 in process, including renovations to Kennebunkport Consolidated Elementary School (KCS), changes to the cost sharing formula between member towns, and whether all three member towns will continue to be members of the RSU.

Consolidated School renovations

The RSU School Board appointed a building committee to assess renovation needs at the Kennebunkport Consolidated School. The committee began its work in March and met monthly through the summer.

It is reviewing design concepts with Dan Cecil of Harriman and Associates, an architectural firm. Committee members include parent representatives Amy Johnson, Chuck Kiezulas, and Ben Midgley; KCS Principal Dave Crandall; and Kennebunkport School Board member Norm Archer. The committee is considering conceptual plans that would upgrade the classroom portions of the building, including HVAC and energy improvements. The committee is also considering plans that would

See **SCHOOL ISSUES**
REMAIN IN FLUX page 7

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Town of Kennebunkport Ballot Questions November 6, 2012

Question 1

AMENDMENT TO THE KENNEBUNKPORT LAND USE ORDINANCE CONCERNING SIGNS AND BILLBOARDS

Shall an ordinance entitled "November, 2012 Amendment to the Kennebunkport Land Use Ordinance Concerning Signs and Billboards" be enacted? (A true copy of which is on file in the Town Clerk's Office and is incorporated by reference.)

[Note of Explanation: This amendment will modify the ordinance to make signage standards uniform for all zones. In all zones the allowable square footage of signage per building occupant will be based on the gross square footage of unit floor space. The maximum gross area permitted for any one sign will be the same in all zones, and will be relative to the size of the building.]

Question 2

AMENDMENT TO THE COMPREHENSIVE PLAN

Shall an ordinance entitled "November, 2012 Amendment to the Comprehensive Plan for the Town of Kennebunkport, Maine regarding chapters on Housing & Demographics, Capital Investment Strategy, Public Facilities & Services, and Regional Coordination" as submitted by the Town of Kennebunkport's Growth Planning Committee be enacted? (A true copy of which is on file in the Town Clerk's Office and is incorporated by reference.)

[Note of Explanation: This amendment will modify the last four chapters of the Comprehensive Plan adopted by the Town in 1996 and amended in 2006, 2007, 2008, 2009, 2010, 2011, and 2012. The chapters are: "Housing and Demographics," "Capital Investment Strategy," "Public Facilities and Services," and "Regional Coordination."]

Question 3

MAINE MUNICIPAL ASSOCIATION PROPERTY AND CASUALTY POOL PROGRAM

Shall the Town vote to authorize the Selectmen, on behalf of the Town, to take whatever actions are necessary for the Town to become a member of the Maine Municipal Association Property and Casualty Pool Program, including but not limited to the execution of any contract required for such membership and the payment of any required fees or changes?

[Note of Explanation: This will allow the Town to consider the Maine Municipal Association as an option for the provision of comprehensive liability insurance when the Town next solicits bid proposals.]

Town of Kennebunkport Special Town Meeting November 6, 2012

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 6th day of November, AD 2012, at 8:00 a.m.** for the purpose of acting on Article 1 and 1a (election of an at-large member to the Beach Advisory Committee) and Questions 1 through 3 (Referendum Questions) as set forth in the Town Warrant. The polls for voting on Article 1a and Questions 1 through 3 shall be opened immediately after the election of the Moderator at 8:00 a.m. on November 6, 2012, 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 Signs.
2. Amendment to the Comprehensive Plan.
3. Maine Municipal Association Property and Casualty Pool Program.

The Registrar of Voters will hold office hours while the polls are open to correct any error or to 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 T. 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).

April Dufoe
Town Clerk

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 means that the last day to get a "no excuse" absentee ballot for the November 6 election is Thursday, November 1, 2012.

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 1, 2012.

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

Town boards/committee meeting broadcasts available online

The Town offers as a public service online availability to all town board and committee meetings that are broadcast on local cable channels 2 or 16. These meetings may be accessed via the internet at <http://www.townhallstreams.com/locations/kennebunkport-maine>, or visit the Town's Website at <http://www.kennebunkportme.gov> and click on the blue button for on-line meetings.

All meetings broadcast on cable channels 2 or 16, such as the Board of Selectmen, Planning Board, Growth Planning Committee, and RSU #21 are streamed "live" on the internet at the above address and available for viewing at any time for one year after the initial broadcast.

The web access is hosted by Town Hall Streaming, a Maine company based in York.

