

KENNEBUNKPORT Town Review

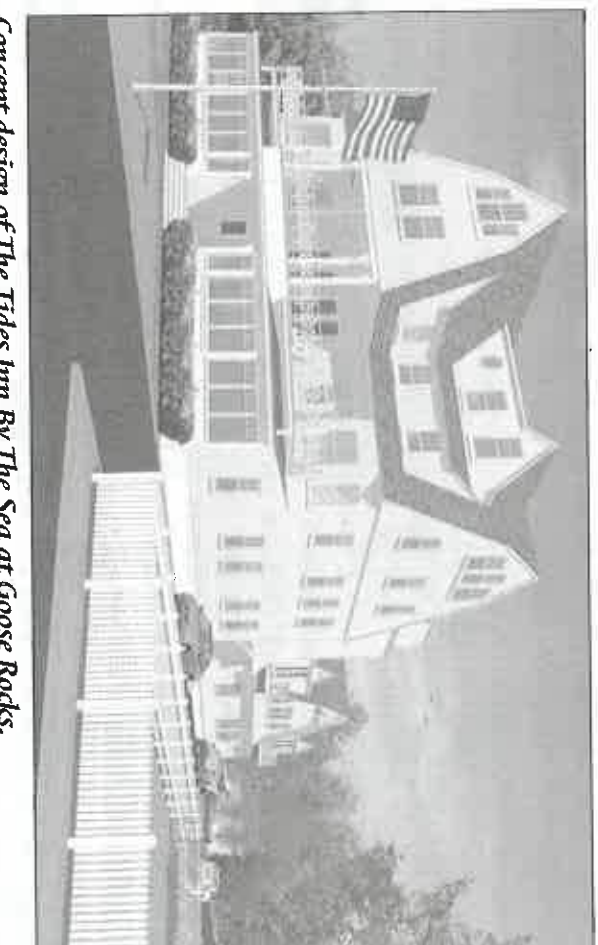
A newsletter for the residents of Kennebunkport

Number 8

Fall 2007

Contract Zone Proposed for Tides Inn at Goose Rocks *Would Allow Conversion to Condominiums, Public Restrooms and Beach Access*

By Town Manager Larry S. Mead



Concept design of The Tides Inn By The Sea at Goose Rocks.

Question 6 on the November ballot asks the voters whether they will approve a contract zone to allow the Tides Inn at Goose Rocks to be converted into a multiplex for condominiums. If the voters approve the contract zone and the project goes forward, the Town would then receive two public benefits in return; permanent public restrooms on the site, and permanent public access and use of the beach property directly across the street from the Tides Inn.

Last year, the voters gave approval to using contract zones as part of the Land Use Ordinance. The issue that led to the Town considering contract zones was the need for restrooms at Goose Rocks Beach.

The existing zone did not allow for permanent restrooms. The issue of how to appropriately provide for restrooms to beach visitors has been unresolved for years. Three years ago, Goose Rocks residents Bill and Ki Leffler offered the use of their yard on Proctor Avenue on a temporary basis in order to test the concept of restrooms being located close to the area of the beach open to the general public. That experience has demonstrated that restrooms are needed, will be used, and will not be disruptive or harmful to the neighborhood.

Marie Henriksen, who has owned the Tides Inn for over 30 years, approached the Town with a proposal to convert the 24 room

lodging establishment to condominium use. A contract zone allows the Town to enter into a written agreement with a property owner to establish certain conditions and

limitations that are different from the underlying zone in order to obtain specified public benefits that might otherwise not be realized.

See **CONTRACT ZONE** page 3

School Street Cemetery

A Story of Intemperance and Murder

By Ann K. Doe – Cemetery Committee

The earliest burial at the School Street Cemetery is John Murphy, who died in 1792 at the age of 42. He had married Elizabeth Downing in 1771 and together they had nine children. Several are interred with their spouses at School Street; others married and moved as far away as Lyman and Mount Desert.

Their seventh child, Hannah, never married and is buried in the School Street Cemetery. The Cemetery Committee replaced her well worn headstone a decade or so ago with a marble replica of the original, including its touching verse including its touching verse “Consecrated by the children of her charge. A mother to the motherless and whose life exemplified her Christian character.”

In researching who the “children of her charge” may have been and why they were “motherless” a story emerged that is shocking, even by 21st century standards. It involves Hannah’s uncle, James Murphy, and his wife Lucy Lord. It involves distilled spirits, the intolerance of



Photo by Marie-Louise Doe
Hannah Murphy's new marble headstone.

which had reached a fever pitch in Maine in the early 19th century. Indeed, the world’s first Total Abstinence Society was formed in Portland in 1815 and by 1834 all sales of alcoholic spirits except for “medicinal and mechanical” purposes were prohibited. That was six years too late for Lucy Lord...

Thanksgiving Day was November 13 in 1828. It is likely that residents

See **SCHOOL STREET CEMETERY** page 7

Voters To Decide On Revaluation

By Town Manager Larry S. Mead

Question 2 on the November 6 ballot asks voters to appropriate funds for the Town to carry out a revaluation of property. The last revaluation took place ten years ago, in 1998. Since then, there has been dramatic growth in the market value of homes in Kennebunkport, especially in properties that are on the water or have water views. As a result, the assessed value of properties has fallen steadily behind the actual value. Each year, the State of Maine adjusts the local property values in all towns across the State in order to more accurately compare values between towns and between different parts of the State. State law requires that municipalities keep the local value no lower than 70% of the State’s adjusted value. According to the State’s annual report, Kennebunkport’s local valuation has dropped to just 38% of full value. Last year, the Port ranked 477 out of 488 municipalities in Maine and at the bottom for York County.

