

**Minutes: MPCA BOARD MEETING**  
**Monday, July 7<sup>th</sup>, 2008**  
**7:30 PM**

The Board of Directors of the MPCA met on Monday, July 7<sup>th</sup>, at Dick Ormrod'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 and Janice Wood Contarino, an MPCA member from Lubberland.

The meeting was called to order at 7:32 PM.

**1. Minutes of the June 9<sup>th</sup>, 2008 MPCA Board meeting:**

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

**2. Member Request to Address the MPCA Board**

- Janice Wood Contarino asked to address the Board to share some concerns that some of the Lubberland Association members had with the possible future acquisition of Lot #13 by the MPCA. This possibility potentially exists as a result of a recent letter sent to Walter Cheney by the Town of Newmarket's Planning Board legal counsel on the disposition of Lot # 13. This letter stated that based on research into the documents and history of the approvals for the Moody Point Development, Walter Cheney could not subdivide Lot # 13 as he originally proposed to the Planning Board and in fact should transfer the title of Lot #13 to the MPCA, as was defined as a condition of the approval granted to build the Moody Point Development.
- Janice stated that a few members were concerned that if the MPCA were to gain ownership of Lot #13 (which abuts much of the Lubberland Association land along the Salt Marsh), that the MPCA could extend the existing nature trail to behind their homes. In addition she and others were concerned with how the land would be managed by the MPCA for both general maintenance and view maintenance. She requested that the Board write a letter to the Lubberland Association guaranteeing them that no trail would be implemented, that they would be able to maintain their views and perhaps have some control over what was done on Lot #13.
- The concerns were discussed by the Board and the following are the results of the discussions:
  - There are no plans to extend the Trail system. Such an effort would require a significant survey and permitting process that, due to the sensitivity of the Salt Marsh, might prove impossible under current regulation. In any event, the use of or prohibition of use of this parcel should be thoroughly evaluated and proposals brought before the entire Community for review. Moreover, any maintenance of our common lands already falls within the mission of our Environmental Committee as constituted in the Bylaws. This is working well for us, and should continue.

**3. Treasurer's Report**

- Presented by Don MacKinnon
- Year to date expenses were running as planned (about \$19,000 under the annualized budget). Approved spring project expenses and the repair of Well #3 have begun to hit our expense line and we expect that all budgeted funds will be used by fiscal year end. Just in case, the Board authorized the Treasurer to move any unused budgeted funds,

should they exist prior to fiscal year end, into our Capital Account, to avoid taxes on any operating surplus and to continue to build our under-funded Capital Account.

- A new form has been designed and approved by the Board for submission on any future Project funding requests. This form will be required to be submitted and approved by the Board prior to any new project funding.
- The 2008-2009 Proposed Budget was reviewed again. Overall revenues, Operating Expenses and Capital Contributions are in line with our current 2007-2008 budget. A motion was made by Russ Simon, seconded by Cari Moorhead to accept the 2008-2009 Operating and Capital Budget as presented and noted by the Treasurer. The motion was approved unanimously.

#### 4. Committee Reports

##### Water Systems Committee

- Presented by Jim Fitzpatrick.
- The WSC has gotten to get responses to the RFP on improving the road to the lift station and is reviewing proposals.
- The project to repair and/or replace manhole covers and to reduce water inflow issues in the sewer system has been put on temporary hold subject to vendor availability.
- 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, but it appears that we will have to replace the pump as well as the outdated circuit controls and will increase our expected repair costs to the \$10,000 to \$15,000 range. **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 irrigation system and local association repairs have been completed and billing by the vendor is in process.
- A power surge from some of our older equipment has burnt out one of the new monitoring systems boards. Board replacement will cost around \$1000.

