

BENJAMIN GUILIANI SR.

v.

TOWN OF BRIDGTON

Submitted on Briefs May 31, 2018
Decided June 7, 2018

Panel: SAUFLEY, C.J., and ALEXANDER, GORMAN, JABAR, and HJELM, JJ.

MEMORANDUM OF DECISION

Benjamin Guiliani Sr. appeals from the judgment of the Superior Court (Cumberland County, *Mills, J.*) dismissing, pursuant to M.R. Civ. P. 80B(h), his complaint for appellate review of the decision of the Town of Bridgton Municipal Officers finding the remnants of Guiliani's home to be "dangerous or a nuisance" and ordering him to remove all metal, construction debris, and remnants of the home from his property. *See* 17 M.R.S. § 2851 (2017).

Contrary to Guiliani's contentions on appeal, the court acted well within its discretion in dismissing Guiliani's appeal based on its determination that: (1) Guiliani failed to present a sufficient record of the proceedings before the Town Municipal Officers to permit adequate review of the issues on appeal, and (2) even on the limited record available, Guiliani was not entitled to the relief he was seeking in the 80B appeal, i.e., the vacating of the Town's order. *See* M.R. Civ. P. 80B(e) (providing that a party challenging municipal action is responsible for providing an adequate record to review in the Superior Court); *Penkul v. Town of Lebanon*, 2016 ME 16, ¶¶ 16-18, 136 A.3d 88 (stating that without a proper record of the testimony and documents that were considered

by the government entity we cannot determine that any legal or factual error was made).

The entry is:

Judgment affirmed.

Benjamin Guiliani, Sr., appellant pro se

Agnieszka A. Dixon, Esq., Drummond Woodsum, Portland, for appellee Town of Bridgton

Cumberland County Superior Court docket number AP-17-30
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