

Mr. Hamilton: Oh, no, that's housekeeping.

Ms. Knox: Okay.

Mr. Hamilton: That has nothing to do with a specific appeal. It's only anything that is in regard to a specific appeal.

Ms. Knox: Because I was scribbling and I'm quite sure I don't have an accurate list here.

Mr. Hamilton: No, anything you need as far as materials (unclear).

Mr. Rankie: Your communications, since you are on this board, you're a town official, you are both town officials now, so your personal email, anything relating to the Board of Appeals is potentially subjected to a Freedom of Information Act. I know that. I chaired the charter commission and there was somebody that wanted my emails, so I had to go through a lot of emails. So, your emails are subject to that, it's just the way it is. That's the law.

Ms. Knox: Can we open a new email account?

Mr. Rankie: You can, and you can get a town email if that's what you want. But if you're doing what you're supposed to be doing, it's not a big deal.

Ms. Knox: Well, I know, if I understand you correctly, I have to open up my whole personal email (interrupted).

Mr. Hamilton: No, no.

Mr. Rankie: No, only what is relevant. If you communicate with Mr. Hamilton, say, chairman I need this and that, then somebody can say, okay, I want all of communications you have with Mr. Hamilton.

Mr. Hamilton: But they would have to specify communications in regard to a certain appeal, not just in general about meeting dates.

Ms. Knox: So, it's not like they get to subpoena our entire email account.

Mr. Hamilton: No, no. Freedom of Information Act provides for a specific material that would be related to an appeal. Anything else?

#### **ITEM 7 - ADJOURN**

Mr. Rankie: I move that we adjourn.

Mr. Hamilton: Is there a second?

Ms. Knox: I'll second it.

Mr. Hamilton: All those in favor? (All in favor.) We are adjourned.

Meeting adjourned at 7:54pm.



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Bill Hamilton, Chair

Date approved: 8/16/23

Respectfully submitted,  
Ann Lukejord, Recording Secretary

Mr. Hamilton: Yuh.

Ms. Knox: One question that came to my mind listening to all this is when an application comes in, is it necessarily going to identify the various code sections to some things that are going to be implicated or do we have to know everything well enough to know where to go to look? That will take a little while for us new people.

Mr. Hamilton: There is a section in the application that does ask for the certain ordinance provisions that the appeal is being based on. In some cases, not all cases. But it's really up to us to determine where the ordinance works and if it doesn't work in that case and that's where we make that decision at the meeting. So, you may not in doing your homework see that but hopefully we will bring it up in the meeting. Most of us will have done the homework and are more familiar with the ordinance that we will spot something that should be applicable for this particular appeal.

Ms. Knox: So, there's no kind of message that goes out, okay, we're talking about this section, this section, this section.

Mr. Marshall: Usually that's in the application that we're referring to a particular section.

Ms. Knox: Okay.

Mr. Hamilton: There is some of that, but it may not include all of the sections.

Mr. Trott: We can't have those discussions via email.

Mr. Hamilton: That's the other *ex parte* communication. We cannot communicate by any means between each other on the case. We can communicate on a change of date for a meeting or something like that. Anything basic that is housekeeping we can communicate. We cannot communicate anything to do with an appeal.

Mr. Rankie: And when you get in those rules that I pointed out, you can talk to Hamilton if you want to go visit Hamilton, you can talk to Hamilton, but you can't bring Rankie along. Because that way we will have a meeting because we have a quorum. So, there are those things too. And I can honestly say that I'm a boat guy, Mr. Trott's a boat builder, he and I do business occasionally, and I can honestly say, we got a case coming and I may be very passionate about it, we do not talk about it.

Mr. Trott: I'm trying to work. (Light laughter).

Mr. Hamilton: Anything else tonight? Thank you, Charlie, for bringing that up. It's a really key thing to discuss and the perfect time to discuss it with new members aboard,

Mr. Rankie: Thank you. I will try to get something together for the point of order thing that we said that we wanted to go through for one of these meetings. I can send it out to you. What constitutes a point of order. Remember we said we wanted to really get that ironed out.

Mr. Hamilton: A point of order usually has something to do with a provision of the proceedings.

Mr. Rankie: I think what we said we'd iron that out. But we did enough tonight.

Ms. Knox: So, is it inappropriate for me, say, to reach out to you and ask about getting these materials?

Mr. Hamilton: How do we deal with that, (unclear)? Let's say it's honestly ten feet.

