

## **IS THERE REALLY ANY NEED FOR A LAWSUIT?**

In their October 30, 2009 article published in the Portland Press Herald justifying the lawsuit against the Town, Robert Almeder and Jack Fleming raised a number of concerns regarding the public's use of Goose Rocks Beach. The Town of Kennebunkport has been – and remains – willing to address each and every one of those concerns in order to avoid costly, divisive and time consuming litigation. Thus,

- Mr. Almeder and Mr. Fleming stated that plaintiffs had filed the lawsuit against the Town, in part, because of the “disturbance of the wild and uncultivated bird habitat areas on the beach upsets many residents.” There already exists a group of residents who, in consultation with Maine Island Fisheries & Wildlife, actively monitor and support the plover habitat at Goose Rocks Beach. The Town Manager and Selectmen are supportive of efforts by this group of residents and remain willing to adopt reasonable regulations at Goose Rocks Beach to protect the plovers.
- Mr. Almeder and Mr. Fleming also publicly stated that they filed the lawsuit, in part, because of the “uncontrolled and continuing development of seasonal condominium hotels and motels in the neighborhood,” which they claimed “threatens a loss of existing tranquility, privacy, essential wildlife habitat, and traffic safety by furthering serious congestion on the beach and on the nearby roads.” The Town is prepared to bring together residents of Goose Rocks Beach and other Town neighborhoods to assess the effects of recent and potential Route 9 development on Goose Rocks Beach. The Town supports constructive and open dialogue as a means to make land use decisions that support and promote the interests of the Town and the neighborhood.
- Mr. Almeder and Mr. Fleming (and other Goose Rocks Beach residents) have expressed a desire to ensure that public use of the beach is reasonable and respects all nearby landowners. To address these concerns, the Town Manager and Selectmen have been and remain willing to discuss with the plaintiffs a number of ideas to address these concerns. These include but are not limited to construction of signage clearly designating public and private ways, the installation of racks for kayaks, canoes and boats, an increase in trash receptacles, trash pick-up and disposable waste bags for dogs, the use of beach stewards, and reasonable limitations on bonfire permits and beach hours.
- The Town is also willing to discuss with the plaintiffs the need for an increased police presence at Goose Rocks Beach during the summer months to discourage illegal, inappropriate, disruptive or offensive conduct at the beach. The Town remains open-minded about discussing this issue with the plaintiffs even though there have never been more than a handful of complaints each summer regarding inappropriate use of the beach, and in each case the Town Police has responded to these complaints promptly.
- The Town is also willing to install a public toilet at a suitable location near the beach to help alleviate one of the legitimate concerns that has been raised.

- Finally, the Town was (and is) prepared to help establish a committee, including Goose Rocks Beach residents, to enforce any resolution reached by the parties. In this way, the Town believes that the legitimate issues raised by plaintiffs (and others) concerning reasonable, appropriate use of Goose Rocks Beach will be addressed and that, in the future, any concerns can be addressed by the committee.

Unfortunately, however, the plaintiffs, through their counsel, have refused even to discuss the various proposals suggested by the Town and instead have steadfastly insisted that public use of Goose Rocks Beach must be seriously restricted. The Town remains optimistic that if it continues to work toward addressing legitimate concerns, while still safeguarding the public's right to use the beach, a time will come when the plaintiffs realize that the best interests of everyone will be served by resolving this litigation and working together to ensure that the beach is preserved and protected for all.