Mike Rogers is the Supervisor of Municipal Services at Maine Revenue Services. No one in the State has a better handle on the issue of municipal values in Maine towns. He believes that there is no other community in the State more in need of a revaluation than Kennebunkport. Rogers is in the

See **VOTERS DECIDE** page 4

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Town of Kennebunkport Special Town Meeting

November 6, 2007

Village Fire Station, 32 North Street

Voting will be from 8:00 AM to 8:00 PM

BALLOT QUESTIONS

Question 1

RETIREMENT HEALTH SAVINGS PLAN FOR EMPLOYEES

Shall the Town appropriate \$103,266.74 from the Undesignated Fund Balance account (surplus) to fund contractually obligated expenses related to the employees' retirement health savings plan?

[**Note of Explanation:** Approving this question will save the Town an additional \$1 in future financial obligation for each \$1 expended. This is a one-time expenditure that is part of the employees' contract agreement. Employees who agreed to participate will earn \$1 towards a retirement health savings plan for each \$2 in accumulated sick time they give back to the Town. This plan, therefore, eliminates an existing unfunded liability equal to \$103,277.74.]

Selectmen recommend the amount requested – Voted 5-0

Budget Board recommends the amount requested – Voted 8-1

QUESTION 2

REVALUATION

Shall the Town vote to appropriate \$300,000 (three hundred thousand dollars) from the Undesignated Fund Balance account (surplus) to carry out a complete market analysis (revaluation) of all real and personal property?

[**Note of Explanation:** Approving this question does not authorize or permit an increase in total property tax collections by the Town. Approving this question will authorize the Selectmen to carry out a revaluation of all taxable property in the Town for the purpose of equalizing all values. The last revaluation was completed in 1998. If this question is approved the new values on property will not be implemented until April 2009 at the earliest.]

Selectmen recommend the amount requested – Voted 5-0

Budget Board recommends the amount requested – Voted 9-0

QUESTION 3

AMENDMENT TO THE SHELLFISH CONSERVATION ORDINANCE TO ALLOW THE ISSUANCE OF COMMERCIAL CLAM LICENSES

Shall an ordinance entitled "2007 Amendment to the Shellfish Conservation Ordinance to Allow the Issuance of Commercial Clam Licenses" be enacted? (A true copy of which is on file in the Town Clerk's Office and is incorporated by reference.)

[**Note of Explanation:** A study of the clam flat resource in Town by the Department of Marine Resources (DMR) documented an increase in the available clam harvest and indicated that the Town can allow more harvesting of clams annually, including limited commercial harvesting, and still maintain a healthy clam resource.

Approving this question will authorize the following: (1) Create a commercial license category with limits and regulations to be established by the Shellfish Committee; (2) Require commercial license holders to perform conservation work that contributes to the health and sustainability of the shellfish resource; (3) Increase the number of members on the Shellfish Committee to a maximum of 7.]

QUESTION 4

AMENDMENT TO THE SPECIAL EVENTS AND MASS GATHERING ORDINANCE

Shall an ordinance entitled "2007 Amendment to the Special Events and Mass Gathering Ordinance" be enacted? (A true copy of which is on file in the Town Clerk's Office and is incorporated by reference.)

[**Note of Explanation:** The purpose of the amendment is to provide a means for the Town to permit and regulate certain large scale gatherings of people for special events.]

QUESTION 5

AMENDMENT TO THE KENNEBUNKPORT LAND USE ORDINANCE TO ADD A PRACTICAL DIFFICULTY STANDARD TO ARTICLE 9.2 PERTAINING TO VARIANCES

Shall an ordinance entitled "2007 Amendment to the Kennebunkport Land Use Ordinance to Add a Practical Difficulty Standard to Article 9.2 Pertaining to Variances" be enacted? (A true copy of which is on file in the Town Clerk's Office and is incorporated by reference.)

[**Note of Explanation:** The purpose of this amendment is to add a new standard of "practical difficulty" as allowed by state statute to Article 9.2 pertaining to variances. Currently, the Board of Appeals may only consider the "undue hardship" standard when determining whether to grant a variance to the Land Use Ordinance. Adopting this amendment will provide the Board of Appeals with an additional alternative when considering variance requests, as long as no other feasible alternative is available to the applicant and as long as the practical difficulty is not something caused by the actions of the applicant or previous owner. If this proposal is adopted, applicants would have the choice of applying for a variance under either the existing undue hardship standard or the proposed practical difficulty standard.]

QUESTION 6

AMENDMENT TO THE KENNEBUNKPORT LAND USE ORDINANCE TO CREATE A TIDES INN BY THE SEA CONTRACT ZONE

Shall an ordinance entitled "2007 Amendment to the Kennebunkport Land Use Ordinance to Create a Tides Inn by the Sea Contract Zone" be enacted and if enacted, shall the Town vote to

accept as a gift dedicated to the Town a perpetual easement to provide public access to, and use of, certain oceanfront and beach property at Goose Rocks Beach, and to further accept as a gift dedicated to the Town certain property including public restrooms? (A true copy of which is on file in the Town Clerk's Office and is incorporated by reference.)

[**Note of Explanation:** This will create a Tides Inn by the Sea Contract Zone which will permit changes to existing space and bulk standards, including setbacks, lot coverage, density and building height, and allow a multiplex and public hospitality facility within the contract zone as conditional uses subject to Planning Board subdivision and/or site plan review. In consideration for certain changes to existing zoning standards and other conditions and restrictions on development within the zone that will allow for development of multiplex residential units within the existing building, the applicant must construct, at the applicant's expense, a permanent public hospitality facility providing restroom facilities, which will be conveyed to the Town. In addition, as part of the contract zoning agreement, the applicant must grant to the Town a recreational easement providing, in perpetuity, public access to, and use of, the beach area in front of the Tides Inn. This proposal is subject to a full site plan and subdivision review by the Kennebunkport Planning Board.]

QUESTION 7

SEWER EXTENSION

Shall the Town vote to give permission to CDMK, LLC to open the road on North Street to install a sewer line to connect to the Town's sewer system and to accept as an unconditional gift the sewer line to be located within the Town's property and/or right-of-way on North Street?

