

ZONING BOARD OF ADJUSTMENT MINUTES OF JANUARY 19, 2012

Submitted by stoddard on Sun, 01/22/2012 - 6:14pm.

Preliminary

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Town of Stoddard

Zoning Board of Adjustment

Minutes of the Meeting held January 19, 2012, 2011

Meeting Convened at 7:30pm

Members attending: Angela Nicoletti, Dennis Pellegrino, Fred Ward, Ruth Ward, Paul Krampfert

Alternates attending: Peter Athearn, Edmond Saleski, Mario Zamaripas

Minutes of previous meeting: Corrections; Helen Wheeler listed as absent. Paragraph was added under new business regarding discussion of merits of O&R copying AT&T records vs. our secretary copying them. Fred Ward offered to copy records he has onto a CD or thumb drive for the other members of the board as an effort to keep legal costs down. He also requested the Chair to compel O&R for electronic copies of AT&T proposals and transcripts. Addendum was added with date and time of interview with Maria Gavin.

Fred Ward made a motion to accept the minutes as corrected, Ruth Ward seconded the motion, board approved.

A consensus was reached to keep tonight's meeting short do to bad weather conditions. Agenda items were tabled until the February meeting.

Angel will ask Jeff Spear for electronic copies of the AT&T two or three proposals and transcripts not currently in the Board's records. Angel will also ask Jeff what AT&T came back to the court with in December, regarding the feasibility of a negotiated remand and rehearing (ref: conference call 12/09/11). She will also ask Jim Coffey for an itemization of legal costs that have been submitted to the selectmen from counsels representing the ZBA.

Discussed qualifications necessary for the Vice Chairman position vacated by Helen Wheeler. Ruth nominated Dennis Pelligrino for the position. Dennis accepted the nomination. Fred seconded the nomination and the Board voted to appoint Dennis Pelligrino to the position of Vice Chairman of the ZBA. The alternates did not vote.

A motion was made by Dennis Pelligrino to adjourn the meeting. Motion was seconded by Fred Ward and approved by the board. The meeting was adjourned at 8:13 pm.

The next meeting is February 16,2012.

Respectively submitted,

Kathleen Ellis
Secretary to the Zoning Board of Adjustment

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Addendum to Zoning Board of Adjustment Meeting, Jan 19, 2012.

A copy of the email from Jeff Spear with the court's response to AT&T regarding the feasibility of a negotiated remand and rehearing (ref: conference call 12/09/11) was emailed to all Board Members immediately after the meeting . See below:

From: "Spear, Jeffrey C." <JSpear@orr-reno.com>
To: 'angela Nicoletti' <anicoletti32@yahoo.com>; "arniesqb@aol.com" <arniesqb@aol.com>; "sbradley@bradleyfaulkner.com" <sbradley@bradleyfaulkner.com>
Cc: "Bassett, James P." <JBassett@orr-reno.com>
Sent: Wednesday, December 14, 2011 9:46 AM
Subject: Update

Angel, Arnie, and Sam,

You won't be surprised to learn that AT&T declined our counter proposal for a negotiated rehearing. I spoke with Melissa Allison, AT&T's counsel,

yesterday afternoon.

We therefore filed a scheduling order with the Court along the lines of what had been discussed during our conference call with the Judge. Specifically:

1. 21 days after the Judge decides the motion to dismiss (and assuming he does not grant it completely), we need to file an Answer to the Amended Complaint. (Recall that we did not need to answer the complaint earlier, because we filed the Motion to Dismiss instead.)

2. Within that same 21 day time frame we need to organize, copy, and submit the certified record.

3. Within 45 days of the Court's decision on the motion to dismiss, the parties will file cross-motions for summary judgment on the claims that remain in the case. The summary judgment briefing process will follow the usual routine (motions, followed by objections 30 days later, and replies 14 days after that).

4. If the case is not resolved on summary judgment, the parties will reconvene to talk about scheduling a trial date (and taking limited discovery, if appropriate, on the effective prohibition issue).

For now, we just sit and wait. There's nothing to do until the Court decides the motion to dismiss. This will likely occur sometime in January, and we will alert you as soon as we receive the decision.

In the meantime, let me or Jim know if you have any questions.

Thanks,

Jeff

Jeffrey C. Spear