Ms. Bishop: I tell people that especially when they are applying for something that is either right on the line or right close to the line, I say you know you're right close to the line and you don't have a survey. Should you encroach and you go to sell your property or re-finance your property, at that time, is when it typically comes up as an issue. And then they either have to remove the structure or get a variance, something after the fact. But we make them aware of it. It's always on the owner for an issue that would arise from that.

Mr. Hamilton: And yet it's up to us to determine whether (interrupted).

Ms. Bishop: I can try hard to get more information from them, plans.

Mr. Hamilton: That's key.

Ms. Bishop: Yes.

Mr. Rankie: My intent was not to re-hash this particular (interrupted).

Mr. Hamilton: That's a good example.

Mr. Rankie: Well, going forward how do you answer the fact that that appeal wasn't complete because the application for the appeal says that a scale drawing has to be attached. In asking that question, it's my assumption that you're the gatekeeper.

Ms. Bishop: Agree.

Mr. Rankie: If it says that you must have that, it doesn't get past the gate.

Ms. Bishop: Agree, and yes. For my three years here, I don't believe we have required that so I will start making sure (interrupted).

Mr. Rankie: We changed the form. You were part of changing the form. Because we realized that the information that we were given was inadequate, that's why we changed that form about a year ago to say the scale drawing was required.

Mr. Hamilton: So, I think we can all take some responsibility for that oversight. Because I missed it, the CEO missed, I think we all, the other board members missed it, until you brought it up. Now we know and theoretically from this point forward, we'll have it.

Mr. Rankie: That's my whole purpose in bringing it up. And I said it was unpleasant.

Mr. Hamilton: It's great, it's important.

Mr. Rankie: We need to be able to do our job.

Mr. Hamilton: Right.

Mr. Rankie: Because it's tough enough to do our job with everything that we, you know, all the materials. It's tough to say no.

Ms. Bishop: But I needed her to acknowledge that in writing that I had made that change for her.

Mr. Hamilton: I guess I'm seeing Charlie's dilemma, and I think it is a good point. Because an applicant can put anything they want on the application, and we don't know whether it's true or not. We have to trust what they're putting in the application. Let's say they say, it's a thirty-foot setback requirement, and let's say it's eighteen feet and they need another, they need a variance for that remaining up to thirty feet, when in fact it may only be ten feet.

Ms. Bishop: Yuh. I would not be, I would not verify that. A survey would.

Mr. Marshall: The applicant may not know even where to measure from.

Mr. Hamilton: Exactly.

Ms. Bishop: Because even I have to go by (interrupted).

Mr. Marshall: We don't even know whether amongst this board whether we should be measuring the edge of the pavement or a certain distance from the pavement, from the center of the road, or whatever.

Mr. Hamilton: Well, I think (interrupted).

Mr. Marshall: We didn't have enough information in that meeting to make a decision.

Mr. Hamilton: Except if the code enforcement officer had been here, she could have clarified that as to where the measure (interrupted).

Mr. Marshall: Whether she was here or not, we did not have information to render a verdict.

Mr. Hamilton: We had enough information, I think, to go through the criteria, the six criteria and make a determination based on that. And if the numbers weren't accurate, we built in the fact that if we had approved this, it would be subject to the conditions (interrupted).

Mr. Marshall: But we had an assortment of numbers, not knowing if any of them were accurate.

Mr. Hamilton: Correct. And if we had approved the appeal, we would have stipulated as to the condition of approval that that number be verified. If that number turns out to be ten feet, instead of the eighteen feet, that was claimed, or whatever the number was claimed, then we would have positioned in the terms of agreement, that that would be denied. Because we can't provide 66% for a variance. It's 50%, that's it.

Mr. Marshall: I hate to proscribe more work for somebody but there are times when I have to agree with Charlie that boots on the ground (pause)

Mr. Hamilton: I know.

Mr. Marshall: is the only way.

Mr. Hamilton: But it shouldn't be our boots, I think it's going to have to be the CEO's.

Ms. Bishop: But just to clarify a piece, I don't go out and verify their measurements on the plan because it would entail a survey to do that. We would have to go find the pins, you know, property lines, so we, I have to depend on what they put for information.

Mr. Rankie: Well, we need it from you. We need it officially from you. Plus, that application shouldn't even have gone. Well, I've stated what I said.

Mr. Trott: Yuh, so, it's the applicant that is supplying us this material, it's not her (CEO's) job to supply us the material. It's their job to fill out the application and give us that scale drawing, not her job.

