

# KEARSARGE LIGHTING PRECINCT

## Board of Commissioners Monthly Meeting

### Minutes

November 16, 2021

**Present:** Commissioners - M. Lynn Lyman, Joe DiFiore, Sarah Sullivan Mallett

Treasurer - Peter Donohoe

Clerk - Meredith Wroblewski

**Absent:** None

**Guests:** KLP Attorney Peter Malia, Rick Park, the McAdams, Ray Porter, Peter Crane

**Called to Order:** The hybrid in person and Zoom meeting was called to order at 6:45 PM by Commissioner Lyman.

**Minutes:** Commissioner Lyman made a motion to approve the minutes from October 2021. This motion was seconded by Commissioner DiFiore and all were in favor.

**Treasurer's Report:** Treasurer Donohoe presented his report for October 2021. Commissioner DiFiore motioned approval of this report. This motion was seconded by Commissioner Lyman and all were in favor.

Mr. Donohoe provided an update on the legal bills and the Commissioners agreed to pay both attorneys in full, motioned by Commissioner DiFiore and seconded by Commissioner Lyman.

Mr. Donohoe noted he received a notice from the IRS explaining that the KLP's withholding payment is still being processed. The DRA reports have all been filed and accepted for 2020.

### **Old Business:**

None

### **New Business:**

*Building Permits*

None

### *Property Owned By Trusts*

Commissioner Mallett made a motion to accept the following language in regards to article V.B(d) of the KLP Zoning Ordinance, seconded by Commissioner Lyman and all in favor. This language clarifies the Commissioners' interpretation.

*"For property owned by a Trust to qualify as "owner-occupied," a beneficiary of the Trust has to be in residence (occupying the property), not just a trustee. Pursuant to RSA 72:29 VI, this means that the Trust must be a grantor/revocable trust, or the trustee has kept equitable title or a beneficial interest for life."*

Attorney Malia explained this is not an amendment to the ordinance. Rather, it makes the KLP's stance consistent with Conway's.

### *Lawsuits*

Attorney Malia explained that the Andrews' motion to reconsider was denied. They have 30 days to appeal to the NH Supreme Court. If they file, a decision would likely take another year.

Regarding the Park case, his attorney filed a motion to reconsider. The KLP filed its objection to the motion yesterday. We are now waiting on this decision from Judge Ignatius.

Mr. Donohoe asked about the potential cost of Andrews' appeal to the Supreme court. Attorney Malia responded that it should be considerably less compared to the previous litigation. The memorandum is essentially already written, and no new evidence is submitted.

**Public Comment:**

None

**Adjourned:** The meeting was adjourned by Commissioner Lyman at 7:01 PM.

Respectfully submitted,

Meredith Wroblewski, KLP Clerk and Recording Secretary