

**Minutes: MPCA BOARD SPECIAL MEETING**  
**Wednesday, August 24<sup>th</sup>, 2005**  
**7:30 PM**

The Board of Directors of the MPCA met 7:30 PM on Wednesday, August 24<sup>th</sup>, 2005 at Jim Fitzpatrick's home. The purpose of the special meeting, duly called, was to provide the MPCA Board and all the Association Presidents with an update on the status of ongoing discussions with the town of Newmarket on the drainage issues at Moody Point

MPCA Board members present were Judi Carr, Darby Johnson, Russ Simon - Secretary and Jim Fitzpatrick - President, presiding. Guests included Bill Bunting – President of the Hill Association, Dick Johnson – Leadership Team of the Ridge Condo Association, Dimitri Chernyshov – representing the Lubberland Association and MJ Searfoorce of Great North Property Management. The Meadow Association and Waterfront Condo Association were represented by Jim Fitzpatrick – Meadow President and Russ Simon – Waterfront President, respectively.

The meeting was called to order at 7:30 PM.

- **Purpose of the Meeting:**

- To update the MPCA Board and all the Moody Point Associations on the status of the drainage issues at Moody Point and the recent discussions with the Town of Newmarket on correcting the drainage problems in and around Moody Point.
- To reaffirm and officially confirm who is representing the MPCA and all the Moody Point Associations in all discussions and actions with any and all parties or entities on drainage and drainage related issues, as requested by the Town of Newmarket's Administrator, Al Dixon.
- To reaffirm the full support of the MPCA and all the Associations to address and correct the drainage problems at Moody Point.
- To determine whether the timing is appropriate to seek legal counsel to advise and assist in correcting the drainage issues.

- **Updates & Discussions**

- The group was updated on the history and recent events related to correcting the drainage problems at Moody Point, though as members of the MPCA, all had been kept current through the prior minutes of the MPCA Board meetings sent to all members and various other discussions.
- Highlights of the update and discussion that followed included:
  - The failure to date of adequately correcting the drainage problems by the Town, the developer and/or the builder.
  - The missing drainage plan for Moody Point (no copy of the approved drainage plan for Moody Point has been found by the Town or the State to date).
  - The fact that the Town had consistently approved the original drainage plan (circa 1986) through the complete restructuring of Moody Point over fifteen+ years by eight changes made to the original declaration by the Moody Point Company, the developer.
  - The fact that the Town, as a result of their continued approval of the original drainage plan, had "grandfathered" Moody Point to the drainage standards of the mid 1980's, even though 64% of the units at Moody Point were built after 1997.
  - The fact that Moody Point is still only 80% built out after nineteen years of development and continues to be held to grandfathered drainage and road standards.

- The fact that two of the remaining vacant lots have been classified as statutory wetlands by the State.
- The evidence suggests that based on the basic description of the drainage approach and plan provided by the Town, the plan was not followed and significant exceptions exist. These include that a second retention pond planned was not built in the environmentally sensitive Salt Marsh area and that swales and culverts, identified in the drainage plan description as the fundamental approach to drainage, have not been built around the roads for many years.
- That an Administrative process has been initiated by the Town to investigate the drainage problems in response to our requests.

- **Motions and Resolutions**

- The following motions and resolutions were made and voted on after the update and discussions:
  - Motion by Judi Carr, seconded by Darby Johnson: To appoint Jim Fitzpatrick and Russ Simon as the official MPCA representatives for all drainage related activities with all parties and entities, with the full support and approval of the MPCA Board. The motion was unanimously approved by the MPCA Board.
  
  - Motion by Darby Johnson, seconded by Judi Carr: To approve the initial funding of \$2000 to initially seek and obtain legal counsel on drainage and related issues, representing the MPCA. The motion was unanimously approved by the MPCA Board.
  
  - A Resolution was proposed by Bill Bunting, seconded by Dick Johnson to appoint Jim Fitzpatrick and Russ Simon as the official Moody Point representatives, representing all of the Moody Point Associations (The Hill, Lubberland, The Ridge, The Waterfront and The Meadow), for all drainage related activities with all parties and entities, with the full support and approval of the all the Moody Point Associations. The Resolution was unanimously approved by the Associations' representatives present.

The Special Board Meeting was adjourned at 9:10 PM.

Respectfully submitted,

Russ Simon  
Secretary