Mr. Rankie: I disagree with that.

Mr. Trott: Really? Can you show me where in the application (interrupted).

Mr. Rankie: Can I speak, Mr. Trott.

Mr. Trott: Well, I am speaking and it's my turn to have the floor.

Mr. Rankie: Before that's given to the chairman, for him to schedule a meeting, it has to be a complete package.

Mr. Trott: Yup, I agree with that, it's not her job to go get the materials.

Mr. Rankie: So, if it's not a complete package, no hearing.

Mr. Trott: Well, that's different than saying that she needs to go out and confirm and do the drawings.

Mr. Rankie: I didn't think I said that.

Mr. Trott: You made it sound like that.

Mr. Rankie: That was an aside after it was, after our chairman had scheduled the meeting.

Mr. Trott: Mm-hmm.

Mr. Rankie: And it was very ambiguous as far as what that distance is. Then I did send an email out on the Tuesday prior to our Thursday meeting and asked please measure this. Because it wasn't clear at all and not only that I did walk by the property (interrupted).

Ms. Bishop: I do believe it was in your packet. I said, I do believe that was in your packet. It wouldn't come from me to you, it goes through the land use assistant in the packet material to you.

Mr. Rankie: We didn't have anything.

Ms. Bishop: It would (interrupted).

Mr. Rankie: If you read the minutes, you can see that we were groping for anything.

Ms. Bishop: Well, then you'd have to refer back to the packet that was given to you because that is where the email called out the distance from the, the verification of the distance from Ms. Penny was in that email. And I did that, so that it didn't look like I changed the number on the plan, I did it per her telling me what the number was (pause).

Mr. Hamilton: Yuh.

Mr. Hamilton: Yes, the Board of Appeals manual. It's published by the Maine Municipal Association. What it is, it's very heavily categorized. Basically, court decisions about what certain towns are facing, a particular issue, how the court decided that issue. So, it gives us a lot of information, but it hasn't been updated for ten years or so now.

Mr. Rankie: Don't they hand that out at the class?

Mr. Trott: They hand out parts of it at the class.

Mr. Hamilton: I got mine from the Town. But I haven't seen it around, so I'll ask the Town Manager about that as well.

Ms. Knox: And then how will Jennifer and I get these, will someone reach out to us, or do we have to go search for all this?

Mr. Hamilton: At this point.

Ms. Knox: Just go online? Aren't they like thick?

Mr. Hamilton: Yes, the ordinances are.

Ms. Knox: I can't see printing that out.

Mr. Rankie: No, we're volunteers, and we need to be provided with the tools to do the job we volunteered to do.

Mr. Hamilton: So, I have the message and I will definitely contact the Town Manager.

Mr. Rankie: Okay, the last that I have, is, this is not mean-spirited, this is business. Continually we are not provided with what we need from our code enforcement officer. We keep saying we need it; and we didn't get it. And in the minutes, our last minutes, when I testified as an abutter, I testified and it's been recorded here, that we shouldn't even have been given that package because it didn't follow the guidelines on the application for an appeal.

Mr. Hamilton: Right.

Mr. Rankie: That is to say, it did not have a scale drawing. If you look at the testimony that the appellant gave early on, I didn't catch it, I wasn't in a position to say anything there anyway. She said two times, that it was only ten feet from the road herself, and the code officer did not provide us with that stuff.

Mr. Hamilton: Right.

Ms. Bishop: I put the clarification, I asked her for that, when I picked up on that information that was missing, I asked her via email to verify. Because I wrote in the number for her but asked her to verify that that was the number, she wanted in there in the email. And all that information should have been in the packet.

Mr. Rankie: But that's hearsay stuff. We need (interrupted).

Ms. Bishop: No, it was directly from Ms. Penny.

Ms. Bishop: I'll make a note of it.

Mr. Hamilton: The last time I asked to have new board books, Kearsten basically copied and printed out the website. And it's not very helpful because it's not categorized the way our ordinances are.

Mr. Rankie: Can you speak to the Town Manager about it?

Mr. Hamilton: I will. I will talk to him.

Mr. Rankie: Do you want me to make a motion or anything?

Mr. Hamilton: I don't think we need a motion or anything.

Mr. Rankie: For us to do our jobs properly, we really need that. Our two new members need to be provided that.

Mr. Hamilton: I know. I actually had asked either Jennifer or Donna whether the Town Clerk had given you the ordinance book. Because that is, when I signed on years ago, I was given an ordinance book.