[**Note of Explanation:** This will authorize an extension of the Town's sewer on North Street for a distance of approximately 200 feet. This extension would enable, subject to regulatory approval, including approval by the Kennebunkport Planning Board, the proposed 81 unit subdivision between North Street and School Street to be connected to the Town's sewer system.]

QUESTION 8

ACCEPTANCE OF A GIFT

Shall the Town accept as a gift a parcel of land approximately 584 square feet in size that is immediately adjacent to 78 Pier Road and is a portion of property identified as Map 29, Block 2, Lot 3 in the Town's assessor's maps?

[**Note of Explanation:** The transfer of the property to the Town may enable the owner to sufficiently comply with existing land use requirements for the purpose of constructing a one-car garage. The property to be given to the Town can be added to the Pier Road right-of-way.]

Election News and Absentee Voting

By Town Clerk April Dufoe

When you come to the polls on November 6, 2007, you will receive two ballots. One will be a State ballot and the other will be a local ballot. The State ballot will contain five referendum questions (one citizen initiative to allow racinos in Washington County, three bond questions, and one to extend term limits for legislators). To see the full text of the ballot questions, you can go to www.maine.gov/sos/cec/elec/2007/questions-nov-6.htm. Our local ballot will have eight referendum questions. For more information and the exact language of our local questions, see some of the other articles in this newsletter. You may also look on the Town's Website, which is www.kennebunkportne.gov, or come to the Town Clerk's Office for more information on the proposed ordinance language. The Public Hearing on all of the local ballot questions will be on Thursday, October 25, 2007, at the Village Fire Station, 32 North Street, at 7:00 p.m.

Maine law does make it easy to cast an absentee ballot. You do not have to be out of town or have any other reason to take advantage of this easy way to vote at a time that is most convenient for you. There are several ways for you to obtain an absentee ballot. You can make a telephone request for your own ballot, which will be mailed to you. You can come into Town Hall and make a written request and take the ballot home with you, vote it and return it. Also, an immediate family member can make a written request on your behalf and bring you the ballot. You may also choose to vote in person at the Town Hall. There will be a special area set up for anyone to come and vote in private at a convenient time for you. Absentee ballots should be available by October 8, 2007.

To be counted, voted absentee ballots must be received by the Town Clerk by 8:00 p.m. on Election Day, November 6, 2007. If you have any questions about registering to vote or voting absentee, please call the Town Clerk's office at 967-4243 ext. 110 and I'll be glad to answer any of your questions.

Voter Information: Proposed North Street Sewer Extension

By David Kling, chair of the Planning Board

Question 7 on the November Warrant asks voters whether they wish to accept an unconditional gift of a proposed sewer extension on North Street in connection with a proposed development by CDMK, LLC. The facts on the proposal as understood by the Planning Board are as follows:

- CDMK LLC has purchased and proposes to develop approximately 87 acres between North and School Streets.
- CDMK proposes to connect the development to the public sewer system, which would require construction of a short sewer extension (approximately 200 feet) in the public right-of-way. CDMK would pay for the construction and would gift it to the Town.
- Reviews by the Sewer Department and Woodward & Curran (Town engineers) indicated that the extension and the proposed development would not create capacity issues for the Town's sewer system.
- The Planning Board has done a sketch plan review and site walk of the proposed development and is familiar with the proposal. Depending on the Town vote on the gift of a sewer extension, the proposal will go to the Planning Board for formal preliminary subdivision review either as a subdivision connected to the public sewer, or as a subdivision using septic. If preliminary approval is granted, the next step is final review. Public hearings will be held as part of each step.
- The Planning Board believes that it is far preferable for any development on the land to be on town sewer rather than using private septic systems.
- CDMK has stated that their evaluation indicates that almost the same number of units could be developed on the property using septic systems as could be developed using town sewer.
- All related documents are a matter of public record and available in the Town Office.

The Planning Board, the Superintendent of the Sewer Department, and the Board of Selectmen recommend approval of the gift of the sewer extension.

Volunteers Needed

The Town of Kennebunkport is currently seeking volunteers to fill two vacant positions: one on the Growth Planning Committee for a three-year term, and the other on the Planning Board for a one-year term as an alternate member.

Applications for these positions are available at the Town Hall, 6 Elm Street. A brief description of your interest and background would also be helpful. FWI- Call Arlene at 967-4243 ext 107.

Contract Zone

from page 1

Initial Limited Planning Board Review

The Planning Board is charged with conducting an initial review of applications for contract zoning. As part of that process, the Planning Board works with the applicant to develop a contract agreement and determines whether the proposal is consistent with the Town's Comprehensive Plan. After several meetings and an extensive public hearing, the Planning Board approved the format and wording of the contract agreement, determined that the proposal is consistent with the Comprehensive Plan, and recommended by a vote of 3-1 (1 abstention) to the Board of Selectmen that it be placed on the warrant for November. The vote by the Planning Board was not an endorsement of the proposal. Rather, the vote represented a determination by the Board that the applicant had met the minimum requirements of the ordinance to bring the question to the voters.

Contract Zone Would Waive Standards in Existing Zone

The Tides Inn has operated in Goose Rocks for decades. Its role as a lodging and restaurant establishment is permitted today as a grandfathered use that is no longer permitted under the existing zone. The proposed contract agreement would allow the building to be converted to residential use as a multiplex for condominium ownership. The applicant has proposed to develop 12 units as part of the project. Multiple use is not permitted today in the Goose Rocks Beach zone. This standard is one of many that do not apply in the existing zone but would be permitted in the proposed contract zone. Other standards that will be altered by the contract zone include maximum building height, front, side and rear setbacks, maximum lot coverage, minimum lot size, and area per dwelling unit.

