

**Minutes: MPCA BOARD MEETING**  
**Monday, March 2<sup>nd</sup>, 2009**  
**7:30 PM**

The Board of Directors of the MPCA met on Monday, March 2nd, at Russ Simon's home. Present were: Dave Contarino, Cari Moorhead, Dick Ormrod, Peter Roy, Russ Simon and Jim Fitzpatrick, presiding. Don MacKinnon did not attend. Trish Simon was invited as a guest to provide the Environmental Committee Report.

The meeting was called to order at 7:31 PM.

**1. Minutes of the February 2nd, 2009 MPCA Board meeting:**

- Motion to approve the minutes was made by Dick Ormrod and seconded by Peter Roy - approved unanimously.

**2. Environmental Committee Report**

- Presented by Trish Simon
- Dave Contarino announced that he would be resigning as Board liaison to the EC and that Janice Woods Contarino would be resigning as an EC member due to time and availability conflicts going forward. The Board decided to continue to have an EC member provide the monthly report at the Board meeting until another liaison could be recruited.
- EC has requested that the Board authorize the dropping of the pond level back to its original level or lower prior to the spring thaw in order to avoid any additional flooding and better handle the expected run-off. This would require the removal of the temporary cap previously put on the Overflow Pipe to see if we could raise the pond level. The Board agreed.
- The initial winter clean-up and approved MPCA maintenance cutting on Lot #4 have been completed, with the exception of 1 dangerous tree behind units #365-368 and final chipping. The removal of the 1 tree and chipping should be completed shortly. Now that the MPCA funded annual maintenance is virtually complete, other owner requested, MP4 Committee approved cutting can be scheduled.
- Letters have been sent out to all MPCA members on this year's MP4 request and approval process. Request forms and policies governing the MP4 process are on the Moody Point website. Many thanks to the MP4 Committee members on continuing to improve the process. All approved MP4 cutting will be paid for by the requesting individuals.
- Dan Vincent, Code Enforcement Officer for Newmarket was involved in the approval process for MPCA Lot #4 maintenance. As a point of note he stated "that a site visit was not necessary as even David Price of DES told him that our common property management was one of the best in NH.
- EC spring projects are being organized and include expanding the kayak racks, inspections of the Screenhouse and bridge. Volunteers are planning various cleaning and painting projects, which will include the dock and Pumphouse.
- Supervised volunteer cutting of invasives will continue, weather permitting.
- EC is still waiting to meet with Dori Wiggin of DES on Wetlands and Drainage issues on Lot #4. She has been contacted and EC is waiting for a date.

**3. Treasurer's Report:**

- Presented by Jim Fitzpatrick
- Expenses are running according to plan (currently about \$14,000 under budget) with nothing significant noted.

#### 4. Committee Reports:

##### Water Systems Committee

- Presented by Jim Fitzpatrick.
- Mandated State Water Quality Testing continues to be done. Though the water quality is fine for consumption, particulates disturbed by the maintenance and repair work done this winter have not fully settled. Sampling will continue until we meet all State limits.
- Approved Sewer repairs for this fiscal year are being done in Moody Point and are being coordinated with the repairs being done by the Town on their system to minimize expenses.
- The WSC is working with our Water Management Company, Waterline Services, to explore the possibility of a back-up generator in the Pumphouse, which may qualify for State grant of up to \$4500.