##### Environmental Committee:

- Presented by Jim Fitzpatrick
- The greenhead boxes have been deployed again for this year thanks to our volunteers organized by the EC.
- The Dock repair, stabilizing the connection of the dock to the shoreline has been completed.
- Boards have been replaced on the bridge instead of completely resurfacing the bridge.
- The trail benches have been repaired and the overhanging bench at the end of the trail by the Salt Marsh has been removed due to structural concerns and placed on solid ground.
- UNH Extension will be coming to see if they can help the EC with the increasing water lily problem in the Fire Pond. Raising the water level in the Fire Pond by about a foot was successful and though it did increase capacity, it did not prevent the continued growth of water lilies.
- The approved EC project to improve the drainage on Lot #4 behind the Waterfront Condo Building - Units 365 - 368 on the MPCA's Lot #4 has begun.
- In addition to the drainage fix mentioned above, the trail area nearest to the Fire Pond and the adjacent Fire Pond edge will be built up to reduce the increased wetness caused by raising the Fire Pond level 1 foot.
- Continued thanks to the EC and its expanded membership for the great job they have done in improving the maintenance and stewardship of our common land.

### **Community Life Committee:**

- Presented by Cari Moorhead
- The Summer BYO's began at the Screenhouse on Friday, June 13<sup>th</sup>, from 5 PM to 7 PM and will continue each Friday as long a weather permits into the fall.
- Hold the Date: October 4<sup>th</sup> is the date for the next MPCA Quarterly Get-Together.

### **Drainage Issue Report and Update**

- Presented by Russ Simon.
- On June 18<sup>th</sup> Walter Cheney and the Moody Point Company filed an appeal of DES's Administrative Order to fix the drainage at Moody Point. The appeal is filed with the Water Council, a special council specifically created to provide an appeal process for DES decisions. As a result, the case will be transferred from DES to the Attorney General's Office, who will now become the advocate in support of DES's AO. This appeal process may take several months for the Water Council to complete its process, review the AO and basis for appeal, and rule on the case. In order for the MPCA to remain active and have a voice in the appeal process, our counsel has recommended and the Board has approved the MPCA to file as an "intervenor" in support of the AO and the AG's office as DES's advocate. This will allow us to keep fully informed of all proceedings, be able to attend any meetings and hearings as well as speak with and support the AG's office.
- The Board will continue to actively monitor the progress of the Appeal Process with the Water Council.
- The DES's AO has been duly registered in Rockingham County.

### **Cistern and Fire Pond Committee**

- Presented by Peter Roy
- Progress continues. Newmarket's Planning Board should approve the Cistern Project on 7/8 along with the necessary Easements to be approved by the Ridge Association. Once approved, the next series of RFP's will be sent out for bids. Once these RFP's have been reviewed and the excavation Vendor approved, the real work and implementation schedule can begin. Stay tuned.
- Many thanks to the committee for all the great work in continuing to move the ball forward.

### **5. MPCA Managers Report:**

- Presented by Wendy Chase
- The "No Trespassing" signage has been ordered for the dock area.
- Mark your Calendar's – the MPCA Annual Meeting is scheduled for Saturday, September 6<sup>th</sup>, 2008 @ Town Hall starting at 9 AM. Coffee & donuts will be available starting at 8:30 AM.
- No additional new or significant items were noted.

### **6. Other Business**

- Lot #13 and the Cheney Subdivision Request to Newmarket's Planning Board: . We had 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. On July 2<sup>nd</sup>, a letter was sent to Walter Cheney by the legal counsel for Newmarket's Planning Board and ZBA essentially stating that they have reviewed the documentation related to the approvals for the Moody Point Sub-Division and have concluded that Lot # 13 cannot be subdivided and the ownership of Lot #13

should be conveyed to the MPCA. This opinion will be subject to a public hearing, potentially scheduled in August, where the Planning Board may rescind their prior conditional approval of the Cheney proposal to subdivide Lot # 13 and request title to be conveyed to the MPCA. Stay tuned.

- Mail Boxes: The developer and builder at Moody Point did not install sufficient mailboxes to meet the approved # of units in the subdivision. The availability of open mailboxes to meet the needs of the current build-out is being reviewed. We expect at some point additional mailboxes will have to be installed.

The Board Meeting was adjourned at 9:58 PM.

The next regular MPCA Board Meeting will be held at Russ Simon's home on Monday, August 4<sup>th</sup>, 2008 starting at 7:30 PM.

Respectfully submitted,

Russ Simon  
Secretary