This service allows residents to view meetings at the individual's convenience. It benefits households that do not have cable service and also property owners who do not live year-round in Kennebunkport.

In addition to board and committee meetings, the Kennebunkport Town Hall Stream's site will make available other local broadcasts of interest.

Town holidays observed (Town offices closed)

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

Ordinance adopted

from page 1

- A beach advisory committee is established. The eight-member beach committee will help to guide the implementation of the beach ordinance and assist in the management of the beach.
- A beach maintenance and operations fund is created in the amount of \$129,000. The fund will be used to pay the operational, personnel and maintenance costs associated with the beach. It is not anticipated that annual expenditures will typically total the entire amount. Rather, the fund will act as a reserve account that is also available for unanticipated expenses such as storm damage to access points or to the seawall on Kings Highway. The fund would be replenished to its starting balance through each town budget cycle.
- A 25 ft reserved area is established for participating beachfront owners extending from the seawall or vegetation line toward the water. The public is free to use the reserved area for general recreation unless the owner exercises his/her right to make exclusive use of the area



Map of backlot and beachfront owners who signed the Beach Use Agreement.

- on any given day. The public has the right at any time to walk through the reserved area. If the high water mark intrudes on the reserved area, its limit is reduced to 10 ft for one hour before and after high tide.
- Parking in the Goose Rocks area will be limited to a maximum number of 173 on-street spaces. The town agrees to enforce parking and other beach rules and regulations, including compliance with the reserved area limitations on the beach.
- The town agrees it will not propose future changes to the Land Use Ordinance that would have the effect of intensifying the use of the beach or change the character of the beach, such as permitting commercial uses not currently allowed or increasing housing densities.
- The Beach Use Agreements run with the properties of both participating beachfront and participating back lot owners and have been recorded at the York County Registry of Deeds.

Selectmen meeting schedule for the holidays

Meetings of the Board of Selectmen are scheduled on the second and fourth Thursday of each month, at 7:00 p.m., at the Village Fire Station.

Since Thanksgiving this year falls on Thursday, November 22, this

meeting is changed to the following week on November 29.

There will be one meeting in December at the Village Fire Station on Thursday, December 13, and a brief meeting, later in the month, at Town Hall, just to sign the Warrants.

Implementation next spring
The Beach Advisory Committee will be formed later this year and will work over the winter with the Town Manager and the Board of Selectmen to plan for the implementation of the new ordinance for the 2013 summer season. All meetings will be advertised and will be open to the public.



Reduce
Reuse • Recycle

Reminder-use of fireworks prohibited in Kennebunkport

By Craig Sanford, Police Chief

On June 12, 2012, the Town of Kennebunkport adopted an ordinance prohibiting the use or intent to use fireworks within the town or a watercraft within the waters of Kennebunkport. Signs were posted on all roadways entering Kennebunkport and in other key areas to help notify visitors and serve as reminders for all who live in town.

The police department continues to receive calls regarding the use of fireworks in various locations in the town. I would like to remind people that the initial fine for a first time offense is "not less than two hundred dollars (\$200.00) and not more than four hundred dollars (\$400.00) plus costs." The "costs" could include legal fees, court costs, and overtime paid to officers for testifying in court. As you

can see, the cost of violating the town ordinance could be very expensive and outweigh the initial purchase of the fireworks.

We recently answered a call for service where fireworks were suspected of causing a small brush fire close to several buildings. Luckily, the fire was small and quickly extinguished by the fire department. The violator was found and cited with an upcoming court date.