Mr. Rankie: And then periodically we were given updates.

Mr. Hamilton: I know.

Ms. Knox: I got the Charter and that was it.

Mr. Marshall: There's a whole section of new stuff on mine that I don't have.

Mr. Hamilton: I know.

Mr. Marshall: It's been three or four years.

Mr. Rankie: I don't have the updates either.

Mr. Hamilton: I will talk to the Town Manager.

Mr. Trott: When you're at it, can I get mine updated?

Mr. Hamilton: I think those come from the MMA (Maine Municipal Association).

Mr. Trott: Yes, I noticed the Planning Board had some on the table.

Mr. Hamilton: There's another one, it's called the Board of Appeals Manual.

Mr. Trott: That's a good one.

Mr. Hamilton: That is also a Maine Municipal Association publication. And they used to be given to us. (unclear)

Ms. Knox: It's a manual?



Mr. Rankie: It doesn't matter. It's been an ongoing thing that people have mentioned. There's been so many other things that I haven't brought it up, but this is the perfect time to bring it up.

Mr. Hamilton: It is.

Mr. Rankie: I think I'm looking at members who are going to be stable and staying here and Ann has already committed, so I think it's a good opportunity to review. On that same thing, our guidelines, it seems to me, our by-laws, the charter, and don't worry if you goof on the charter because as long as I'm here I'll bring that up, and Boards, Committees, and Commissions, the town ordinance for boards, committees, and commissions, those are three that pretty much, if we were having a hearing, I'd have them in my book. But we should be conversant with those. Especially you lawyers, that sticks quicker and easier for you than it does for me.

Ms. Knox: So, we are given three. There's the ordinance, and what else?

Mr. Rankie: The By-laws and the Charter.

Ms. Knox: I think I have the Charter, is all that stuff you mentioned included in this packet?

Mr. Hamilton: Right. And then there is also the (pause).

Ms. Lukegord: Mr. Chair, what is the Eliot Code?

Mr. Hamilton: The Eliot Code is the code of ordinances, that's the thick book, or its online.

(Undecipherable chatter among members)

Ms. Knox: If one is supposed to be familiar with all this, looks like a lot of reading, I should get going.

Mr. Hamilton: There is a bit, but again, as you go through appeals, an appeal will be brought out and we can refer to something that is related to the Charter or to the Boards and Commissions. And we'll always cite the code. We'll always cite the ordinances.

Ms. Knox: So, is there a link to where all of these are?

Mr. Hamilton: They should be.

Ms. Knox: On the website?

Mr. Hamilton: Yes, on the website. If not, you can get hard copies.

Mr. Rankie: Our chairman is excellent as far as what we're talking about in the ordinance. Is it appropriate at this point in time, we've had so many, changes through the election and we have two members that need a book, is it a good time to ask for all of us to get new books?

Mr. Hamilton: I don't see why not. I did ask when Kearsten was still here, my book was never (interrupted).

Mr. Rankie: I haven't been updated.

Mr. Marshall: We were too poor the last time. Working online is a pain in the neck.

Mr. Rankie: And we do not have any business going individually (pause).

Mr. Hamilton: Not really. You may have information because you know of the site. You might be an abutter, or you might drive by that site every day when you go to work and if you have an opinion, it would be nice if you would share that with us at the meeting. You might say, well I go by that site that is now in question and let me tell you, it's not what's written in the, it's not what the applicant is saying, and it's not what the code enforcement officer is telling us. You can share that information with us if you have privileged information that we all don't have. That's probably okay. Typically, we try to avoid any individual *ex parte* information that we don't all share because this is the point, at this meeting when we are getting information from the appellant and from the abutters and from the parties to the action. And it's at that point that we should be able to make a decision based on the information that we are given as opposed to information that we are bringing to this meeting. We should be bringing the same information based on the application that we all have. We are all equal when it comes to the application because we get that information. We shouldn't really have any other information that's extraneous to that, that may influence your decision.

Ms. Knox: Is there a difference between the appeals and the variances?

Mr. Hamilton: No.

Ms. Knox: In this regard.

Mr. Hamilton: Again, there is a time frame, and we are all within that, roughly, two-to-three-week time period, and there just isn't time logistically to try to organize seven people to find the time to go visit a site. And typically, we don't really need it because the application should be complete enough. And Charlie pointed out the last time (interrupted).

Mr. Rankie: That's the second part of what I have to bring up tonight.