Restrooms and Beach Use are Public Benefits

In return for waiving various standards in the existing zone, the Town would obtain from the applicant two significant public benefits. First, the public restrooms would be constructed on site at the applicant's expense and then given to the Town as an unrestricted gift. The Town would then operate and maintain the restrooms seasonally. Second, the applicant will deed to the Town a permanent recreational easement to the beach property located directly in front of the Tides Inn. This easement would be recorded as part of the deed. This is significant because, although, the public has been allowed to use the area for many years, the property itself is privately owned. The issue of public access on private beach areas has long been a contentious matter in Maine and there are many examples of disputes either preventing public use or putting such use in doubt. The proposal to make public access and use a part of the property's deed would forever preserve this tremendously valuable public benefit.

Planning Board Will Review if Voter's Approve

If voters approve the proposal to allow the contract zone for the Tides Inn conversion and public restrooms, the plan will have to undergo full site plan and subdivision review by the Planning Board. This means that the proposal will have to conform to the required performance standards under the Town's subdivision regulations, including those related to parking, traffic, noise, landscaping and buffering, and storm water management. The ultimate configuration of the proposal, including number of residential units and the location of the restroom facility, will not be determined until the Planning Board has completed its review.

For more detailed information regarding this proposal, visit the Town's website: www.kennebunkportne.gov or call the code enforcement office at 967-4243, ext 105.

Voters Decide

from page 1

process of compiling the annual report that adjusts local values to reflect actual values. Kennebunkport submitted to the State a local value of \$703 million. According to Rogers, the State's adjusted value for the Town is \$1.8 billion, or 156 % higher!

Why Have a Revaluation?

Nothing stays the same for long, certainly not property values. Properties in Kennebunkport, however, are still being taxed on the results of the 1998 revaluation. This means your property is being taxed today as if its comparative value to other properties in town hasn't changed over the past 10 years. Since the last revaluation in 1998, actual property values in Town have increased across the board. However, the increases have not been the same for all properties or in all areas of town. Some have increased more rapidly than others. A result of this disparate growth is that some taxpayers in town are now paying more than their fair share of the tax load, while others are paying less than a fair share. Table 1 on page 5 shows a comparison of home sales between 2005 and 2007 by different areas of town. The data shows that areas of town on the water or very near the water have experienced much greater increases in value than other parts of town. For example, the selling price of homes in the Goose Rocks area averaged almost 300% more than the Town's assessed value, while the sales in the Oak Ridge - Old Cape Road area averaged 133% of assessed value. Town-wide, the average selling price during that period was 189% above the assessed value. Two of the areas listed exceeded the town-wide average, while the other four areas listed were below the average.

Overall, 60 out of the 99 sales in Table 1 were below the Town average for

Kennebunkport's Proposed Revaluation Frequently Asked Questions

Kennebunkport voters will be asked to vote on an article at the November 6, 2007, election that will provide funding for a town-wide property revaluation. The proposed revaluation process would begin in 2008. However, the new values would not be implemented until 2009 or 2010. This fact sheet is intended to help answer common questions regarding a revaluation project.

What is a revaluation?

Revaluation equalizes values between all of the properties in town. The reason for doing this is to achieve a fair distribution of the tax burden. To accomplish this, data collection and market analysis are conducted that allow for the values of all properties within a municipality to be equalized. The purpose of a revaluation is not to increase property taxes. The purpose is to more equitably distribute the Town's property tax burden. A revaluation includes an on-site inspection of all properties.

Isn't a revaluation just a way for the Town to collect more taxes?

No! A revaluation does not change the total amount of taxes collected at all! It redistributes the payment of property taxes town-wide. That is why after a revaluation some property owners will pay less taxes, some more, and others about the same amount.

Why is a revaluation needed?

Current values are not fair. Ideally, all property owners in Kennebunkport should pay a fair share of the Town's property tax total; however, current assessed values in Kennebunkport are far below market value. As a result, many property owners are paying too high a share of taxes, while many others are paying too low a share. A revaluation sets the assessed values so that all properties contribute a fair and equitable share of the total taxes collected by the Town.

Over time, some properties will increase in value at a faster rate than other properties. The last revaluation in Kennebunkport was done in 1998. Therefore, certain properties in Town have become overvalued, and others undervalued, when compared to current market values within the Town. A revaluation will restore equity to these differences.

State Law: The State of Maine requires that towns maintain minimum "assessed value to fair market value" ratios. According to State law, our ratio should be no lower than 70%. However, the current State Valuation Analysis has determined that the ratio for Kennebunkport residential properties is less than 39% of market value. In comparison to all other communities in York County, Kennebunkport's values are the most out of line with the market. Statewide, there are only a very few towns with lower ratios.

I know my home's value has increased? Won't that mean my

percentage of assessed value. Generally, if as a result of the revaluation your property's value increases less than the average value increase of all town properties, your property tax bill will go down. On the other hand, if your property's value increases more than the average, your tax bill will increase. A revaluation redistributes the amount of taxes that various properties will pay so that it more accurately reflects today's actual values. Though some bills will go up and others will go down, overall, the total amount of property taxes collected by the Town will remain the same.

Below and at the bottom of the next page, you will find more information regarding questions people often ask regarding revaluation. On page 5, Ted Baker gives information regarding reverse mortgages.

Revaluation: Did you know that...

- Revaluation does not increase the total amount of taxes collected by the Town.
- For every dollar increase in taxes on one property, another property's tax bill will decrease by a dollar.
- Following revaluation, the Town's tax rate will decrease significantly.
- If the Town used the State's estimate of total value (\$1.8 billion), the tax rate would be less than \$7 per thousand.
- Newly constructed homes are not taxed at their full value. The value is reduced to be consistent with the 1998 revaluation.
- Out of 488 towns in Maine, Kennebunkport is ranked 477th when considering assessed value as a percentage of actual value.

taxes will increase if there is a revaluation?