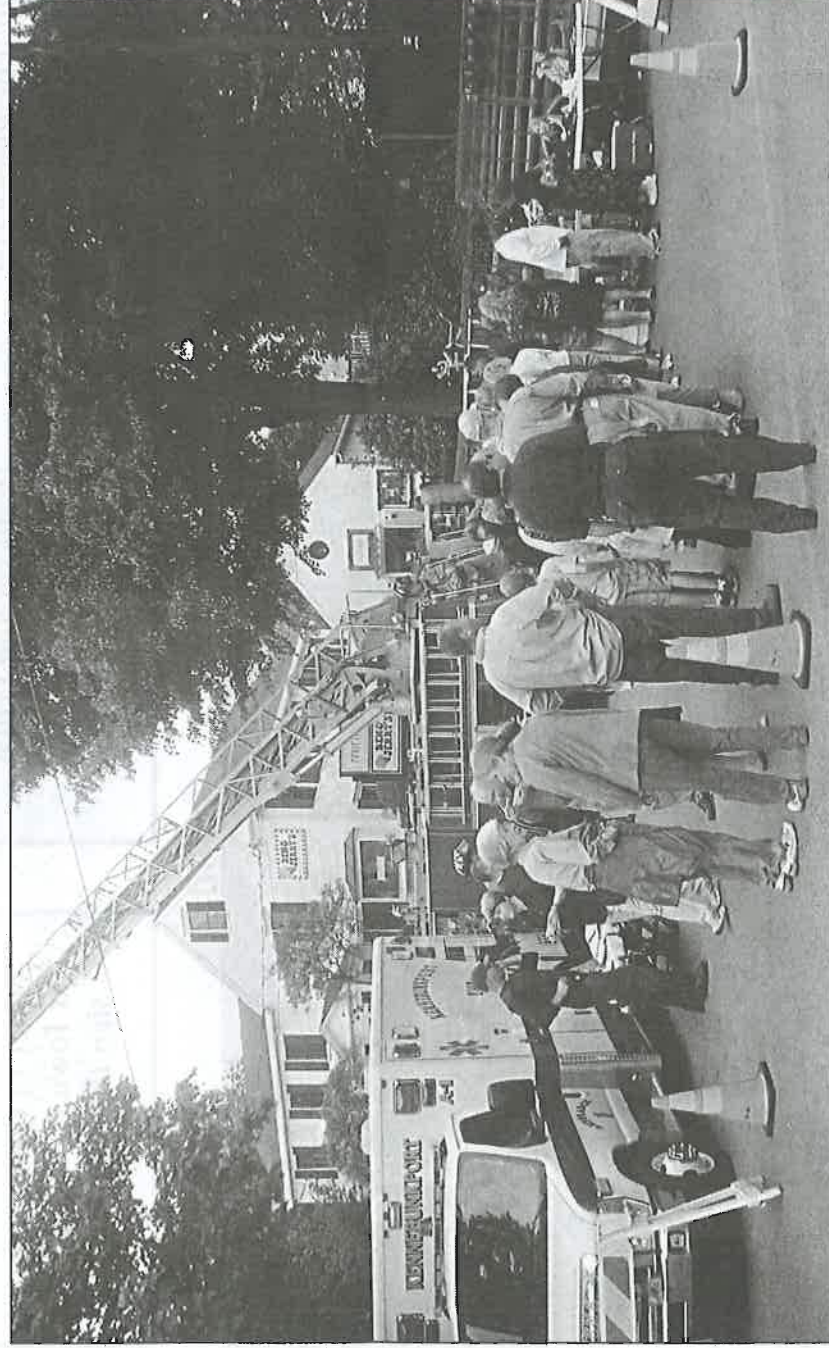
Town elders considered many factors during the consideration of the ordinance with safety as priority. We need everyone to lend a hand in helping inform visitors and friends of the ordinance. Compliance to the ordinance is important to keep everyone safe.

The police department has adopted a "no



tolerance" policy in most cases involving fireworks in Kennebunkport. When we can prove a violation has occurred, a citation will be issued in most cases.

The fireworks ordinance can be found on the town's website at www.kennebunkportme.gov, and any questions about the fireworks ordinance can be directed to the police department.



Walk the Port 2012

Visitors to the May 2012 Walk the Port event line up for a bowl of Retired Fire Chief Dan Philbrick's firehouse chili. Volunteers from the Kennebunkport Fire Department and KEMS served the chili, gave truck tours, and answered many questions from the public about our agencies.

Improvements on Whitten Hill Road

The Highway Department crew made improvements this summer to Whitten Hill Road from Goose Rocks Road to the Biddeford town line in preparation for paving work this fall. The Whitten Hill Road paved width is currently 18 feet along most of its length. Voters appropriated \$250,000 at Town Meeting in June for upgrades to the road, which is about 1.25 miles long. The work completed this summer included extensive shoulder work along the entire length and culvert replacement and improvement. The department's work will allow the paved surface to be increased to 22 feet, which will significantly improve safety for vehicles, bicycles and pedestrians. It will also reduce maintenance issues along the road's shoulders. The paving work will take place this fall.



The fire of '47

By Dick Stedman, Fire Administrator

Sixty-five years ago, in October 1947, Kennebunkport suffered the worst disaster in its history. A woods fire, fueled by high winds, a build up of debris in the forest and extremely dry conditions, turned into a raging wildfire and swept the town, destroying over 200 houses and changing our community forever.

