

Minutes: MPCA BOARD MEETING
Monday, December 8th, 2008
7:30 PM

The Board of Directors of the MPCA met on Monday, December 8th, at Peter Roy's home. Present were: Dave Contarino, Don MacKinnon, Cari Moorhead, Dick Ormrod, Peter Roy, Russ Simon and Jim Fitzpatrick, presiding. Guests included Wendy Chase of Great North Property Management and Janice Woods-Contarino.

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

1. Minutes of the November 3rd, 2008 MPCA Board meeting:

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

2. Lot #13 and Cheney's proposal to subdivide with the Newmarket Planning Board

- Presented by Janice Woods-Contarino
- The Board discussed the current status and potential ownership issues related to Lot #13

3. Treasurer's Report:

- Presented by Don MacKinnon
- Expenses are running according to plan with nothing significant noted.
- A motion was made to waive the late fees for one member whose payment was 4 days late by Peter Roy, seconded by Dave Contarino. The motion passed unanimously.
- The Board asked the Treasurer to review the Accounts Receivables reserves and report back on the status at the next Board meeting.
- The Board agreed to authorize the Treasurer and Great North to close the Water Capital Reserve Account and to book any future Water Tie-In fees to the General Capital Reserve. The Community previously approved the use of the Water Capital Reserve for Fire Pond Remediation and the Cistern. All existing funds were used to assist in the payment of the Cistern Project.

4. Committee Reports:

Water Systems Committee

- Presented by Jim Fitzpatrick.
- At the request of the Contractor, the approved project to strengthen the road bed leading to the Sewer Lift Station has been postponed to the spring of 2009.
- The approved project to repair the Sewer Manhole Covers and Collection Boxes (working in conjunction with the Town of Newmarket's repair schedule) has begun. One repair has already successfully stopped a 4&1/2 gallon per minute leak in a collection box located around Osprey Circle.
- The WSC has recommended and the Board has approved hiring Waterline Services to take over the oversight and maintenance on the Sewer System. Waterline is now our approved contractor for both the Water and Sewer System.

Environmental Committee:

- Presented by Dave Contarino.
- A motion was made by Cari Moorhead, seconded by Dick Ormrod to approve the following updated policy for **Winter Use of Lot #4** recommended by the EC:
 - **Winter use of the mowed portions of Lot #4, including the trail and Fire Pond, is allowed. Those who use these areas of Lot #4 do so at their own risk. The Moody Point Community Association is not responsible for injuries. The privacy of those residents who abut Lot #4 is to be respected.**
 - The motion was approved unanimously.
- The MP4 Committee and Treasurer have worked out an amended procedure for processing the expense of any approved cutting that would be paid for by individual members. Any questions should be directed to the MP4 Committee. Please remember: Any and all cutting on any MPCA common land must be pre-approved by the MP4 Committee and the MPCA Board and must be done by the MP4 Committee's approved registered arborist and forester
- The EC provided the MPCA Board with a month to month plan for the common land work scheduled for the remainder of the fiscal year. This included both paid and volunteer work planned.
- Our approved arborist/forester reported to the MP4 Committee and the Board his observation of unauthorized and unapproved cutting of two large saplings on the Eastern side of Lot #4. A letter from the MPCA President was sent to the five homeowners nearest to the cutting to make them aware of the illegal incident.

Community Life Committee:

- Presented by Cari Moorhead
- Winter BYO's at member's homes are scheduled to begin in January. A schedule for the winter BYO's will be distributed to the members by year end 2008. If you would like to sign up to host a winter BYO, please contact your Community Life representative.
- **Mark your Calendar's - This year's holiday party will be held on Saturday, December 13 from 5 PM to 9 PM. The Bouthot's (122 Cushing Road) have graciously offered to host it once again. Holiday party attire requested. Please bring an appetizer, main dish or dessert to share and a beverage to share, as well. We will also be collecting non-perishable foods for distribution to the local food banks again this year. With the current financial condition, your donation of food to the food banks is more important than ever.**

Drainage Issue Report and Update

- Presented by Russ Simon.
- Jim Fitzpatrick, Russ Simon and the MPCA's legal counsel met with representatives of DES and the AG's Office on 11/25/08 in Concord to voice our objections to the issuance of the "stay order" on Cheney's appeal to the Water Council of the DES Administrative Order to fix the drainage. The meeting was also attended by several of our elected State Representatives or their designees. Many thanks to all our members who wrote letters to DES, the AG's Office and our state representatives on their concerns with the issuance of the stay order and tying the appeal process to the review of Cheney's wetlands building permit applications.
- We vigorously voiced our outrage at the issuance of the stay, the agreement to review wetlands building applications as part of stay process, the lack of specificity of the stay agreement and our not being contacted or consulted prior to the issuance of the stay order. Though our position was supported by our representatives and listened to by both DES and the AG's office, in the final analysis what was done was done and now we had to wait for the outcome of DES's review of the wetlands building applications before any additional action on DES's Administrative Order or an alternate solution could be pursued.

- In essence we were told that the stay had been issued because DES and the AG's office thought it would accelerate a final solution to our drainage problems and make the DES Order even more enforceable. DES committed to having a decision on the wetlands applications completed by January 10th and though they had not yet reached a decision, they restated that DES had never yet approved a wetlands building permit solely for commercial or residential building purposes.
- In addition, we were informed that our request to be a Registered Intervenor in the Appeal would not be reviewed until after the stay order was lifted.
- Though many other drainage related issues and history were discussed in detail at this meeting and all became better educated on the issues and specifics, no additional work on a drainage solution or the appeal would be done until DES reached a conclusion on the wetlands applications and the Stay Order was lifted.
- As a separate but related topic, we were just informed that Cheney's application to the Town of Newmarket for a Special Use Permit to build on the wetlands lots, originally scheduled to be heard by the Planning Board on December 9th, was withdrawn by Cheney. It is our understanding that in order to build on any wetlands lots, both DES's Wetlands Building Permit and Newmarket's Special Use Permit applications would have to be approved.
- A request was made by Cheney to address the MPCA Board with another proposal to "fix the drainage", with numerous conditions attached. A motion was made by Cari Moorhead, seconded by Peter Roy to table the consideration of the Cheney request until the January 12th, 2009 MPCA Board Meeting.
- We will continue to keep you informed of further developments.

Cistern and Fire Pond Committee

- Presented by Peter Roy
- Though not yet finalized, Peter forecasted completed cost of the Cistern project to be \$125,000 +/- \$2000. This is on budget and as a result should not use any of the contingency cost reserve approved in the Capital Budget.

4. MPCA Managers Report:

- Christmas Tree Pickup is scheduled for January 9th, 2009. Those who are interested in having their Christmas trees disposed of should have their trees at curbside recycling locations by the evening of January 8th.
- Great North proposed working with the MPCA Board over the coming months on a complete review of the MPCA insurance policies.

5. Other Business

- Drainage Improvements at the NW Corner of Cushing and Lubberland Roads: The Town has completed this drainage fix as proposed within its road easement. By all accounts and after several tests by Mother Nature, the drainage at this corner is vastly improved and water is no longer sheeting across the road. Many thanks to Rick Malasky and his staff for the good work!!

The Board Meeting was adjourned at 9:15 PM.

The next regular MPCA Board Meeting will be held at Jim Fitzpatrick's home on Monday, January 12th, 2009 starting at 7:30 PM.

Respectfully submitted,

Russ Simon
Secretary