Not necessarily. Although almost all properties have increased in value since the last revaluation 10 years ago, that does not mean everyone's taxes will increase. If, over the past ten years, the value of your property increased less than the average increase town-wide, your taxes will decrease. For some, properties taxes will remain about the same, in other cases the tax will increase. Generally, during a revaluation about 1/3 of properties will have taxes decrease, 1/3 will have taxes increase, and 1/3 will have taxes stay about the same.

Will the tax rate go down after revaluation?

Yes, the tax rate will go down. Two factors determine the tax rate. The total amount of value in the Town (the tax base), and the amount of taxes approved by voters to pay for school, town and county services. Revaluation will not change the amount of taxes raised, only the voters can do that. Revaluation will increase the Town's total assessed value (that's the market at work). If the Town's tax base increases and the total amount of taxes raised remains the same, the tax rate has to go down. For the 2008 fiscal year, the Town's tax rate is \$16.15 per thousand dollars of value. Although the actual tax rate for the Town after revaluation will depend on the final assessment of all property, the new tax rate will likely decrease by more than 50%.

How will I know if my assessment is equitable?

There are two very good methods of determining this. First, compare your property to similar properties in town that sold in the previous year. Your value should be in line with these sales prices. Second, if no recent sales are available, compare your assessment to other similar properties in your area using the street listing of values available in the Town Office. Your value should be in line with these similar properties. Remember, very few properties are exactly alike. Your value should be comparable, but it seldom will be exactly the same as what seems to be a similar property.

How will I find out what my new assessment is? If I disagree with my assessment, what are my options?

Notification: Each property owner, at the completion of the project will receive an individual notice of the new assessment.

Review process: Property owners also have access to assessed values for other properties in town; so that the property owner can review what values have been proposed for similar or nearby properties.

Hearings available: All property owners are given the opportunity for an informal hearing to discuss their values with the appraisal staff at an appointed time towards the end of the revaluation process. At a hearing, the

TABLE 1

AREA OF TOWN	Number		Avg Assessed Value	Avg Sale Price	Avg % Difference	# Sales	
	Sales	Assessed Value				Above 189%	Below 189%
TOWN HOUSE/OAK RIDGE/NORTH ST OLD CAPE RD/MAIN ST	31	\$147,955	\$344,434	133%	7	24	
MAINE ST	5	\$285,800	\$692,100	142%	1	4	
CAPE PORPOISE/MILLS RD/BEACHWOOD AVE/PIER RD	14	\$231,900	\$573,025	147%	5	9	
WILDES DISTRICT /EAST AVE/SCHOOL ST	18	\$236,638	\$590,788	150%	4	14	
OCEAN AVENUE/SOUTH MAIN ST/TURBATS CREEK	13	\$457,691	\$1,510,591	230%	8	5	
GOOSE ROCKS/SKIPPER JOES/OX PLOW	18	\$215,731	\$850,063	294%	14	4	
TOWN-WIDE TOTALS	99	\$262,619	\$760,167	189%	39	60	

** Data compiled by the Kennebunkport Assessor's Office

** This chart shows sales data between 2005 and 2007. It is for illustrative purposes only. Changes in value resulting from a revaluation will be different.

The Reverse Mortgage: A Saving Grace

By Ted Baker



Voters will decide this fall whether to have the Town conduct a revaluation of properties. The experience up and down the coast of Maine has been that properties fronting on or near the ocean have increased in value at a greater rate than other properties. In those circumstances, property taxes can increase significantly. Most owners of these primary residences or second homes are able to afford their tax-deductible increases, but there may be some people, particularly those 62 or older, who are "house rich" and "cash poor." In these situations, a homeowner may well worry about affording the increase. If you live in your primary home, a reverse mortgage could be the saving grace to help you pay property taxes.

They even require that prior to committing yourself, you receive relevant financial counseling from an independent agency approved by the government. When you give a reverse mortgage to a respectable lender, you can increase your available cash in several ways:

- line of credit
- lump-sum payment
- fixed monthly payments

Here are some important facts that dispel major misconceptions about reverse mortgages:

- Any money you receive is a tax-free loan of your own money (from equity in your home) and does NOT affect your Social Security or Medicare benefits. However, in some cases a reserve mortgage could affect your eligibility for Medicaid. Also, the amount or terms of the loan do NOT depend on your income,

your health or even your credit worthiness.

- You can use the loan proceeds for any purpose whatsoever, without anyone's permission or approval.

- You continue to own your own home to which you retain title; the bank doesn't own it.

- You don't repay the loan until you choose to move or sell (or die). Furthermore, any surplus equity that remains when you sell the home and pay off the loan goes directly to you (or your estate) and NOT to the lender. In the unlikely event that the proceeds of the sale are less than the accrued debt from the loan, you (or your estate) do NOT have to pay the difference since the government insures the lender for that possibility. By the way, your heirs have the option of keeping the home by

paying off the debt.

The maximum amount you can borrow, as determined by HUD, is based on several factors including current interest rates, the location and appraised value of your property, the equity you have, and the ages of you and your spouse (minimum 62). You can get an initial idea of this amount at www.aarp-magazine.org.

There are many sources of information you can turn to for details about interest rates, closing costs and servicing fees, insurance premiums (which are folded into your loan and NOT paid up front), lenders and counseling agencies. Try Googling "reverse mortgages" and you'll find more than 2,600,000 sites you can visit.

Two very informative free booklets are:

- "Just the FAQs: Answers to Common Questions about Reverse Mortgages" NRMALA, 1-866-264-4466, www.reversemortgages.org
- "Home Made Money: A Consumer's Guide to Reverse Mortgages" AARP, 1-800-209-8085, www.aarp.org/revmort

Frequently Asked Questions continued from page 4

property owner can voice concerns, and discuss inaccuracies or discrepancies with a qualified appraiser who will review the property record card and explain the value. Should an inspection or revaluation need to be done, the appraiser will make that determination, and any changes that result will be sent to the property owner.

Will Kennebunkport's share of the School District's budget increase if we conduct a revaluation?

