

Minutes: MPCA BOARD MEETING
Monday, June 8th, 2009
7:30 PM

The Board of Directors of the MPCA met on Monday, June 8th, at Peter Roy's home. Present were: Dave Contarino, Herb Campbell (substituting for Cari Moorhead), Dick Ormrod, Don MacKinnon, Peter Roy, Russ Simon and Jim Fitzpatrick, presiding. Tod Rodger 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 May 4th, 2009 MPCA Board meeting:

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

2. Environmental Committee Report

- Presented by Tod Rodger
- The dock was power washed the weekend of June 6th by a team of volunteers led by Lanny Marsh. Many thanks to Lanny and the team for not only making the dock look almost new again, but in also saving the MPCA several thousand dollars in expense.
- Now that the dock has been power washed, EC will get estimates for professionally sealing the dock and putting a second sealing coat on the greenhouse deck which was power washed last year. Sealing the dock and deck is expected to be done by the end of August.
- Greenhead boxes were deployed for the summer season on June 6th, as well by a group of volunteers. Based on an analysis of the prior 2 years "catch rates", boxes were repaired and placed along the southern shoreline, between the dock and Peter Roy's home.
- To improve access to the Fire Pond for occasional recreational use, a team of volunteers, led by Ken Geremia, successfully finished building a small access dock to the Fire Pond on May 20th. This small dock not only took a lot of time and effort in planning and execution, but required the team to slog through the Fire Pond mud – often up to their knees to get the task accomplished. Many thanks to Ken and his team of "Mudders" for their dedicated work in making this happen.
- The next EC meeting will be held on June 15th.

3. Treasurer's Report:

- Presented by Don MacKinnon
- As expected, operating expenses are catching up with the budget and we are about \$11,000 under budget year to date. Much of the current surplus will be used shortly for the improvements of the road to the Lift Station and for other WSC leak and water quality projects.
- The Board reviewed the preliminary Operating Budget for 2009-2010 fiscal year with a view towards keeping operating expenses flat or slightly below this current year's level. The Board requested that a preliminary Capital Budget and a comprehensive capital projects list be prepared for review at the July Board meeting.

4. Committee Reports:

Water Systems Committee

- Presented by Jim Fitzpatrick.

- Mandated State Water Quality Testing continues. Though the water quality is fine for consumption, the WSC will continue to temporarily use a chlorinator in the tanks to meet water quality. Additional sampling will continue until we meet all State standards.
- As part of the particulate research and inspection of our Water System, the WSC has found that one of our well's casings may be the primary source of the increased particulate problem and that this well's pump also needs to be inspected for possible repair or replacement. As a result of the WSC's recommendation to inspect/repair/replace portions of the casing and the pump, a motion was made by Don MacKinnon, seconded by Dick Ormrod to authorize the emergency expenditure of not more than \$15,000 to fix the problems with this well. The motion passed unanimously.
- The WSC was successful in finally detecting and repairing the 6 gallon-per-minute leak in the water distribution loop. The leak was located in one of the vacant lots in Lubberland and may have been leaking for quite some time before we had the meters in the well house to detect it. An unmapped portion of the water distribution main was discovered during this effort and a valve installed for improved management of the system.
- The "Road to the Lift Station" project is completed with the exception of replacing the landscaping around the new road. EC will be working with the Board to complete this task by this fall.

Community Life Committee:

- Summer BYO's at the Screenhouse began the first Friday in June and will continue through the early fall, weather permitting.
- The Quarterly MPCA Community Get Together - the Summer Barbecue was held at the Ormrod's home on Sunday June 7th from 4 PM to 7 PM. The event was attended by over 60 members and a relaxing, enjoyable time was had by all. Many thanks to the CLC for another successful event, the Ormrod's for their gracious hosting, and Dick Ormrod and Russ Simon manning the grills.

Drainage Issue Report and Update

- Presented by Russ Simon.
- As expected, the Water Council met on 5/13/09 and resolved their technical issue on the MPCA's and the Gardner's motion to be approved Intervenor. They then approved both the MPCA and the Gardner's as approved Intervenor in Cheney's appeal of DES's Administrative Order. As approved "Intervenor", we now have the right to be notified and included in all actions going forward.
- Though we expected that the next action by the Water Council would be to reschedule the pre-hearing conference, on 5/19/09 we were notified of Cheney's intent to file a new request to the Water Council dismiss the entire case and vacate the outstanding Administrative Order. Cheney in fact submitted this request for judgment to the Water Council on 5/20/09. This new request for dismissal required the AG's office, the MPCA's counsel and the Gardner's to file briefs objecting to Cheney's request for judgment in his favor. Our collective briefs objecting to his request were submitted to the Water Council in late May. Cheney then filed an objection to our objection on 6/2/09. We expect a decision by the Water Council on Cheney's request in June.
- As always, we will continue to monitor the situation closely and keep you informed.

Fire Pond Committee

- Presented by Peter Roy
- The need for culvert/swale remediation leading to the Fire Pond and the need for a second dry hydrant will be submitted as possible future projects for the Capital Budget.

5. Property Manager's Report

- None presented

6. Other Business

- **Lot #13 Issues and Update:**
 - On 5/12/09 the MPCA's legal counsel for Lot #13 filed a motion for declaratory judgment with the Rockingham Superior Court to determine the true owner of Lot #13 (Cheney or the MPCA). We believe the MPCA owns Lot #13, not Cheney. The Court issued an Order of Notice on 5/18/09 informing all parties of the lawsuit and requiring a written appearance notice by Cheney by 7/7/09 and a response to our lawsuit claims by 8/6/09.
 - On 5/18/09 Newmarket's Zoning Board of Adjustment (ZBA) met to hear Cheney's appeal of the Town's denial to issue him building permits on Lot #13. Prior to beginning his presentation on his appeal, Cheney agreed to allow the Planning Board's legal counsel to address the ZBA on legal issues related to Cheney's appeal. Immediately after the legal counsel presented the legal issues and concerns on hearing Cheney's appeal, the ZBA voted to defer their consideration on hearing the appeal until after the court decided who owned Lot #13.
 - We will continue to monitor the situation closely and keep you informed.

- **MPCA Annual Meeting Date:**
 - **Please mark your calendars - The MPCA Annual Meeting will be held on Saturday, September 12th, 2009, starting at 9 AM in the basement level of Newmarket's Town Hall.** Coffee will be available starting at 8:30 AM. More info to follow.

- **MPCA Board Transitions:**
 - Jim Fitzpatrick's term as "Member at Large" will end at this year's annual meeting. He plans on retiring from the MPCA Board. A new "Member at Large" will have to be elected at the Annual Meeting.
 - Russ Simon will also be retiring from the MPCA Board at this year's annual meeting. The new Waterfront Association's MPCA Board representative will be John Badger.

The Board Meeting was adjourned at 9:36 PM.

The next regular MPCA Board Meeting will be held at Don MacKinnon's home on Monday, July 13th, 2009 starting at 7:30 PM.

Respectfully submitted,

Russ Simon
Secretary