Mr. Hamilton: The sketch plan should be accurate. It should be a scaled drawing that we can really understand. It's incumbent on the code enforcement officer to require that when that application comes in, that we really need something to look at because these rough sketches that we've been getting are sometimes we have so many questions about it at the meeting that it would save us a lot of time, if we had a really accurate sketch. And it's written in the application, and it should be something that we definitely take seriously.

Mr. Trott: When push comes to shove, if sometimes we have to go see (unclear), we could postpone.

Mr. Hamilton: We could.

Mr. Trott: If it doesn't make sense to do it, we could. If she (code enforcement officer) has been on site. We usually get plenty of information about the site. It's a small town, you're bound to drive by. You're bound to see things.

Mr. Hamilton: Yes, and if you do, you're certainly welcome to share them with us at the meeting.

Mr. Rankie: There have been specific statements that members have made that they went and took a look at it prior to the meeting. I'm not naming names.

Mr. Trott: It's okay to name names. It's on record that I've (interrupted).

Town of Eliot  
BOARD OF APPEALS MEETING MINUTES

October 20, 2022  
7:00 PM

Ms. Knox: Family. General when I was with the big firm, and then I opened my own practice and that was just family law. Ann knows of my writing. We were in a writing group.

(Light joking about writing.)

Ms. Knox: Thank you very much.

Mr. Trott: And Jen?

Ms. Himmer: Jennifer, yes. I've lived in Eliot; I moved here when I was eighteen. And went away to college.

Mr. Trott: So, just the other day? (Light laughter).

Ms. Himmer: Yuh, oh, you're so kind. Lived on Martha's Vineyard for twelve years with my husband and we had children and wanted to move back home to be near family, so we moved back here sixteen, seventeen years ago, I think. I also was a lawyer. I worked with a real estate attorney doing a lot of closings on the Vineyard. And my husband and I built homes together on the Vineyard, physically. And we continue to do projects. My husband built our house here. And I feel like I wanted to walk the talk and give back to my community. This interests me, land use and what's happening here in town and in the future of the town.

(Existing members shared their backgrounds and short anecdotes with new members.)

Mr. Hamilton: Anything else tonight?

Mr. Rankie: I have something. Two things, I'm going to lead off with this: what is the policy of the Board of Appeals with respect to site visits?

Mr. Hamilton: Good question.

Mr. Marshall: With respect to what?

Mr. Rankie: Site visits. I'll expand just ever so slightly. I understand it to be a certain way and I'll let you know if you hit it. However, if you read carefully the minutes of our last meeting, there was some indication of some site visits. So, everybody's here, we need to know what the policy is. Site visits means if we have a case or hearing coming up do you get to go look at it, does the group get to go look at it? What is the policy?

Mr. Hamilton: Typically, because we have a very short window of time from the time, we receive the appeal to the time we hear the appeal, less than a few weeks, it would be very difficult to schedule a group site review. Unlike the Planning Board which once they receive an application and the rough draft of everything else, they have a good amount of time to get together and schedule a site visit if they choose to do that. I think that logistically it would be very difficult. The Maine Municipal Association, of which we are a member, has stated very clearly that no member of this board should have any *ex parte* information or communications, meaning either we review a site together or we don't review it at all, we don't go see it all. Much the same with either we all go to the Planning Board meetings or none of us goes to the Planning Board meetings. Theoretically, none of us should go to the Planning Board meeting in case there is an appeal of a Planning Board decision. So, it's not the same, but in a sense, we don't do site reviews. Because I don't think there's enough of a window of time for us to organize something like that.

Mr. Hamilton: No, then the hearing is closed and then (interrupted).

Mr. Rankie: Okay, we semi-close it (pause).

Mr. Hamilton: Once it's closed, then it's our deliberations among the voting members.

Mr. Rankie: Thank you for indulging me.

Mr. Hamilton: All right. So, we've gone through the minutes. Any other business to come before the board tonight?

Mr. Trott: I'd like to hear from our new folks.

Mr. Hamilton: Okay, what would you like to hear?

Mr. Trott: Well, you got a chance to spend some time with them.

Mr. Hamilton: I did.

Mr. Trott: So, I mean what made you decide to come to this side of the table? I think I remember you over here before, and for one other one that we had, or you were in the audience, right?

Ms. Knox: I was there, and I can't remember why at this point.

Mr. Trott: I don't either, but, I mean, what made you decide you wanted us to let you in on what we're doing?