The fire began in Arundel, and it burned to the ocean at both ends of Goose Rocks Beach, down Mills Road to the edge of Cape Porpoise village and over Crow Hill into Wildes District. The destruction of Kennebunkport village was prevented only by changing weather conditions, the bulldozing of a fire break between School Street and Wildes District Road, and the efforts of thousands of firefighters that converged on the area from throughout New England. The same fire also destroyed a large area of Biddeford, including all but six houses at Fortunes Rocks, and for a time, threatened the city itself. About half of the total land area of the two towns was burned over. At one time, the fire burned in an unbroken front that was over 8 miles long.

The fire, which became nationally known as the "Kennebunkport Fire," was one of many that

occurred simultaneously in Maine. Other York County towns including Newfield, Shapleigh, Waterboro, Alfred, and Lyman also suffered enormous losses. To the north, Bar Harbor and Acadia National Park were threatened with destruction.

The '47 fire called attention to the need to modernize Kennebunkport's firefighting capabilities. The firefighters who battled the blaze had little training and were forced to use largely antiquated equipment. As a result, the Kittredge family led a fundraising effort that purchased four new trucks, hose and other equipment. Shortly thereafter, Kennebunkport became one of the first small towns in the nation to implement a two-way radio system to alert firefighters and provide communications between stations and apparatus. Since then, several generations of firefighters have dealt swiftly with any forest fire threat to our community.

Today, the Kennebunkport Fire Department is far more prepared for a major woods fire. Each of the stations maintain an off-road brush truck equipped with water, foam, portable pumps, and forestry tools. We regularly train in woods fire operations and mount

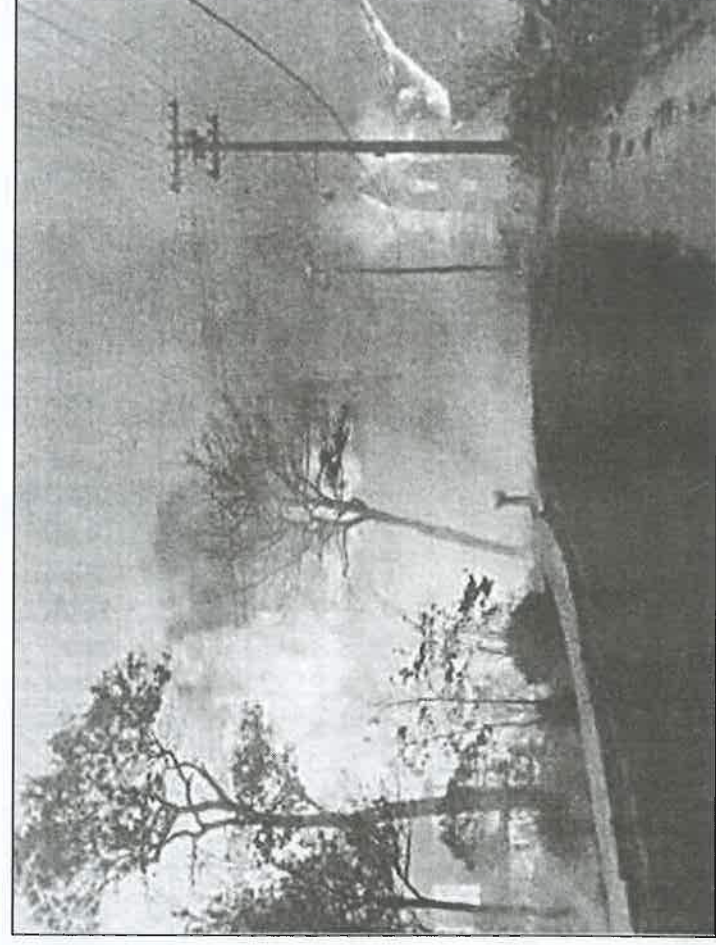
1947 Firefighters

Kennebunkport, October 1947. Firefighters take a break from battling the great wildfire of 1947. This 65-year old photo was recently discovered in the archives of the Kennebunkport Historical Society by veteran Kennebunkport firefighter