##### Community Life Committee:

- Presented by Cari Moorhead
- Winter Friday BYO's (5 PM to 7 PM) are planned to continue thru May. A Community wide email has been sent with the dates and hosts schedule thru the beginning of May. Many thanks to all our members who have volunteered to host – the BYO's have become an important part of the social fabric of Moody Point.
- Timely Topics: Many thanks to both our presenters and hosts for the successful February Timely Topics:
  - February 8<sup>th</sup> - "Fitting Together Pieces of Early New England-A Perspective from Historical Geography" - Speaker: Dick Ormrod & Host: AnnaLisa Gotschlich
  - February 22<sup>nd</sup> - "An Economist's View of Obtaining Electricity from Ocean Waves" - Speaker: Dick Mills & Hosts: Ken & Jan Geremia
- Timely Topics scheduled for the remainder of the season are:
  - March 8<sup>th</sup>: "Immigrants and Immigration on the Seacoast". Speakers: Bill Badgley and guests. Host: Anna-Lisa Gotschlich.
  - March 29<sup>th</sup>: "An Update on the US Fiscal Situation at the End of the 1st Quarter of 09". Speaker: Bob Bestani. Hosts: The Chernyshov's.
  - Saturday Morning, May 9<sup>th</sup>: "Guided Bird Walk & Wild Flower Identification on the Moody Point Trail". Guides: Birding w/ Dave Arnold & and Wild flowers w/ Andra Crawford. Host Location for the Walk: Anna-Lisa Gotschlich's home @ **8:30 AM.**
- A Moody Point Book Exchange is being planned for April and will be coordinated by Colleen Fitzpatrick. This is not a book sale, but an exchange of books between Community members. Details will be announced as they are firmed up.
- The Annual Great Bay Half Marathon is scheduled for Sunday, April 5<sup>th</sup>. Plans are to continue to provide a Water Station for race participants and to have a post race Community Barbecue. CLC is also asking for cash donations from our individual associations and members to support Newmarket's Club Chameleon, a recipient of some of the fundraising from the race.

##### Drainage Issue Report and Update

- Presented by Russ Simon.
- As a result of the turndown of Cheney's request for wetlands building permits at Moody point, the AG's office requested that Cheney decide whether he was going to comply with DES's AO or continue with his appeal of the AO. Cheney decided to continue with his appeal of DES's Administrative Order to fix the drainage at Moody Point.
- As a result Cheney's decision to continue the appeal, the Water Council met and took several actions:
  - They lifted the "Stay" on the AO.
  - They approved the MPCA's request to be an "Intervenor" in the appeal process.
  - They also approved Pat and Bruce Gardner as "Intervenor" in the appeal process. The Gardner's home, that has incurred water damage due to the poor

drainage around Osprey Circle, decided to file as a separate "Intervenor" in the appeal.

- Both the Gardner's and the MPCA are in support of enforcing DES's AO.
- We are now awaiting the Water Council's next series of decisions on what the next steps of the appeal process between all the parties. As approved "Intervenors", we now have the right to be notified and included in all actions going forward.
- We will continue to monitor the situation closely and keep you informed.

#### **5. Property Manager's Report**

- The Great North Property Manager's contract will be re-circulated and discussed at the next Board meeting.
- A presentation to the Board on our current insurance coverage and what options we may want to consider, will be arranged at a future Board meeting this year.

#### **6. Other Business**

- **Lot #13:** As reported in the MPCA Board Minutes of February 2<sup>nd</sup>, "The Newmarket Town Council read our letter requesting enforcement of the conditions for the Moody Point Subdivision, read it into the record for the Town Council's Minutes and then voted to table discussion on the issue until Cheney's appeal of the Planning Board's decision in Superior Court, scheduled in early May, is decided. The Board continues to review its options on addressing the Lot #13 issues."
  - The Board discussed our options at this March Board meeting and a motion was made by Jim Fitzpatrick, seconded by Peter Roy: To authorize retaining Legal Counsel on behalf of the MPCA and pursue resolving the ownership issues related to Lot #13 with an approved expense of up to \$15,000. The motion was unanimously approved.

The Board Meeting was adjourned at 9:10 PM.

The next regular MPCA Board Meeting will be held at Dick Ormrod's home on Monday, April 6th, 2009 starting at 7:30 PM. We are currently scheduling the May Board Meeting at Dave Contarino's home and the June Board meeting at Peter Roy's home.

Respectfully submitted,

Russ Simon  
Secretary