Ms. Knox: I moved to Eliot in 2016, after my husband passed away. I have a number of endeavors but none of them is focused on the town. I love the town, and I wanted to just become involved. Not to use a cliché, but to give back and so forth. I don't remember when the thought came to me. I checked out Conservation as well. Actually, Kari [chair, Conservation Commission] lives right behind me. But she and I decided that Conservation was not as much as I would enjoy as Board of Appeals.

Mr. Trott: And what's your background?

Ms. Knox: My background?

Mr. Trott: Yes.

Ms. Knox: Well, I was a journalist for a number of years. I practiced law for twenty-three years. And, when my husband needed a transplant, he had cancer, I stopped practicing and we moved back here. I have two wonderful children, and two grandchildren. My main passion is trying to find out what happened to the eight-thousand or 7500 missing American servicemen from Korea. My Dad is among them. He died; he went missing before I was born. So, it's been a passion of mine for many years.

Mr. Trott: That's very interesting.

Mr. Rankie: What kind of law did you practice?

never used to be. I'm not saying that's a good thing or a bad thing. So, you have to go to a town clerk assistant and ask them to give you your mail.

Mr. Trott: Generally, that's, now we have (interrupted).

Mr. Rankie: Is that (interrupted).

Mr. Trott: It's supposed to be open.

Mr. Hamilton: Hopefully, it will be open.

Mr. Trott: Today, it was unlocked.

Mr. Rankie: Okay. The last two times that I've been here, there was either a meeting going on or it was just plain locked. I had to ask them to go and get my mail for me.

Mr. Trott: And the front hall, into Kim's office or desk area was open today.

Mr. Rankie: And also, if I can just keep going with this, Mr. Chairman, when we are coming up on a meeting, basically at the beginning of the month, because the chairman will be notified what's going on and he'll know we're going to have a meeting at the beginning of the month, so soon after, like the first of the month, we have a packet sitting, that's ready for us in our mailboxes. You can go get it and start looking at it.

Ms. Knox: Do we get notified that there's a packet?

Mr. Rankie: Yes.

Mr. Hamilton: Yes. I did spend time with our new members individually describing how we operate and some of the ramifications of the mail and how the packets are going to arrive. I think everybody is fairly familiar. I think you've both been pretty much queued in.

Mr. Rankie: I apologize. I didn't look at you too, Jennifer. There's one other aspect, if I could, that is a good one, but it will keep you on your toes is what our chairman does is we'll have a hearing and then it gets closed to the public and then the non-voting members, the chairman will ask them to put in their two cents. And then you can't talk anymore if you are a non-voting member. I remember things when they aren't pleasant, or they are pleasant usually. So, I can remember as an alternate member, it's like, holy cow, I got to say something before anybody else says anything. So, it's really good because it makes you think, you're sort of getting ready for the point in time when you're going to have to make the decision. I think it's a very good exercise, and I don't remember when it was started.

Mr. Hamilton: I started it.

Mr. Rankie: It's a very good exercise. But it's not easy. I spent a lot of time on that side of the floor before boards of appeals professionally and personally for things and I thought this was a cake walk up here. It's not. It really, it's not.

Mr. Hamilton: Just as a little point of clarification, before I close the public hearing, I'll ask for the alternates' viewpoints.

Mr. Rankie: I think you close; don't you close the hearing?

days four hours. So, it takes me two weeks when it's busy. When it's not busy, it doesn't take that long, and I would get them to you.

Ms. Knox: By email?

Ms. Lukegord: Yes, and we would have the Zoom video and I take an audio and I send both of those links to you. So, you can really just sit and go through what I've written.

Ms. Knox: Oh, so I'm actually attending the meeting another time?

Mr. Rankie: Only if you challenge what she has written. So, you've got a backup resource. So, you're not expected, especially because she is so good. So, if you look at something and say "wait, a minute," you know.

Ms. Knox: Then I have the resource.

Mr. Rankie: If you can't really say that, then you have the resource. She is just spoon-feeding you. (Light laughter)

Ms. Lukegord: Well, what are our meetings, an hour and a half, two hours?

Mr. Hamilton: They can be.

Ms. Lukegord: So, that's two hours of sitting, listening to the audio or video for most, if you verbatim, verbatim.

Ms. Knox: And is it that I would have the audio going as I read.

Ms. Lukegord: You could.

