

## Appeals Board Meeting with the Select Board

10/19/2023

6pm

Attendees: Steve Bennette, Ryan Willette, Laura Greeley, Mike Smith, Ben Feeney, Dylan Turner Alex Green

Citizens: Elaine Higgins, Willa Smith, Meredith Coffin

Steve Bennett called the meeting to order at 6 pm.

- Steve Bennette initiated the meeting by discussing the change to the appeals board due to the new Town Charter. Bringing a conflict of interest to a close within a specific time frame. A conflict can be brought from any board affiliated with the town. The person in conflict should recuse themselves. He expressed concern about being able to respond to a conflict due to it being a small town.
- Mike Smith asked what was used for guidelines when they made the decisions about conflict of interest. Did this come from the state?
- Steve Bennett stated that it comes from the Town Charter. If there is nothing in there that conflicts with state statutes then it wouldn't change the ordinance.
- There is a 2 week turn around in response to a situation given to the appeals board.
- There was concern raised about things being posted 2 weeks prior to having a meeting and being able to have a meeting and come to a conclusion within 2 weeks. Steve Bennett said that if it is an emergency then it does not have to be posted 2 weeks prior to the meeting.
- Steve Bennett read the ordinance where it stated that it needed to be announced 48 hours prior to the meeting.
- Steve Bennett asked if the appeals board has an issue with dealing with conflict-of-interest cases.
- Mike Smith responded that their latest meeting was posted in the town office. Steve Bennett stated that the select board was not aware of the meeting. They had their regular meeting.
- Steve Bennett asked if the appeals board wants to deal with conflict of interest.
- Ben Feeney stated that if it is in the constitution that it is their responsibility to deal with it. If it was deemed as a conflict of interest then a person involved would have to recuse themselves. They would determine if it is or is not a conflict of interest.
- Mike Smith stated that at their meeting they discussed what is a conflict of interest. What he read from MMA that the issue needs to be clear and concise. There is a definition of conflict of interest in the appeals board ordinance. All members of the appeals board feel that they can handle a conflict of interest if it is presented to them.
- Ryan Willette expressed concern that the appeals board was not consulted with while they were developing the charter and the procedures.
- The appeals board members agreed that they wished they had been consulted.
- The appeals board has many responsibilities and is fairly autonomous.
- The ordinance about the appeals board has been on the books for approximately 32 years according to Steve Bennett.
- Ben Feeney expressed that if someone comes with a conflict of interest, they need to present a case that is well stated.

- Steve Bennett discussed the importance of the appeals board. He mentioned that they have to look at the statutes, ordinances and all the facts of the case.
- Ryan Willette asked if they would be willing to go to MMA appeals board training. The members stated that they would be willing to attend if it was possible.
- Steve Bennett stated that in the past 20 years we had 2 select people who had a conflict of interest that was not addressed. Both of these selectmen signed documents that stated that they would never work for the town of Freedom in any role or they would be prosecuted in the future.
- Mike Smith stated that if they sit down and discuss a case, it has to be done legally.
- Steve Bennett stated that a municipal Atty. reviewed the charter and what it contains is legal.
- Ben Feeney asked if they as an appeals board have access to MMA. The select board members said yes. If they want to speak to the town atty they need to let the all 3 select board members know first.
- Ben Feeney asked if there was an issue with a select board member, are the appeals board allowed to contact the town atty directly. They would like it in writing that the appeals board does not have to ask permission to contact the town atty if there is an issue with a select board member.
- Mike Smith asked if the charter over rules state law. He referenced a 2017 regulation that says that there is no time limit. Is the rule Federal- State - Charter as far as rules are concerned.
- Laura Greeley asked what is the appeals board's concern.
- Ben Feeney stated that they want to make sure they are doing things legally.
- Steve Bennett stated that Maine is a home rule state. He is not sure how this affects the appeals board.
- Ben Feeney wants to make sure that they follow the chain of command so they do not review a case and discover that they were not the people to have done it.
- Mike Smith is concerned that someone will say that they didn't do it right.
- Steve Bennett stated that this charter creates a process to deal with conflicts of interest. The MMA documents are guidelines. Some situations need to be resolved quickly.
- Alex Green stated that it should be the situation that dictates how long it will take.
- Ryan Willette stated that an issue related to the select board should be a quick turn around.
- Steve Bennett will talk with the town atty and MMA regarding the two week turn around.
- Ben Feeney stated that they have discussed an option where if they could only get 4 of the 5 people together then they would have someone recuse themselves so they would be able to have a fair vote.
- Ryan Willette suggested having 2 alternates so that if someone was not available they would have options.
- Ben Feeney stated that more people may make it harder to expedite decisions. Ryan Willette stated that the alternates would only be used if it was necessary due to one of the members not being available. The alternates would also have to go through appeals board training. They would be brought in from the beginning. The member could recuse themselves prior to hearing the case. Should this be something that is put in the town ordinance. Mike Smith stated that 3 people on a board is legal.
- Ryan Willette stated that he would be more comfortable with 5 people.
- Ben Feeney stated that the biggest issue is getting people together quickly and getting a fast turn around. Ryan Willette suggested zoom as an option.
- The purpose of the charter was to encourage people to do the right thing so there would be fewer issues presented to the appeals board.

- Ben Feeney asked what happens when they make a decision and that their decision is not respected. The person can bring it to superior court but the appeals board's decision is final with respect to the town.
- Steve Bennett asked if there is a consensus that they bring on 2 alternates and Ryan Willette stated they could be non-voting members unless they were needed.
- The select board makes the decision as to who serves on the appeals board. Ryan Willette said that there is no reason the appeals board could not be consulted before the people are selected.
- Ryan Willette would really like the members of the appeals board to attend the training with MMA.
- When the ordinance is redrafted, they will try to try to have 2 alternates.
- Mike Smith is concerned with some of the information from the charter not being consistent with what is in MMA. Steve Bennett asked Mike Smith to send him a list of what is inconsistent.

The meeting was adjourned at 7:03 pm

Respectfully Submitted,

Beth Owen-Mishou