

## MOODY POINT COMMUNITY ASSOCIATION

### Minutes of the Special Meeting June 10th, 2006

A Special Meeting of the Moody Point Community Association (MPCA) was held at the Newmarket Town Hall, Newmarket, NH on Saturday, June 10th, 2006 at 10 AM. Jim Fitzpatrick, President of the MPCA, chaired the meeting.

The purpose of the Special Meeting was to vote on the proposed MPCA By-Laws revisions and to have a discussion on drainage. These two agenda items were part of the Notice of Special Meeting package sent to the membership on May 10<sup>th</sup>, 2006.

It was certified that proper notice of the Special Meeting was given, that there was a quorum present and that there were 86 of the 93 voting members represented at the meeting either by attendance or by duly authorized proxies. The certification was made by Russ Simon, MPCA Secretary and Erin Surprenant, representative of Great North, the MPCA's Management Company at 10:15 AM.

A motion was made by Dick Mills, seconded by Lynn Badger to waive the reading of last year's Annual Meeting Minutes and to approve them as written. The motion was passed unanimously.

After an introduction was made by Jim Fitzpatrick, Val Shelton spoke on the background and process used to develop this By-Laws revision for vote by the membership and that in fact, if approved, this By-Laws revision would replace the existing By-Laws. She also spoke on the process that would be used to vote on the proposed, published By-Laws revisions, the amendments to those proposed revisions and the rescinding of the existing By-Laws. A document was provided to all members which included all the motions and amendments that would be required to complete the By-Laws revision process.

For the next three hours the membership discussed and voted on all the required and modified motions and amendments. The only motions that had significant discussion were establishing the Annual Meeting date and the power of the MPCA Board to levy a Special Assessment on the members, without first seeking the approval of the majority of the membership. All motions, amendments and votes were captured by Colleen Fitzpatrick on a real-time basis via a laptop computer projected on a screen for all members to review prior to finalizing. Many, many thanks to Colleen for her extraordinary work in capturing and documenting the detailed proceedings.

**The final Motion was to REPEAL the existing By-Laws of the Association and any amendments thereto as recorded in the Rockingham County Registry of Deeds  
AND**

**to Adopt the proposed "2006 Amended and Restated By-Laws of the Moody Point Community Association, Inc." dated June 10, 2006 as revised at this meeting. The time was 1:10 PM. The vote was 68 for, 10 against and 0 abstentions. The**

**requirement of two-thirds of all the voting members (63 votes affirmative) to approve was met and the new By-Laws were adopted.**

After a short break, the meeting continued with the second agenda item: a discussion about drainage.

A presentation was made by Dimitri Chernyshov, representing the MPCA Board on the drainage goal of implementing a comprehensive drainage plan and solution for Moody Point, the status of the drainage issues with NH-Department of Environmental Services and the Town of Newmarket and the options the members needed to consider going forward:

- Drop all reviews and let the Developer do as he will.
- Agree to a Developer's fix of drainage problems that he identifies.
- Fix the drainage problem ourselves.
- Stay the course. Insist the Developer get resolution on both wetlands and any site compliance issues.

Much discussion ensued. At 1:50 PM, Walter Cheney requested time to speak to the membership. During his presentation and the discussion that followed, Mr. Cheney stated several times that:

- He would have a comprehensive drainage plan completed for Moody Point by the end of June, 2006.
- He would present the plan to the MPCA Board for review and comments by an engineer hired by the MPCA. That this review process should take less than a month to complete.
- And, assuming an agreement could be reached with the MPCA Board and the Membership, the plan could be implemented during the Fall of 2006, at no cost to the MPCA membership.

After listening to the drainage presentations and discussions a motion was made by the floor and seconded by the floor to:

- **Assess the Membership \$250 per Member for ongoing services related to drainage issues at Moody Point. These funds can be used to continue processes already in place, and for professional services to review a comprehensive drainage plan for the Moody Point Development, which will be submitted by the Moody's Point Company to the MPCA Board on or before July 1, 2006 and for the MPCA Board to have said plan reviewed by its licensed engineer on or before July 15, 2006, and to work in good faith with the Developer on implementation of an agreed-upon plan.**
- **The motion was passed with a vote of 52 in favor, meeting the requirement of a majority of the membership voting in favor (47 votes required).**

With no other business to be discussed, the Special Meeting was adjourned at 3:10 PM.

Respectfully Submitted,

Russ Simon  
MPCA Secretary