Mr. Hamilton: You could but I would don't think you need to. I would go through it, and again, you will have the same recollection that we did. You're mainly looking for typos or things that, you know, I don't think there will be anything that's missing. I think we would notice something like that. So, I don't think you need to go through the recordings in entirety. I would just do what we just did tonight. Go through it very carefully and if you have a question then go back to the recordings.

Ms. Lukegord: I'll highlight if I hear anything unclearly. So, you can have those lines and maybe you can hear it?

Mr. Rankie: In this example, these minutes, I think well over a month or two months ago, Ann told us they were ready, and we all get an email, and they also go to staff. So, I'm not going to print this, I'm going to let the Town print this. So, the next time I'm down and around, I come in and get it. You'll have a mailbox in the backroom.

Mr. Hamilton: Yes.

Mr. Trott: I'll show you where that is.

Mr. Rankie: What I have noticed, the previous two times, other than the fact there are very limited hours for the town hall, so you have to function around them. There's a time schedule which precludes Fridays and other times. So, once you get past that, it appears that this end of the building is locked up, which it

Mr. Marshall: What's her name again?

Mr. Hamilton: It is Kim Tackett. (Spells last name).

Mr. Trott: She is already on the website.

Mr. Hamilton: Yuh. And I think her extension is the same as Kearsten's.

Mr. Rankie: Three t's? Tackett?

Mr. Hamilton: (Respells name). The land use administrative assistant provides us with most of the materials in our packet once an appeal is mounted. Either through the planning board or through the code enforcement officer. I have not spoken to her yet. Kearsten just left and was really fabulous. We had everything very meticulously organized in a timely manner, so we had plenty of time to review things. So, hopefully, this will work out really well. It's been a little difficult during this hiatus, it's been a couple of months since they've actually hired a replacement, or maybe a month or so. Let's go through the minutes.

#### **ITEM 5 – REVIEW AND APPROVE PREVIOUS MINUTES**

The Board reviewed the minutes page by page and made corrections. **John Marshall moved that the July 21, 2022, minutes be approved as amended, Cabot Trott seconded.** Members in office in July 2022 voted. **The motion passed.**

#### **ITEM 6 – OTHER BUSINESS**

Ms. Knox: I do have one question though since I am in-coming secretary.

Mr. Hamilton: Yes.

Ms. Knox: How do we get these packets and when? I mean, like, do I get it fifteen minutes before the meeting, or do I get to go over it? (Light laughter).

Mr. Trott: We just do that to new people. (Light laughter).

Mr. Hamilton: No. We try to get these, since we have monthly meetings, typically, if there is an appeal, we have a meeting, if not, we typically don't have a meeting. Usually, we'll get a draft of the minutes within a week or so, after the meeting that we've had. So, we have a couple of weeks to actually review the minutes.

Mr. Rankie: But it would be a different time period because Ann would be sending to you prior to us getting them.

Mr. Hamilton: Yes.

Mr. Rankie: So, Ann can probably answer that question.

Mr. Hamilton: That's right.

Ms. Lukegard: Yes, I think we had four hearings one time. We had one person doing three different variances. So, I think the most it took me was two weeks. I can sit at the computer for six hours, some

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Ms. Knox: Wow, okay.

Mr. Trott: Procedural typos.

Mr. Hamilton: Procedural typos, you know, any misspellings. Anything that's more grammatically than anything else because that will make our review a little easier. If you see something that's obvious, you know.

Mr. Trott: Which she doesn't.

Mr. Hamilton: Yes, Ann is very meticulous about her note-keeping, even to the point where we say something that we don't mean, and then try to correct it afterward, she puts both of those in there just to make us aware (light laughter).

Mr. Trott: Our meetings are about a half hour shorter since Ann took over.

Mr. Rankie: It will become apparent to you how good she is when we go through the minutes. Sorry, you're going to be it by then but.

Mr. Hamilton: Any other discussion on that slate of nominations? If not, we'll take a roll call vote. Of the five members that are the voting members tonight, which are the regular members of the board.

Ms. Lukegord: Charlie Rankie.

Mr. Rankie: Yes.

Ms. Lukegord: Donna Knox.

Ms. Knox: Yes.

Ms. Lukegord: Bill Hamilton.

Mr. Hamilton: Yes.

Ms. Lukegord: Cabot Trott.

Mr. Trott: Yes.

Ms. Lukegord: John Marshall.

Mr. Marshall: Yes.

Mr. Hamilton: Okay, the vote is five to zero, unanimous. So, we have a new slate of officers.

Mr. Rankie: Congratulations.

