

ITEM 1 – ROLL CALL

Chair Bill Hamilton called the regular meeting of the Town of Eliot Board of Appeals to order at 7:00pm.

Present: Bill Hamilton, John Marshall, Charles Rankie, Jr., Jay Meyer, and Jennifer Himmer

Absent: Donna Knox, secretary (excused); Cabot Trott, vice chair (ineligible as elected to the Select Board)

ITEM 2 – PUBLIC COMMENT PERIOD

There was no public comment.

ITEM 3 – PUBLIC HEARINGS

The Chair reported that Michael Cuomo withdrew his Administration Appeal of a Code Enforcement Officer action by LEB, LLC, through a letter addressed to the Board of Appeals, dated July 20, 2023, and signed by Michael Cuomo, Mgr., LEB, LLC, 6 York Pond Road, York, ME 03909. Mr. Hamilton read for the record the letter of withdrawal: "I withdraw the appeal by LEB, LLC, regarding tax map 111, lot 19, located on Punkintown Road." As such, no action was required by the Board of Appeals. The Chair closed the hearing.

ITEM 4 – NOMINATION AND ELECTION OF OFFICERS

The Chair asked if new members had been sworn in by the Town Clerk. Given two absent members, the Chair wanted to assign one alternate member to be a voting member for the meeting. Ms. Himmer was re-appointed but has not been sworn in, and as such, is ineligible to vote. Mr. Rankie said he has been re-appointed and sworn in. The Chair made Mr. Meyer a voting member for the meeting.

There was a question about returning members being sworn in again by the Town Clerk. Of note, Code of Ordinances, Sec. 2-103 (a) (7) reads: "Following appointment to a board, each regular and alternate member (except of those described as ad hoc or BOS advisory committees) must be sworn into office by the town clerk prior to acting as a member of that board."

Mr. Rankie motioned, and Mr. Marshall seconded that Bill Hamilton serve as chair, Donna Knox as secretary, and Charles Rankie, Jr. as vice chair. The motion passed by a unanimous roll-call vote.

Vote: 4-0

Motion approved.

Mr. Rankie made a motion to authorize the chair or vice chair to contact the Maine Municipal Association (MMA) Or Town attorney as deemed necessary to conduct Board of Appeals business. Mr. Hamilton said the authority to do so was already granted and is

the authority of the chair. Members discussed briefly. Mr. Rankie withdrew his motion. Members agreed to discuss the issue at a future meeting.

ITEM 5 – REVIEW AND APPROVE PREVIOUS MINUTES

Members reviewed the minutes from the last meeting on January 20, 2023. **Mr. Marshall motioned, and Mr. Hamilton seconded that the minutes for January 20, 2023, be approved as amended. The motion passed by a unanimous roll-call vote.**

Vote: 4-0

Motion approved.

ITEM 6 - OTHER BUSINESS

Mr. Hamilton asked if there was any other business. Mr. Rankie noted that there was a missing document, a copy of the advertisement, in the packet for the (now withdrawn) Administrative Appeal scheduled for the meeting. Mr. Hamilton said that a complete packet is required for the Board's business, and it is always greatly appreciated when the packet is complete. For the benefit of Ms. Himmer, Mr. Hamilton and Mr. Rankie explained the process for putting the packet together overseen by Ms. Tackett, administrative assistant, and Ms. Bishop, code enforcement officer. Mr. Hamilton said it is something the Board has worked to ensure for each appeal and that what is required in the packet is in the By-laws. Mr. Rankie said that an appellate court could overturn the Board's decision citing the packet as incomplete because a copy of the advertisement was missing, had the Board reviewed and made a decision on the scheduled Administrative Appeal. Mr. Marshall said he would like to express his disappointment at the lack of accessibility at Town Hall. Mr. Hamilton asked if that stemmed from the hours, Mr. Marshall said it was due to the locked doors he has been encountering. He added that he could understand if it were due to a temporary situation but that there is no longer a temporary situation that would require limited access to the Town Hall. Mr. Rankie said he feels the limited hours that the Town Hall is open are the problem. Mr. Hamilton said he would speak with the Town Manager about the situation.

Mr. Rankie commented that any Eliot town clerk can swear in board members.

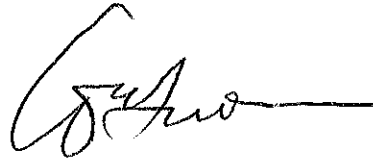
Mr. Hamilton asked members to handle the new printed materials with care, particularly to not write in them. He added that they are all paid for, that it was an expensive undertaking, and that members should return the materials to Town Hall at the end of their terms.

Members discussed the response time of the code enforcement officer to applicants. Mr. Marshall asked if an application was not responded to by the code enforcement officer, how is that denial handled and where does it go. Mr. Hamilton said an application is considered denied if the applicant has not received notice within 45 days. Mr. Marshall commented that the Town should not keep people waiting and not knowing the outcome.

80 **ADJOURNMENT**

81 **Mr. Rankie moved to adjourn. Mr. Marshall seconded.**

82 The meeting was adjourned at 7:43 p.m.



Bill Hamilton, Chair

Date approved: 10/11/23

**Respectfully submitted,
Ann Lukejord, Recording Secretary**