No. A revaluation will not change the share of the Town's cost associated with a School District.

Why does a revaluation cost so much?

A revaluation includes a field inspection of all properties, unless the owner declines the inspection. Kennebunkport has approximately 3,500 parcels. This type of field work combined with the data entry and analysis is time consuming and necessary to adequately complete the project.

Are there any programs available to help people pay their property tax?

Yes. The State of Maine offers the "circuit breaker" program to help many homeowners with property tax bills. The program is available to year-round homeowners. Homeowners may qualify for as much as a \$2,000 rebate from the State depending on their income and the amount of their property tax bill. You can obtain an application by calling Town Hall.

In addition, the Board of Selectmen is considering whether to offer a local "circuit breaker" program that would provide additional help to homeowners who qualify for the State rebate program. Similar local programs have recently been introduced in the Towns of York and Cumberland following revaluations.

Need more answers?

Call 967-4243 ext 107.

What's Happening in Parks and Recreation?

By Director of Parks and Recreation Carol Cook

We had a great summer with a wide variety of activities for people of all ages. We have included a few photos since they say a picture is worth a thousand words.

I always look forward to the slower pace of fall, but I am still waiting... I am proud to announce the addition of Angela O'Connor to our staff. Though she has worked for the department for the past six summers, she will now be working 32 hours/week year round. She is quickly getting into the swing of things by working with the Middle

School of the Kennebunks to develop an intramural-type soccer program and getting team sponsors for our youth soccer program. Her main target audiences will be preschool, middle school, and senior citizens. If you have any program ideas to share, please give us a call at 967-4304.

Work on the Parks...Special thanks to the Town's Highway Department for helping renovate our parks this summer. Their work at Beachwood was like "weeding with a backhoe." Many areas had become overgrown

with grass in the playground area, spreading yews that spread too far, and rosa ragosa that was beyond our control. We also distributed a layer of wood chips on the playground at Parson's Field, installed new tire swings at Cape Porpoise Fireman's Park, and gave Silas Perkins Park a much needed sprucing up (for two weddings that were held there). We're not done yet... with further plans to seal the tennis and basketball courts at Beachwood, finish the warming hut at our Park at Crow Hill, and

complete additional work at Cape Porpoise. We have not yet realized our fundraising goal for new backstops at Cape Porpoise and Parsons Field, but we have additional prints of Will Cunha's *Memorial Day Parade in Kennebunkport* available at \$35. You may purchase one at Town Office, the Parks and Recreation office, or at the Prelude Craft Fair at Consolidated School on Saturday, December 1.



Enjoying Sebago Lake.



Wet n' Wild Day.



Kennebunkport Public Health

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

SENIOR MEAL SITE: The Kennebunkport Health Council and Atria Assisted Living are cosponsoring a monthly senior brunch. The brunch will be held on the first Monday of the month at Atria, one Penny Lane, Kennebunk. BINGO or entertainment will start at 9:30 a.m. with brunch served at 10. Please call the Public Health Office-967-4401 to make reservations.

FUEL ASSISTANCE: Need help paying heat or utility bills? You may be eligible for the Low Income Home Energy Assistance Program. Contact York County Community Action at 1-800-965-5762 to apply.

"CIRCUIT BREAKER PROGRAM:" Applications are available at the Kennebunkport Town Office as well as at the Public Health Department for the Maine Residents Property Tax and Rent Refund Program. This refund is directed towards the property tax assessed or rent paid in 2006. If you need assistance with completing the application, contact Judy Barrett at 967-4401.

FOOD ASSISTANCE: Arundel, Kennebunk and Kennebunkport General Assistance Administrators sponsor a surplus food distribution site at the Dorothy Stevens Community Center, West Kennebunk on the even months. Contact the Public Health Department for dates and time.

Church Community Outreach Services offer a FREE produce food pantry every Friday morning, 9 a.m., Saint Martha's Church, Route One,

Kennebunk.

Church Community Outreach Services also offers a food pantry program. If you should need assistance, contact the Public Health Department at 967-4401 to access this program.

HOLIDAY NEEDS: The holiday season is quickly approaching. If you need assistance or would like to volunteer for the holiday basket program or Secret Santa, contact the Public Health Department.

GENERAL ASSISTANCE: Residents who are having difficulty providing for their family's food, fuel or rental needs are encouraged to contact Judy Barrett for a State of Maine General Assistance application. General Assistance is an income eligible program administered by the town of Kennebunkport under State of Maine statute.

MEDICATION/SHARPS DISPOSAL PROGRAM: Please bring your outdated or unused medications (prescription and over the counter) to the Public Health Department or to the Police Dispatch Center for safe disposal. Flushing these substances in your septic or sewer systems will harm the system and our environment. Children and pets can accidentally ingest them if they are thrown in with your household trash. The Kennebunkport Public Health Department is the collection site for all sharps, these include syringes and diabetic testing supplies. For the protection of your family members and our trash removal staff, these are not to be disposed of with household waste.

HEALTHY MAINE BEACH PROGRAM: Healthy Maine Beach Water Testing Program has concluded for the Summer of 2007.

Advisory notices were posted: Colony Beach: June 6-June 13, August 8-August 10. Goose Rocks

Beach: June 6- June 20, July 11- July 25, August 1- August 8, August 15-August 17, and August 29-Highest Reading at Colony Beach was on June 5: 590. Highest Reading at GRB - Site 4 (177 Kings highway) - 2190

To the Healthy Maine Beach volunteers - Thank You! Thank You! Thank You!

KENNEBUNKPORT WATERSHED PROGRAM: Among the number of activities that the Kennebunkport Public Health Department and the Kennebunkport Conservation Commission provide are educational programs and informational packets focusing steps that we can take to improve the water quality and soil in our watersheds. Kennebunkport is in two watersheds, the Kennebunk River watershed and the Kennebunkport/Biddeford watershed. It is vitally important that we all do our part to keep these treasures for our children to enjoy. In case you missed the Septic Social, Gardening in a Watershed or River Day, please contact the Public Health Office. We are happy to provide the informational packets to you. We will be offering additional programs during the year.

