

MOODY POINT COMMUNITY ASSOCIATION

Minutes of the Annual Meeting September 11, 2010

The Annual Meeting of the Moody Point Community Association (MPCA) was held at the Newmarket Town Hall, Newmarket, NH on Saturday, September 11, 2010. Pat Gardner, President of the MPCA, chaired the meeting.

The meeting was called to order at 9:05 A.M. by Pat Gardner

Announcements

Copies of the Agenda, Minutes, Budget, and Financial Statements were available at the sign-in table. Those working at the table on behalf of the board and there to pass out these materials and take attendance for quorum purposes were MPCA Board Member Paul Pensiero and Committee Chair (MP4) Linda Pensiero.

As of the commencement of the meeting, more than 60 members had signed in by person or by valid proxy and a thus more than a quorum was attained to conduct the meeting. The Bylaws set forth that a quorum is attained at 25% of the voting membership.

Pursuant to the MPCA Bylaws, the meeting was run based on Sturgis's "Standard Code of Parliamentary Procedure".

Agenda

- Role Call and Verification of Quorum: It was certified that there was a quorum present by Paul Pensiero, MPCA Board member, and by Pat Gardner, President
- Proof of Notice of Meeting: A motion was made and seconded to verify proper notice of the Annual Meeting was provided to all members as per the By-Laws. The motion passed unanimously.
- Approval of the Minutes of the MPCA Annual Meeting on 9/12/2009: A motion was made and seconded to waive the reading of the Annual Meeting Minutes and approve as written. The minutes of the 2009 Annual Meeting had been included in the Annual Meeting packet for the members to review prior to this meeting. The motion passed unanimously. The minutes will be posted to the MPCA's web site.
- President's Report: presented by Pat Gardner:
- All 2009-2010 MPCA Board Members and volunteers were recognized and thanked for their contributions during the year, noting that Board Secretary Cari Moorhead and Board Member Peter Roy, both of whom had terms expire prior to

this annual meeting, were thanked for their service to the Board and to the community, as was former Environmental Committee Chair Beth Marsh.

PSG: Storm of February 2010:

- The year was characterized as a challenge beginning with the storm damage to Lot 4 and Lot 6 suffered in the storm of February 2010. The damage was significant and caused a significant amount of time to be expended in solving the removal of the felled trees on MPCA lands in an expeditious and economical manner. Examined were multiple solutions and multiple companies were interviewed to address the issue, the Board ultimately settling upon removal by Pace Trees Service and Millie's Tree Removal, coming in at \$25,000 when the other bids were in excess of \$100,000. The combination of these two companies and their sale of wood chips created by chipping the removed trees (sold to the local utility) allowed for the low bid. Many volunteers aided in the project along with the board, and after several months the work was completed, including but not limited to Trish Simon and Beth Marsh from the EC, Bruce Gardner, Peter Roy and Jim Fitzpatrick who responded the week of the storm, and all of the other volunteers, to Lynn Badger who baked cookies for the workers clearing the debris and trees from the trails. To accomplish this, there would be some minor repaving to address where the heavy equipment operated capped at \$7000 [which ultimately came in under bid].
- UNH was contacted for an opinion as to whether the felled trees should be replanted and the advice given was to allow the area to repopulate with plants naturally, with the aid of a "conservation mix" spread in the affected areas by volunteers. This was done. A special assessment of \$250 had been passed by the board to aid in the costs of storm remediation. The President called for, as was seconded, a motion to ratify and approve the work done by the MPCA board and the volunteers to solve the storm damage, and the matter passed unanimously.
- The event of the storm generated board and committee discussions, that ultimately led to one of the issues being addressed today, namely how to address running the water system during a power outage.

PSG: Drainage Litigation:

- Pat reported that the Water Council determined that the former developer, The Moody's Point Company, would not be called upon to fix the drainage, the Water Council reversing the prior decision of the DES Administrative Order requiring the developer to do so. The MPCA board determined that with that decision, no more legal fees and costs would be expended in this litigation and it was so reported here, with no disagreement from the membership. The board, Jim Fitzpatrick and Russ Simon were thanked for their volunteer efforts in trying to bring the matter to conclusion. The matter was tried by the DES, who was

responsible to enforce the Administrative Order at issue. The MPCA intervened, meaning, it appeared as a party of interest, to support the DES efforts. Ultimately, it was for the DES to try to prove its case, but the DES failed to do so, the Water Council relying in large part on the DES failure to identify the correct drainage plan. The president moved, as was seconded and unanimously approved for ratification of the efforts of the board in this drainage matter and the agreement to incur no more costs and fees in pursuit of the matter.