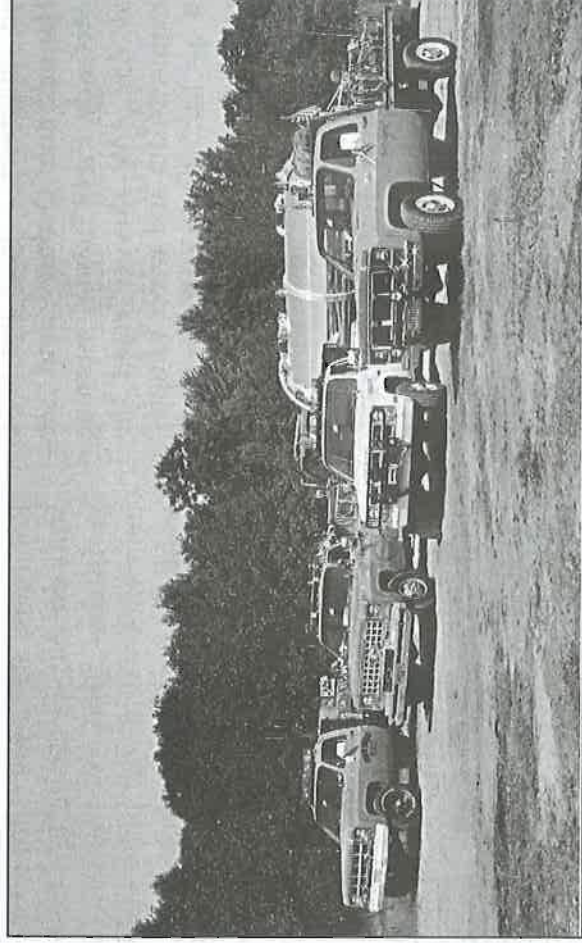


Freeland K. Smith. In checking with other senior members of the department, Freeland was able to learn the identity of the firefighters in the photo. They are (l to r) Robert "Bob" Wildes, Elwin "Stoney" Stone, Percy Clough, Charles Schmidt, Frank Fisher, and Emery "Emmy" McLean.

(Photo from the collection of the Kennebunkport Historical Society)



The cottages along Kings Highway at the east end of Goose Rocks Beach burn out of control during the fire of 1947 in this famous photo by AP photographer Ted Dyer.



Kennebunkport Fire Department's four brush trucks and tanker at woods fire training.

a sizable response to any reported brush fire. A system of nearly 80 "dry" fire hydrants has been estab-

lished in ponds and streams throughout the more rural parts of town, and our fire tanker can deliver 3,500 gallons of water to a reported fire in minutes.

As this piece is written, we have been experiencing a prolonged period of below normal rainfall and increasingly dry conditions. These factors may contribute to a fall season of abnormally high fire danger. Residents are urged to use extreme care with any outdoor burning, and call 9-1-1 immediately if a potential brush fire is observed.

**Kennebunkport
Parks & Recreation**

967-4304

www.kennebunkportme.gov

Click on "Recreation News"

Trips for Adults

Youth Basketball

Family Ski Programs at

Shawnee Peak and Sunday River

After-School Programming
and ERW

Kennebunkport Public Health

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

Healthy Maine Beach Program: The Kennebunkport Healthy Maine Beach team had a busy summer. An elevated enterococci bacteria advisory was posted five times. On June 6, the sample readings were this season's highest at the 178 Kings Highway test site. The sample reading was 958. Colony Beach reading was 238. These readings are the result of post heavy rainstorm events that brought water from inland to the beach. The EPA sets 104 as the maximum enterococci bacteria limit for water contact.

I would like to thank the dedicated volunteers: Linda and Steve Hanna, Bob Osthuus, and Lee McCurdy. 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: On June 9, the Public Health Department



sponsored our second 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. We had 47 households participate. Of those samples, 21% were positive for total coliform bacteria and 4% were positive for total coliform and E. Coli. Arsenic levels over the safe drinking level were found in 6.4%. Most levels were between .002 and .009 parts per million which is acceptable. Lorri Maling from Nelson Lab recommends that all wells be tested for arsenic. More residents than last year followed Public Health advice regarding checking for radon and fluoride. Of those tested, 100% of the radon in the water samples were below Maine's recommended limit. Of those tested, 100% were below the maximum contamination level for fluoride. We will be offering the next Test Your Well Water Day in the spring. Dug wells should be tested yearly, artesian wells every three years.

