



TOWN OF MADAWASKA  
328 St. Thomas Street Suite 101  
Madawaska, Maine 04756  
207-728-6351

**Madawaska Board of Appeals Meeting Minutes  
Wednesday, October 26, 2022 - 5:30 P.M.  
Madawaska Town Office  
Board of Selectman Chambers**

**MEMBERS PRESENT:** Mark Cyr(Board Chair), Daniel Fortin, Jessica Blalock, Paul Lavoie  
**CODE ENFORCEMENT OFFICER:** Denise Duperre  
**RECORDING SECRETARY:** Roxy Levesque  
**OTHERS PRESENT:** Charles Gogan, Marc Deschenes, Helen Beaupre, Gary Picard, Ed Bearor(Zoom), Adam Lee(Zoom), Richard Cayer(Zoom), Ann Cayer(Zoom)

**PUBLIC HEARING**

**Article 1: Call Public Hearing to Order**

Mark calls the Public Hearing to order at 5:30 P.M.

**Article 2: Establish a Quorum**

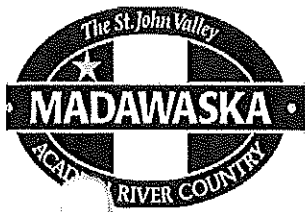
A quorum is established.

**Article 3: Determine any Conflict of Interest or Bias**

None

**Article 4: To Consider an Administrative Appeal Application by Richard and Ann Cayer for a Denied Building Permit, Map 034 Lot 020 in the Shoreland Zone, 57 Chapel Road.**

Attorney Adam Lee, representing the Cayers, asks if Attorney Ed Bearor is representing the Board of Appeals on this call and not the Code Enforcement Officer, Denise Duperre. Attorney Lee states that an email sent out by the CEO that was part of the agenda packet for this meeting states she has yet to 'make a determination' as she is working with the attorney because previous appeals have been denied in court. Attorney Lee asks if the attorney she is referring to is Ed Bearor. Attorney Bearor replies that it is. Attorney Lee proceeds to state that this renders the proceeding as bias because it intermingles functions of both prosecutor and representative of the Board of Appeals. He says the decision of the Appeal can only be rectified if the CEO has independent council. Attorney Bearor states he is not concerned with there being a bias or prejudice. Acting Board of Appeals Chair Mark Cyr asks Attorney Lee what the Cayers provided him with for information. Attorney Lee states giving that information out to the BOA would bias the Board, and the past is well beyond what the Board should be considering at this time. Attorney Lee says the issue that needs to be decided is whether the BOA will proceed with the same council as the CEO or continue the proceeding with an independent council. Attorney Bearor states the Board should not violate the Cayers' to due process rights and asks the Board to



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make sure procedures are followed and suggests they continue the matter with a separate council, exclusive of himself.

Marc Deschenes asks if he can address the Board. Mark Cyr acknowledges. Marc Deschenes speaks on behalf of the Birch Point Camp association and stating that they are opposed to the Cayer's appeal. Deschenes states that Mr. Cayer has possessed a permit before and violated those conditions. He went on to say that last summer, the Cayer's placed a trailer without a permit in violation to the town's code and refused to move it until the end of the season.

**Article 5: Adjourn Public Hearing**

*Dan motions to adjourn Public Hearing at 5:44 PM, Jessica seconds. All are in favor.*

**PUBLIC MEETING & AGENDA**

**Article 1: Call Meeting to Order**

Mark calls the Public Meeting to order at 5:44 PM.

**Article 2: Approve minutes of July 13, 2022**

Minutes approved without motion.

**Article 3: Judgement on Article 4**

Ed Bearor says there are other alternatives to proceed. Either both the BOA and CEO not advised by council, or only the Board be advised by council.

*Dan motions to table meeting until there are separate councils for BOA and CEO. Jessica seconds. All are in favor.*

**Article 4: Other Business**

None

**Article 5: Adjourn Meeting**

*Dan motions to adjourn at 5:47 PM, Jessica seconds.*