PSG: Lot 13 Litigation:

- The Board did not obtain any type of settlement from Mr. Cheney in mediation and determined move forward with the trial court ruling on the merits as to the ownership and use of Lot 13. A trial date has been obtained from the Rockingham County Superior Court. The President called for, as was seconded, a motion to ratify and approve the boards work done to resolve the ownership and use of Lot 13.

PSG: Replacement of Great North with TrueNorth as MPCA Property Manager:

- The board engaged in many months of efforts, searches and interviews, with a search committee comprised of Peter Roy, Pat Gardner and Tod Rodger, its conclusion that the current property management company, Great North, should be replaced with the company named TrueNorth, as managed by Ted Alex. The Waterfront Condo Association has met with a degree of success in the use of TrueNorth. There was discussion regarding the contract the board had approved subject to ratification by the membership. The contract as approved by the MPCA BOD, subject to ratification here, is less than the amount currently paid to Great North, with the expectation of more work provided by TrueNorth at a lesser price. (Proposed base contract is \$833.33, per month). TrueNorth would report to the board, on a monthly basis, fielding complaints, walking the property, etc., and would be a point person for members to contact with issues that could be forwarded to the board. The terms are set forth in their proposal approved by the MPCA BOD. There was little discussion. The president moved, was seconded and unanimously approved for the change in property management companies under the terms of the contract approved by the MPCA BOD.

PSG: Introduction to Committee Reports:

Environmental Committee and MP4 Committee: Presented by Trish Simon, as Chair and on behalf of Linda Pensiero, MP4 Chair:

- EC Members and Project Volunteers were recognized.
- Storm remediation efforts were reviewed and the volunteers and the board thanked for their service on this project.
- Due to the storm, there was little to manage, from the MP4 standpoint.

- Clean up along the trail, due to the storm and volunteer efforts to rake out the trail were thanked.
- Spring and fall clean up volunteers were thanked.
- Volunteer efforts would be underway in the spring to address rebuilding the kayak/canoe racks destroyed by the storm. Minor repairs needed to the screen house because of the storm, with missing screens.
- Emphasis provided that we need to maintain our assets on Lot 4, otherwise due to new laws and regulations we might not otherwise be able to rebuild the dock or screen house, two particularly valuable recreational resources enjoyed by the community.

Water Systems Committee Report: presented by Jim Fitzpatrick, Chair.

- Jim led a presentation and discussion regarding the costs and benefits of the installation of a generator and related improvements to implement the generator, to run the water system during power outages, with many thanks to the water Systems Committee for their tireless efforts in the maintenance of the system during the year. Below is a summary of information pertinent to the discussion:

MPCA Water Systems Committee

Water System

Active Monitoring Regimen [~600/mo]

New Pump Controller (March leak) [~2400]

Irrigation

Monitoring and Balancing demand

Well Pump flow adjustments

3 gpm Leak Issue – ‘Blowout’ Reminder (Week of October 18th)

Sewer System

Replace 2nd Lift Station Pump (Dec ’09) [\$7100]

Upgrade Lift Station tank level alarms [~1000]

New Roof and painting of L.S. [~3000]

(3) Manholes repaired – Inflow Issue [\$6,500]

(2) Manholes (Eagle Dr.) – Improperly installed Inverts [\$3,400]

Upcoming Projects

Ridge Irrigation Well Takeover

Explore possibility of selling Water System to Operating Co. (Last explored in 2001).

Proposed Well House Upgrade (Capital Budget)

Vestibule & Electrical Panel [\$32,000]

65 KW Generator [\$20,000]

Contingency (10%) [\$5,500]

Water Treatment / Alternatives to Chlorination

NO ‘barefoot’ Option

The Water Systems Committee, and the MPCA Board had already discussed, reviewed and approved the generator project, subject to majority approval by the membership at this annual meeting.