FALL IMMUNIZATION CLINIC: Date to be announced once the vaccine is actually in our office. Notices will be posted on the Kennebunkport Web page, local newspapers, the libraries and post office.

DURABLE MEDICAL EQUIPMENT "LOAN CLOSET:" The Kennebunkport Health Council would like to remind you that the FREE Loan Closet is available to residents and guests of Kennebunkport. This closet is located at the Public Health Department. If you should find yourself in need of crutches, a walker, cane, commode or shower chair, please contact the nurses at 967-4401.

The Fire Department Needs Your Help

By Fire Chief Daniel F. Brock

The members of the Kennebunkport Fire Department request your help in protecting your property by improving our emergency response time. In an emergency, we may need to locate your home and get our fire trucks onto your property. Many long driveways and private roads are quite narrow due to the location and growth of trees and shrubs, while our fire apparatus are fairly large.

First, we are asking that you comply with the Town Ordinance and post your house number in large, clear numbers on the front of the house or at the end of the driveway, whichever is appropriate.

Second, we are asking that you keep the driveway and/or roadway open with a clear passage of at least 14 feet high and at least 20 feet wide. This distance gives us enough room to get our equipment in and navigate curves especially where you have a structure of value that we need to have access to. If you would like someone to come out and look at your private road or driveway, please call 967-2114 to make arrangements.

As we enter the colder seasons, we would like to thank you for keeping your chimneys clean. It means fewer chimney fires and less need for us to get our trucks onto your property.

Changes Proposed To Shellfish Ordinance

By Town Manager Larry S. Mead

The Shellfish Committee has proposed adding a commercial license category to the existing ordinance. The proposal for a commercial license is being suggested following input from the State Department of Marine Resources (DMR) that the Town's clam flats have more resource capacity than is being harvested under the Town's existing rules. The DMR suggested that the shellfish resource would benefit if there was an increase in the number of clams being harvested. If managed appropriately, the shellfish resource is sustainable and renewable. The DMR supported the Town initiating a limited amount of commercial harvesting in addition to the recreational licensing already permitted.

The intention of the Shellfish Committee is to allow a commercial license holder to harvest for only six months, and to limit the amount of clams harvested to about 1/2 of what is allowed in most other towns. Limiting the license to six months will allow more individuals to obtain the license while still protecting the resource. The proposed ordinance changes require that commercial license holders participate annually in conservation activities such as reseeding programs or resource survey programs in order to remain eligible for licensing. Commercial licenses would not be available to individuals who hold shellfish licenses in other communities.

School Street Cemetery

from page 1

of Kennebunkport were preparing for a modest meal of thanks, this being a working town of fisherman, farmers and ship builders at the time.

It seems that Lucy and James Murphy's drunkenness was well known in town and their intoxicated quarrels witnessed by many. In fact, Phoebe Murphy, their 8 year old daughter came to the home of James Deshon about noon on Thanksgiving Day crying that her father was killing her mother and asking for help. Having been disturbed so often by the discontent of his neighbors, Mr. Deshon declined to help and stayed home. About a half hour later, 17 year old son Thatcher Murphy arrived at the Deshons with the same lament but this time, James Deshon came to the Murphy house, along with his wife and two others.

When they arrived at the Murphy home, Lucy Murphy was lying "beastly drunk" on the floor, "apparently dead." James Murphy had put the lid of the Dutch oven into the fire and heated it till it was red-hot, then laid it on his unconscious wife in hopes of burning her to death. He too was rather inebriated, according to newspaper accounts of the trial, but still competent enough to go outside to get sticks of pine, alder and thorn bush, to stoke the fire and hasten his wife's demise. Mr. Deshon testified that when he opened the door he saw James Murphy with a

bellows, fanning the fire on and around his wife.

Dr. Jason Langdon testified that he had been the Murphys' physician for over a dozen years, and that James Murphy's habits were intemperate; he had seen James Murphy drunk. Lucy Murphy came to him the previous August with her eye "much bruised and discolored," as was her left shoulder, to the point that she "could not use her arm much."

Dr. Langdon was called to the Murphys' home about 3 p.m. on November 13, 1828. He found Mrs. Murphy on a bed, "speechless and insensible, pulse very feeble, clothes mostly burnt as high as her hips..." She lingered for three weeks, through sloughing skin and bouts of dysentery. When Dr. Langdon saw her for the last time on December 3, Lucy Murphy "had her senses," but her "extremities were cold and perfectly destitute of pulse."

James Murphy was first charged with assault, and then murder after his wife finally succumbed to her burns. He was tried and convicted of her murder. He was sentenced to hang on December 4, 1829, 12 months and a day after Lucy's departure. According to The Ancient City of Gorgeana and Modern Town of York (Maine) the governor of Maine died before Murphy's death warrant could be signed; subsequently James Murphy languished in jail in York



Photo by Marie-Louise Doe

Section of School Street Cemetery where interred are members of the Curtis, Grant, Good, Hutchins, and Perkins families.

for quite some time. He was finally reprieved and sentenced to life in State prison. Life in State prison didn't last long, for soon after he arrived there James Murphy fell, broke his neck and died.

Michael Katz, author of In the Shadow of the Poor House: A Social History of Welfare, explains that there were three principles of American and English poor laws in the 18th and 19th centuries. First, poor relief was a local responsibility; second, it was the first locale's responsibility even if the pauper moved to another town; and third, and most germane to the Murphys, that "family should account for their poor kin."

The events of Thanksgiving Day in 1828 rendered the Murphys' offspring essentially orphans.