Stuff the Bus:

Unfortunately, the economy continues to be poor. Budgetary proposals before Congress continue to greatly reduce the

amount of funding that states will receive to assist low income residents with meeting their cost for winter heat. 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. Resident requests for assistance will increase as the colder months are with us. On November 6, Election Day, Kennebunkport Health Council members and Portside Rotarians are again sponsoring Stuff the Bus. Please bring a non-perishable 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 today at 800-965-5762 for an appointment. Kennebunkport residents are fortunate to have the Kennebunkport Emergency Fuel Program. Remember, this is an emergency only program. This program 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:

We far exceeded our expectations!! This year, with the assistance of the Good Cheer Club, He Cares Ministry, Portside Rotary, the Village Baptist Church and residents, we were able to

provide and fill 37 backpacks with back-to-school supplies for RSU 21 children. We also collected four huge boxes of supplies that our Youth Services Officer, Nate Jones, delivered to Consolidated and the Middle school to help staff fill in the missing needs for their students. Thank you very much for helping to make this project so successful. Your generosity and the extra effort that you put into this project are greatly appreciated. This was truly a community project.

Secret Santa:



The holidays are coming up. Please contact the Public Health Department for a Secret Santa application if you are in need of some help meeting your child's special wish list. Applications are to be completed by parents or legal guardians only. 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 continue 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 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:



Are you properly disposing of your medications? Flushing them down your drain can adversely affect your septic or sewer system. If you toss them in your household trash, your pet or wildlife could ingest them. Please drop off your prescription, over the counter, and pet medications into our green medication disposal box located in the Police Department lobby. It is available 24/7. All sharps are to be brought to the Public Health Department. The Police Department dispatchers are not allowed to accept them.

Flu & Pneumonia Vaccine Program:

It is not too late to have your flu and pneumonia shots. We still have vaccine. Visit the nurses during our 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.

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 at 967-4401, with any nursing, health officer complaints or social service needs.



The Stuff the Backpacks program received these donated backpacks stuffed with school supplies for RSU 21 children.



18 Consecutive years at summer rec camp

Senior camp counselor Raven Dufoe marked her final summer with Kennebunkport Recreation camp, having started with the program as a kindergartner. Dufoe stated, "The past 18 years have been more than well spent at Kennebunkport Parks and Recreation. I've grown and learned a lot. Sad to say goodbye to wonderful kids, co-counselors, and the best boss ever—with Kennebunkport Recreation."

Pictured clockwise starting at left: Spencer Falzarano, Jeremiah Cook, Chase Graves, Raven Dufoe, Connor Barrett, Carol Cook, Lauren Dickson, Bennett Kidwell, Ali Weisheit

Kennebunkport Public Officials

Board of Selectmen

Chair

Sheila Matthews-Bull

Vice-Chair

D. Michael Weston

Stuart E. Barwise

Allen A. Daggett

Mathew J. Lanigan

Town Manager

Larry S. Mead

Visit the Town Website at
www.kennebunkportme.gov

School issues remain in flux

from page 1

demolish the wing of the building that contains the gymnasium and kitchen and replace it with a modern, bright structure incorporating a new kitchen, cafeteria, music room with stage, library, and enlarged gymnasium. The committee's goal is to make improvements to the 60 year-old facility that result in a modern, efficient and healthy educational environment for the town's children, and that will put the facility on a solid footing for the next 25 years. The committee expects to give a recommendation for improvements to the School Board later this fall. Information regarding the committee's work is available on-line at the RSU-21 website. Meetings are open to the public.

Cost sharing committee

The RSU-21 Board of Directors formed, over the objections of the Kennebunkport Board of Selectmen, a committee to consider changing the method of cost sharing between the three member communities; Kennebunkport,

Kennebunk and Arundel. The committee met monthly between March and June 2012. It recommended that the cost sharing formula be changed to give more weight to the respective valuations of each community and less weight to the number of pupils each community has in the district. A shift from pupil count to valuation will increase the cost to Kennebunkport taxpayers and decrease costs to Kennebunk and Arundel taxpayers. The existing cost sharing assesses costs based on 60% valuation and 40% pupil count. Under the proposed changes approved by the committee, the local costs of operating the RSU (about 15% of the total school operating budget) will be based 90% on valuation and 10% on pupil count. Additionally, costs of non-state funded debt service will be based 100% on municipal valuation.