Discussion regarding the proposed project ensued with participation from the members, with multiple questions asked and answered. A motion was called to approve the project, as approved by the MPCA and Water Systems Committee, seconded and approved by a majority without need for hand count of votes. The costs of the project are part of the budget, covered subsequently.

Presentation of the Budget:

- The 2009-2010 Fiscal Year-End results were reviewed with the membership. Overall operating expenses exceeded the prior budget, due to the repairs necessitated by the storm tree damage (covered in PSG presentation), water system repairs (covered in JF presentation) and litigation expenses/fees (covered in PSG presentation) related to drainage and Lot 13. The additional expenses incurred due to the storm damage were minimized because they were largely funded from the special assessment of \$250 per member, and a small reimbursement from the MPCA's insurance carrier.
- The proposed budget, as prepared by the treasurer, Tod Rodger, and as approved by the Board was presented for membership approval. The budget had been placed in the annual meeting packets sent to the membership. There was some confusion as the management company [Great North] had initially not included the third page of the budget, and then mailed the in correct third page [budget information consist of three pages]. The correct pages were duly noted, and extra copies of the correct budget information were available at the head table for the members.
- The 2010-2011 Operating and Capital Budget was presented, with copies of the budget distributed in advance of the meeting to all members in their annual meeting packets. The proposed Operating Budget is \$120,900, Capital Reserves \$46,500 to be added from dues collection, Capital Projects is \$61,500, which includes the costs of the planned Water System Project of the installation of a generator to run the water system during power outages and attendant changes to the structure to accommodate the project (discussed above).
- Annual Member fees will essentially remain the same as last year (+\$6 increase) at \$1895 per member's unit with water service, and \$1325 for non-water units/vacant land.
- Prior to achieving the vote approving the budget, there was much discussion regarding the reserves, led by Bill Kath and joined by many members. There was discussion regarding increasing dues to accommodate larger reserves, or even the possibility of a special assessment to accomplish this. There was much discussion

the issue of reserves The motion to increase budget to accommodate an increase in reserves was made, seconded and defeated (hand count of vote) but the discussion on the issue was in-depth, appreciated and well received.

- A motion was made, seconded and eventually approved by a majority vote (hand count) to approve the Operating and Capital Budget as presented, after much debate and input from the membership. The overwhelming sentiment was that members did not want to incur higher annual dues than as presented.

Community Life Committee Report: presented by Lynn Badger, chairperson:

- Chair, Lynn Badger thanked the departing board members and committee members for all of their hard work, presenting flowers to Cari Moorhead and Peter Roy. The CLC members themselves were recognized and thanked, as well as the many volunteers and hosts of various events.
- CLC initiated and ran numerous programs and events during the year to enrich our community life and provide opportunities for members to meet together. Programs included: Timely Topics, Quarterly Community Get-Togethers, Screen house Fridays and their extension into the winter months, maintaining and updating the member packet for new members and the Community Address List, updating the Screen house Policy to enhance use, maintaining and enhancing the website and helping to organize various volunteer and Community activities.
- Success of “Grandparents Week”.
- Success of the “Book Swap”, with a thank you to the Fitzpatrick’s as hosts.

Old Business:

- None

New Business: Election of MPCA Board Member-at-large for 3-year term.

- Judy Bouthot was nominated and the motion seconded, to serve in the position vacated by Peter Roy. It is an at-large MPCA board position with a term commencing on 9/11/2010 and ending three years later on 9/11/2013. No other candidates appearing, the motion was unanimously passed. The Board welcomes new member Judy Bouthot.

After-meeting business:

- After the conclusion of the meeting, the Board, comprised of the six prior members and new member, Judy Bouthot, will meet briefly for its annual formation meeting and to elect officers.

Motion to Adjourn until the next annual meeting in 2011:

- A motion was made to adjourn the annual meeting, seconded and unanimously passed, and the meeting was officially adjourned at 11:47 a.m. by Pat Gardner.

Respectfully Submitted,

Bruce Gardner

Temporary Secretary for the Meeting