Mr. Hamilton: Thank you. Congratulations. Okay. Our next item on the agenda is the review and approval of the previous minutes from July 24, 2022. Typically, we go through page to page. It's basically open to any discussion as we move along. Also, before we begin, we do have a new land use administrative assistant. Her name is Kim Tackett. She has replaced Kearsten. I haven't met her yet, Cabot has.



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Mr. Rankie: All kidding aside, Ann is excellent.

Ms. Lukejord: Thank you.

Mr. Hamilton: So, any other discussion?

Mr. Trott: After that, you and I had better not mess up!

Mr. Hamilton: I guess not. It's all on the line. (Light laughter)

Ms. Knox: I have a question about the secretary position.

Mr. Hamilton: Yes.

Ms. Knox: If Ann or someone is recording the meeting, would I be required to take notes?

Mr. Hamilton: No.

Ms. Knox: Because I am on another board, and I am the secretary and I find that either listening or taking notes (interrupted).

Mr. Rankie: You can't, you can't do it. It takes away.

Mr. Hamilton: No. That's why we have a recording secretary because it would be very difficult for one member of the board to take notes as secretary in addition to participating in the meeting. There are other boards, most boards, the Planning Board also has a recording secretary, and I am not sure if any of the other boards have recording secretaries. But I know that we do, and they do. Just for that reason, because of the deliberation issue. To try to deliberate and to also record at the same time is very difficult.

Mr. Rankie: The other thing that you should know is in the event that Chairman Hamilton isn't present, Vice Chairman Trott isn't present, you're it.

Ms. Knox: Oh, well, that's another dimension.

Mr. Hamilton: That's another dimension.

Mr. Rankie: What you're looking at, you know, then you would need the two alternates, you know, you have to have three for a quorum to begin with. In my memory, that has never happened.

Mr. Hamilton: No.

Mr. Rankie: But that's the succession.

Mr. Hamilton: Right.

Ms. Knox: And then one other question, if I am to review Ann's minutes and I haven't taken notes myself, I am just relying on my aging memory as to whether or not they're (interrupted).

Mr. Hamilton: She is actually transcribing from the recording so it should be accurate. The thing you are mainly looking for are typos.

**ITEM 1 – ROLL CALL**

Present: Bill Hamilton, Donna Knox, John Marshall, Charles Rankie, Jr., B. Cabot Trott, and alternate members Jennifer Himmer and Jay Meyer.

Also present: Shelly Bishop, code enforcement officer, and Ann Lukegard, recording secretary.

**ITEM 2 – PUBLIC COMMENT**

There was no public comment.

**ITEM 3 - PUBLIC HEARINGS**

There were no public hearings.

**ITEM 4 – NOMINATION AND ELECTION OF OFFICERS**

Mr. Hamilton: This is our first meeting after the Town Meeting to hold nominations and the election of officers. However, because we were short two members, I believe, Charlie pointed out at our last meeting that under our regulations in the Town of Eliot it's really incumbent upon the Select Board to make appointments before we actually go through the nomination and election for officers. So, they've done that, and you've both been sworn in. So, tonight we will open the floor for nomination and election of officers.

Mr. Rankie: Mr. Chairman.

Mr. Hamilton: Yes, Mr. Rankie.

Mr. Rankie: I would like to nominate a slate of officers. They would consist of Bill Hamilton as chairman, Cabot Trott as vice chairman, and Donna Knox as secretary. If I could get a second, I would give discussion as to why.

Mr. Trott: I'll second.

Mr. Hamilton: Motion has been made and seconded. Discussion?

Mr. Rankie: The discussion is Bill Hamilton could teach other boards of appeals throughout the state how to run a meeting properly, how to keep it in order, and how to follow the ordinances. He's an outstanding chairman, and we're fortunate to have him. Cabot Trott is coming along, and he's your back-up. I think that he could do the job. He could struggle some, and I've committed in the past that I would help him were you not here. But I think he could do the job in your absence. With respect to Donna, she's new, she's untested. I did read her resume. The secretary's job is to get the minutes from Ann and review them prior to our meeting so we don't, anything that you can catch, you look at it and catch it, so we can streamline it and go through our meeting without a great deal of looking at things that are very obvious. That said, as long as we can keep Ann as recording secretary, it's very, very light lifting. Trust me, it's very light lifting. Are you going to stay, Ann?

Ms. Lukegard: I'm here! I actually got a raise!

Mr. Hamilton and others: Wow, congrats! (Light laughter)