

**Town of Seven Devils**  
**Board of Adjustment**  
Regular Scheduled Meeting/Organizational Meeting  
May 28, 2013

**Call to Order**

The meeting was called to order at 5:35 p.m. by Town Manager Ed Evans. Also present were Members Bill Wilkinson, George Ehlinger, Kathy Copley, Lois Dodson, Sarah Manning, Barbara Hurlbrink, and alternate Carroll Berkley. Member Richard DeMott and alternate Ernie St. Lois were absent. The minutes were recorded by Sara Miller, Town Clerk.

**Elect Chair and Vice Chair**

Town Manager Ed Evans opened the floor for nominations of Chair & Vice Chair.

Member Ehlinger nominated Bill Wilkinson as Chair. Member Dodson seconded the nomination. There were no more nominations. Manager Evans closed nominations. The nomination was put to a vote and the results were as follows:

7 – Ayes

0 – Nays

Member Hurlbrink nominated Kathy Copley as Vice Chair. Member Dodson seconded the nomination. There were no more nominations. Manager Evans closed nominations. The nomination was put to a vote and the results were as follows:

7 – Ayes

0 – Nays

Manager Evans turned the meeting over to Chairman Wilkinson.

**Adopt Agenda**

Member Dodson made a motion to adopt the agenda. Member Copley seconded the motion. The members agreed unanimously.

**Approval of Minutes – February 27, 2012 Regular Meeting**

Vice Chair Copley stated that there was a typographical error in the Minutes. The error, on page two of the Minutes, second sentence of the first paragraph under *Board Member Comments*, which stated “maybe”, needed to be changed to “may be”.

Member Hurlbrink made a motion to approve the minutes as amended. Member Manning seconded the motion. The members agreed unanimously.

## **Old Business**

**Explanation—Follow up on question about Expert Witness vs. Public Comment and need for sworn testimony**—Manager Evans, before having addressed the issue listed above, pointed out that Section II-4 of the UDO addressed the issues that were pointed out in a previous meeting regarding the attendance of alternate members of the Board of Adjustment. After some discussion, Chair Wilkinson made a motion that all regular members and alternate members be residents of Seven Devils for most of the time. This motion was later withdrawn. After further discussion, Chair Wilkinson noted that he wanted to let the Town Council know the Board’s concern regarding regular and alternate member attendance, and the residence requirement of these members listed in the UDO.

Manager Evans gave a brief explanation regarding the question about Expert Witness vs. Public Comment and the need for sworn testimony. After some discussion, Chair Wilkinson stated that the BOA recommends to the Town Council that a change be made to the UDO regarding this issue. The Board recommends that Article XIV, Section D Public Hearing, second paragraph down read “...The hearing shall be open to the public and all persons of standing given the opportunity to present evidence and arguments under oath, and...” instead of what it currently reads. They also recommended a definition of “person of standing” be entered in the definition section.

**Explanation—Follow up on policy for checking for compliance with Conditional Use Permits**—Manager Evans gave a brief explanation regarding the policy for checking for compliance with Conditional Use Permits. After some discussion, Manager Evans stated that he would keep the Board updated as this issue is reviewed by the Council and the Planning Board.

**New Business—None**

**Board Member Comments—None**

## **Adjournment**

Member Ehlinger made a motion to adjourn at 6:14 pm. Vice Chair Copley seconded the motion. The members agreed unanimously.

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Bill Wilkinson, Chairman

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Sara Miller, Town Clerk