"Motherless" because Lucy was dead; fatherless because James was in jail. Thatcher was 17 and already living apart from the family when the murder occurred, but Benjamin was about 7, Phoebe about 8, and Alice about 14 in 1828. Based on Katz's observations in his book it is possible, even likely, that they then lived with Hannah, or she came to live with them, and that she became a mother to those motherless children until her death in 1833.

Researchers from York to Thomaston contributed to this article and special thanks are extended to Sharon Cummins, Researcher Extraordinaire, who can be contacted at www.mykennebunk.com if you require assistance with your own historical and genealogical research.

Judy Barrett Receives Environmental Award

By Town Manager Larry S. Mead

This past spring, Kennebunkport Public Health Nurse Judy Barrett was at Faneuil Hall in Boston receiving the EPA's Environmental Merit Award. This award celebrated environmental achievements in New England and recognized those individuals who have made significant contributions toward preserving and protecting our natural resources. Ms. Barrett was nominated for her countless hours of involvement in the Kennebunkport Water Quality Program where she took the lead in advocating a study to determine potential sources of bacterial contamination affecting Goose Rocks Beach. She was instrumental in securing the funds necessary for this study, coordinating the ongoing water quality monitoring program, and increasing public awareness of the latest water testing results. Congratulations Judy for the well-deserved recognition!

Winter Lawn Care

By Conservation Commission Chair Nancy Kling

Now that it's time to get your lawn ready for winter, here are a few tips for a healthy way to make the most of the dormant season. During the cold months, your lawn can be storing up energy for strong, new growth in the spring, which will in turn help prevent weeds from taking hold.

Fall is the time to overseed your lawn. This practice will introduce healthy and robust young plants ready to fill in bare spots and compete with weeds by depriving them of the sun that they need for new growth. Be sure to use the right seed mix for this area. In general, fescue and ryegrass should be significant components of seed used here. (For sources and blend info, go to www.yardscaping.com.)

When you cut your lawn for the last time (whew!) leave the clippings on the lawn. The nitrogen in the clippings will be absorbed into the soil, and will provide valuable nutrients at a wonderful price – nothing! (Actually, it's a pretty good idea to leave the clippings on the lawn all the time, but in the fall it's especially helpful.)

Also, the fall is the time to fertilize if you feel it necessary. It is the best time for the uptake of nutrients into the soil, so you do get the most

for your money. These nutrients will help the grass develop deep and healthy roots to support strong spring growth – again, a good way to reduce weeds by shading them out before they establish themselves. At best, use organic fertilizer in the right quantity – more is not always better, as excess fertilizer runoff can damage our watershed, cause alga blooms and use up available oxygen in the water. At the least, use slow release, non-phosphorus fertilizer, again in the right quantity.

And while you are looking at your snow covered lawn this winter, consider going organic next year (If Cape Arundel Golf Course can do it, so can you.), or asking your lawn care company to use only organic products. You really can have a wonderfully healthy green lawn without chemicals. If you want more information, call Conservation Commission members Lynn Jourdan (967-8784) or Nancy Kling (967-1097). We have lots of handouts and information about healthy lawn care practices that we would happily give to you. You can also visit www.yardscaping.com or www.safelawns.com. Or take a look at Paul Tukey's wonderful book The Organic Lawn Care Manual.

Town Employees Appreciation Day

By Arlene McMurray

This past July, the weather cooperated, just in the nick of time, for the annual awards barbecue held at the Town Office for employees. Town Manager Larry Mead hosted the event and manned the grill with flair as the staff lined up for their hot dogs, hamburgers, and veggie burgers. Besides the usual barbecue fare, everyone enjoyed the chocolate and pumpkin whoopee pies for dessert.

After lunch, Mr. Mead presented the longevity awards. Awards were given to employees with five or more years of service to the Town as of June 30, 2007, rounded off in increments of five years.

David Conway, Helen Antonelli, and Michael Caiola received embossed mugs for 5 years of service.

Certificates on plaques for 10 years of service were awarded to: Theresa Tarbox, Steven Shisler, and Joanne Bourque.

For 30 years of service, Lorraine Brooks received a knitting bag with two, brass, oval brooches attached that were engraved with the Town logo, her name and date of service.

Everyone left with full bellies and a smile.



Arbor Day at Consolidated School, June 1, 2007
L-R: Tree Warden Rick Griffin, Shade Tree Committee Members – Joanne Gamble, Ki Leffler, Suzanne Stohlman and District Forester for the Maine Forest Service Department of Conservation Dennis Brennan.

Thirty Years and Growing Strong

By Suzanne Stohlman – Shade Tree Committee

2007 is Kennebunkport's 30th year as a Tree City USA. The citizenry that supports this wonderful program should be very proud!

With increased public recognition of global warming, Kennebunkport is wise to look to the health of the tree canopy around our homes and streets. Healthy trees aid heating and cooling, supply windbreaks against changeable weathers, and provide shade and shelter for us and for wildlife.

Through the dedication of the Shade Tree Committee; Tree Warden, Rick Griffin; and arborist Bob Palmer our imposing elm tree population remains in fine condition. The rest of the town trees are monitored regularly for health, vitality and safety.

The Shade Tree Committee is always looking for sites to plant new trees. If you should have a street-side site available, please call Rick Griffin at 967-8818.

Time to Register Your Dog

By Town Clerk April Dufosse



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 \$7.00 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 \$15.00, in addition to the annual license fee, will be charged. The late fee increases to \$25.00 after the municipal warrant for unlicensed dogs is issued.

Another State rule is that the municipal tag and the rabies tag obtained from your veterinarian must be securely attached to the dog's collar and that collar must be worn at all times by the dog.

So don't wait until the last minute. Come early and avoid waiting in line. The Town Clerk's hours are Monday through Friday, 8:00 A.M. – 4:30 P.M.

Assessing Information is Online

Assessing information for the Town of Kennebunkport is available online at:

<http://www.kennebunkport.me.gov>

Select the yellow button "Assessor's Database."

Then, select ONLINE DATABASE ACCESS.

Continue following the instructions.