

Minutes: MPCA BOARD MEETING
Monday, June 9th, 2008
7:30 PM

The Board of Directors of the MPCA met on Monday, June 9th, at Dave Contarino's home. Present were Dave Contarino, Don MacKinnon, Cari Moorhead, Dick Ormrod, Peter Roy, Russ Simon and Jim Fitzpatrick, presiding. Guests included Wendy Chase, from Great North Property Management. Wendy replaced Erin Surprenant as Great North's property manager for the MPCA.

The meeting was called to order at 7:34 PM.

1. Minutes of the May 5th, 2008 MPCA Board meeting:

- Dave Contarino requested two minor wording changes to improve clarity. The Board concurred.
- Motion to approve the minutes, as amended, was made by Peter Roy, and seconded by Dick Ormrod - approved unanimously.

2. Treasurer's Report

- Presented by Don MacKinnon
- Year to date expenses were running as planned (about \$15,000 under the annualized budget). Approved spring project expenses have begun to hit our expense line, reducing our under budget condition and we expect to end the year on budget.
- Additional high priority projects were approved for implementation this year related to drainage fixes, the repair of the dock and water well related repairs and maintenance.
- The second pass on the 2008-2009 budget suggests it will continue to remain reasonably flat to the current year budget. Priority budgeted Capital Projects for 2008-2009 include implementing the new cistern and beginning the remediation of the fire pond once the cistern is operational.

3. Committee Reports

Water Systems Committee

- Presented by Jim Fitzpatrick.
- The WSC has begun to get responses to the RFP on improving the road to the lift station.
- The project to repair and/or replace manhole covers and to reduce water inflow issues in the sewer system has begun.
- As members are aware through separate communications, we are experiencing water capacity issues as a result of one of our three wells (Well #3) currently not operating. As a result, members have been asked to shut off their irrigation systems and not to use any other sprinklers outside the irrigation system until such time as pump #3 is back online. The cause of the well #3 problem is still being investigated. The problem may be with the electrical control circuits for the well pump system or the pump itself in well #3. The WSC will be replacing one or all of the outdated control circuits with more modern technology to correct this and other problems in our system. If this does not correct the problem, WSC will be faced with trying to replace the pump in well #3, a trickier and more expensive solution. **In any case, until this problem is resolved, the use of the irrigation system or other sprinklers is not allowed in order to ensure we maintain water capacity for other normal uses.**

- The WSC is working with the new irrigation vendor on follow-up issues related to various irrigation system repairs required at a number of homeowner locations. This process has taken longer than expected due to the length of time required to complete the repairs at some locations. The repair process will continue, though even when repaired, the irrigation system cannot be used until the problem with pump #3 is resolved.

Environmental Committee:

- Presented by Jim Fitzpatrick
- The Lot #4 tree maintenance has been successfully completed for this year. Feedback received by the MP4 Committee from members on this year's maintenance has been very favorable, a major improvement from prior years feedback. Many thanks to the MP4 Committee on their hard work, improved process, vendor selection and managing the approval and review process with both Newmarket's Code Enforcement Officer and DES.
- On May 22nd, David Price of DES; Dan Vincent, Newmarket Code Enforcement Officer; Stalin Arias, EC's certified arborist from the Bartlett Tree Company; and representatives of the EC and MP4 Committees met at Lot #4 for a site inspection of this year's Lot #4 maintenance. The site review went extremely well and was favorably received by all. The MP4 Committee sent a follow-up letter to both David Price and Dan Vincent thoroughly documenting the results of the site review, the process we use to maintain Lot #4 and our knowledge and application of both the spirit and the letter of the law. In addition, as a result of some confusion in DES and the Town on the difference between the MPCA and its common land and the Moody Point Company/Walter Cheney and its "ownership" of Lot # 13, the letter also explained who the MPCA was, what land they were responsible for and that they were in no way related to or responsible for the Moody Point Company and land they may own.
- One new EC project was approved at this meeting by the Board for implementation this fiscal year – the repair of the dock area where the dock is attached to the shoreline (see combined motion made and approved in the Drainage Update section of the minutes). This is in addition to the previously approved projects including some priority culvert repairs along the trail, and bench and pond berm and dumpster area maintenance. Other projects proposed by EC will be deferred for review next fiscal year.
- Many thanks to the EC, its expanded membership and the MP4 Committee for the great job they have done in the stewardship of our common land.

Community Life Committee:

- Presented by Cari Moorhead
- Many thanks to our recent Friday BYO hosts, the Johnson/Remignati's on May 9th, the Bestani's on May 16th, the Crawford/Arnold's on May 23rd and the Badger's on May 30th. Many thanks to the CLC for creating a year round Friday BYO program that has enabled our members to socialize throughout the year.
- The Summer BYO's will begin at the Screenhouse on Friday, June 13th, from 5 PM to 7 PM and will continue each Friday as long a weather permits into the fall.
- Many thanks to the Ormrod's for hosting and CLC for organizing the annual summer kick-off barbecue on June 7th. It was a great success with well over 50 people attending.
- Timely Topics: the last timely topic of the season was a Bird Walk with Andra Crawford and Dave Arnold on Saturday May 10th. Many thanks to Andra and Dave for capping another successful Timely Topic season.
- At the request of the CLC, the Screenhouse Policy was updated to include a footnote that "If the instructor is not a Moody Point resident, a facilities fee may be charged at the discretion of the CLC". In addition, CLC requested the policy be approved on a permanent basis (Vs the initial approval for a trial of the new policy). A motion was made by Don MacKinnon, seconded by Dave Contarino to adopt the amended Screenhouse Use Policy permanently. The motion was passed unanimously (copy of the amended policy attached)
- A request was made by Jane Pinsley to plant wildflowers, in memory of her husband Edward Allan Pinsley, in the fields/meadows of Lot #4. She also wondered if others would like to join in this opportunity to remember their loved ones. The Board approved

this request as long as the wildflowers used were the State Approved Mix (the existence of the mix was discovered by Peter Roy as part of the Cistern Project).