The School Board must present the proposal to change the cost sharing formula to the voters of all three towns for consideration. Under state law, the existing cost sharing

can only be changed if two-thirds of those voting district-wide vote in favor of the change. When, or even whether, the School Board will schedule a vote is uncertain because the Town of Arundel will vote in November on whether to leave the RSU. If Arundel does vote to leave the RSU, the question of how costs would be shared between Kennebunk and Kennebunkport, as the two remaining RSU members, would need to be addressed. Under this circumstance, Kennebunk, Kennebunkport, and RSU-21 will need to work together to determine how to go forward. Information regarding the cost sharing committee recommendation is available on the RSU-21 website (www.rsu21.net).

Arundel considers withdrawal from RSU-21

The Town of Arundel will vote in November on whether to remain a member community of RSU-21. Arundel voters directed their Board of Selectmen to establish a committee to develop a proposal for withdrawal and establishing its own school department. RSU-21 and Arundel, as directed by state law, negotiated terms of separation

that were approved by the State Department of Education. Arundel voters will have the final say whether to support the separation plan or remain in RSU-21.

If Arundel does vote to withdraw, it would leave Kennebunk and Kennebunkport as the two remaining municipalities in the RSU in the school year beginning 2013-2014. Just this past February, the Kennebunkport Board of Selectmen created a committee to research the costs, advantages and disadvantages of withdrawing from RSU-21. The Board's action to examine withdrawal grew out of frustration with the RSU-21 Board's decision to reopen the districts cost sharing formula for reconsideration. The committee issued a written report to the Board of Selectmen in May 2012. This report is available on the town's website; www.kennebunkportme.gov. The Selectmen accepted the committee's report and postponed further consideration of the issue pending resolution of Arundel's decision on withdrawal and potential changes to the district's cost sharing formula.

Trash and recycling collection schedule

In Kennebunkport, trash is picked up weekly. Recycling is picked up every other week (except at Goose Rocks Beach during the summer.)

Trash and recycling containers may be put out no earlier than 4 p.m. the day prior to scheduled collection and should be removed within 24 hours of pick up.

Hours of trash and recycling collection:

No earlier than 6:30 a.m. and completed no later than 6:00 p.m.

Non-collection holidays:

Thanksgiving, Christmas, and New Year's.

Alternate collection days will be advertised on the

Town government Cable Channels 2/16 and the

Town Website at <http://www.kennebunkportme.gov>.



REMINDER

The last day to request an absentee ballot for the upcoming election is Thursday November 1, 2012

Election Day

November 6, 2012

Polls Open

8 AM—8PM

Goose Rocks ruling

from page 1

of the town, as well as a claim of private prescriptive rights by more than 180 Goose Rocks Beach property owners.

The town attempted to persuade the plaintiff property owners to avoid the expense and divisiveness of a trial and settle the lawsuit under the same conditions that were agreed to by over 50 other beachfront owners. The town's proposal addressed the issues that the plaintiffs asserted caused them to file suit, including parking, privacy, signage, limits on development, and recognition of private ownership of the beach. Despite these substantive responses, none of the remaining plaintiffs in the lawsuit chose to sign a beach use agreement with either the town or the back lot owners.

During the trial, the several plaintiffs gave testimony that they had always thought of the beach in front of their homes as private, in some cases going back 50 years or more. They also testified that the use of the beach had dramatically increased over the last seven to ten years, as had public parking and hotel and resort use. They testified that this perceived increase in use was an important factor in their

decision to assert private property rights and to limit public recreational use.

Witnesses for the town and the back lot owners testified that they, their friends, neighbors and relatives, had been using Goose Rocks Beach for a variety of recreational pursuits for decades. Some witnesses testified to their use in the 1930s and 1940s. More than 30 individuals testified that they had used the beach without permission and without limitation for sunbathing, ball playing, Frisbee, volleyball, sandcastles, walking, swimming, skiing, boating, and just plain socializing. They testified that they had never considered the beach to be private, never been asked to leave, and never considered it necessary to ask permission to use the beach.

The presiding Judge, G. Arthur Brennan of York County Superior Court, is expected to issue a ruling in late October or November. Depending on the outcome, it is possible that there will be a second trial to address the issue of title to the beach.

Time to register your dog

By April Dufoe,
Town Clerk

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 that 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.



Keeping our elm trees healthy

Part of Kennebunkport's charm and beauty are the 23 towering, mature elms found in the village center. Keeping these treasures healthy is the responsibility of the Town's Shade Tree Committee. This elm at the corner of Pearl and Pleasant Streets is undergoing pruning of deadwood.