Drainage Issue Report and Update

- Presented by Russ Simon.
- The Administrative Order (AO) was finally issued on May 19th, 2008 by DES requiring that Walter Cheney and the Moody Point Company fix the drainage leading to and around Osprey Circle area, including the eastern and southeastern most sections of Cushing Road. A copy of the AO was also sent to the Newmarket Town Council and the State Attorney General's Office. The AO details the process and timeline which needs to be followed. The first two dates of note are a 30 day appeal window and a 45 day window for Walter Cheney to provide final calculations and plans for the drainage remediation requested by DES for their approval. A copy of the DES order has been distributed to all members previously via email and is also attached to these minutes. To date, we have received no further communications from either Cheney or DES.
- The Board will continue to actively monitor the progress of the implementation of the Administrative Order.
- In addition, the Board agreed to send a letter to the Town Council, the Town Planner, the Planning Board, the Code Enforcement Officer and the Zoning Board of Adjustment (ZBA) officially requesting them to take into consideration the drainage remediation history and the critical need for a successful implementation of the AO, on any new projects and/or variance requests for Walter Cheney and all the Cheney related Companies. Also, the Board is researching the possibility of securing our interests, as well as gaining a better understanding the Administrative Order and Appeal processes and timelines.
- In order to help remediate the basement leak problem in the Waterfront Association, whose root cause was the lack of drainage in the Osprey Circle area, the EC asked the Board to approve the implementation of a swale and required culverts to capture the accumulating water behind the Waterfront Condo Building - Units 365 - 368 on the MPCA's Lot #4 and move it towards the Fire Pond. The Waterfront will be responsible for the cost of repairing and replacing foundation drains around the affected 4 unit condo building and the MPCA and EC will be responsible for the costs of creating the swale and culverts to direct the water toward the Fire Pond. This project, along with the dock repair project, was combined into one motion. A motion was made by Cari Moorhead and seconded by Don MacKinnon to approve these two projects for implementation this fiscal year with a cost cap of \$8000 combined. The motion was approved unanimously.
- Topographical Mapping of Moody Point Status: The Board is reviewing the contract and pricing for the proposed Topographical Mapping.

Cistern and Fire Pond Committee

- Presented by Peter Roy
- Progress continues. MJS Engineering has been hired to validate the site location and to be available to assist us in managing the project going forward. RFP's were sent out, three suppliers responded and the Committee selected a supplier based on price and most appropriate cistern tank configuration. The Newmarket Public Works and Fire Department supports the project and site and access requirements have been agreed upon. A temporary storage site for the excavated materials near the cistern has been worked out. The Ridge Board has been fully updated on the progress and plans. The project will be presented for review and required approval by the Newmarket Planning Board on July 1st.

5. MPCA Managers Report:

- Wendy Chase was introduced as our new Property Manager from Great North, replacing Erin Surprenant, who has resigned from Great North. The Board welcomed Wendy and offered to spend whatever time was necessary to bring her up to speed on Moody Point.
- The Board thanks Erin Surprenant for her support and good work as the MPCA's property manager over the past few years.
- No additional new or significant items were noted.

6. Other Business

- Offer to purchase MPC's Osprey Circle Lots: The Board requested that Jim Fitzpatrick notify Walter Cheney that the MPCA would not be able to bid on his offer to purchase the Osprey Circle lots for \$150,000 by his 5/8/08 deadline.
- Trespass and Signage: It was again brought to the Board's attention that we occasionally have uninvited "guests" on our common land (private property) and what should/could be done about it. The Board reviewed the signage posted around the property and that though we have sufficient signage, with the appropriate trespass warnings, at each of the three trail entrances and the dumpster area, we could benefit from adding similar signage to the dock and screenhouse area, especially visible to those "uninvited guests" who may approach our land via the water or who may have "missed" the signs on the way in. The Board authorized Wendy to create the additional appropriate signage in the dock and screenhouse area. Members can continue to ask strangers if they are invited guests of members or have permission to be on the property. If they are uninvited, they should be asked to leave and if they refuse, a call can be made to the Newmarket Police informing them of the unauthorized trespass while it is in progress.
- Lot #13 and the Cheney Subdivision Request to Newmarket's Planning Board: A number of things have occurred since Walter Cheney initially requested approval from the Planning Board to subdivide the Moody Point Non-Buildable Woodland Buffer known as Lot #13. In addition to his request for approval, Walter Cheney also wrote to the Planning Board, Town Administrator and Town Council Chairman accusing "Moody Pointers" of unauthorized access and cutting on his land. Some of the abutting Lubberland residents have challenged Cheney's ownership of Lot #13 as well as his right to subdivide and provided documentation to the Planning Board. Jim Fitzpatrick, as President of the MPCA, responded to all recipients of Cheney's letter, clarifying, in no uncertain terms, that the MPCA has had nothing to do with Cheney's accusations on cutting in Lot #13. We have been notified that the Planning Board has suspended any approval of Cheney's request and has referred the entire matter of Cheney's ownership and right to subdivide to their legal counsel for review. Stay tuned.

The Board Meeting was adjourned at 10:31 PM.

The next regular MPCA Board Meeting will be held at Dick Ormrod's home on Monday, July 7th, 2008 starting at 7:30 PM.

Respectfully submitted,

Russ Simon
Secretary