

Minutes

RPA 2023 Annual Meeting

Held Saturday, August 12, 2023 10am – 11:55am
Wolfeboro Public Library
Bradley Room

Mission of the RPA:

... to preserve, protect, maintain, and enhance the interests of the owners of properties on the shores of Rust Pond, in the State of NH; to maintain the water level in said Pond, the purity of said water and to do such other acts or things as may be necessary, useful or convenient to carry out said objects.

Call to order meeting: 10:00am

Called to Order at 10:06am

These minutes are an account of the meeting and record of motions and votes and not a transcript.

Confirm Existence of Quorum

1. Requirement of 15 members in “good standing” met.
2. Attendance:
 - 2.1. 31 properties/property owners out of possible 94.
 - 2.2. 3 property owners represented by Proxy to Terry Bowman.
 - 2.3. 46 people in attendance.

2022 Minutes

1. Reading and approval of 2022 minutes
 - 1.1. Motion to dispense with the reading. Corrine Smith, 2nd David Nelson
 - 1.2. No corrections, Motion to approve, David Nelson, 2nd by Pat Bowman
 - 1.2.1. Vote: All in favor, 0 opposed, 0 abstain.

Treasurers Report– Jack Ferguson

1. Report provided in paper and on TV screen. Jack led the body through the report. Report is posted on the website in Documents, 2023.
2. Questions:
 - 2.1. David Nelson – uncollectable accounts question
 - 2.2. Pat Bowman - Suggestion – to not carry the unpaid dues past a year as it is voluntary, possibly solicit assistance of members to knock on doors of homes that changed hands to try to find new property owners.
3. Motion to approve the 2023 Treasurers Report by Donna Yost, 2nd David Nelson
 - 3.1. Vote: All in favor, 0 opposed, 0 abstain.

Committee Reports

1. Website
 - 1.1. Chuck Wilson did a 5 min overview of the website displaying the website.
 - 1.1.1. Member suggestion to put webmaster contact on the website,
 - 1.1.2. Member suggestion to create a “Lost & Found” tab to help reunite owners with items that go afloat around our fair lake.
2. Bill Tappan – Dam Update: Maintenance, Management
 - 2.1. Scheduled Draw Down will be 2024 (typically 2-3'). Lake Level Adjustment for Fall only if request from member. Requires 2/3 majority vote.

2.1.1. Questions:

2.1.1.1. Clyfe Beckwith Camp school – any disadvantages – Bill replied none.

2.1.1.2. Donna Yost – how long does it for the lake to re-fill. Bill indicated that it is highly dependent on the rainfall but it is usually back at or above the original level by spring.

2.1.2. Motion: Approve the 2024 (2-3') lake level drawdown marker, Pat Bowman, 2nd Karen O'Dowd

2.1.2.1. Vote: All in favor, 0 opposed, 0 abstain.

2.2. Bill's verbal report:

2.2.1. Bill – talked about 2006 photo from website and mechanics of the dam.

2.2.2. Dam report. – Things are good even with the record rain fall.

2.2.3. Bill NEEDS helpers able to stay ahead of the dam maintenance. Please volunteer.

2.2.4. Water higher in end of June, but nowhere near going over spillway. No complaints from the state or downstream property owners. Structure of the dam is good. Had a hydraulic engineering company refurbish it last year. Next one in 6 years.

2.2.5. Questions from members:

2.2.5.1. David Nelson – question if there was any other time (other than 2006) over the spillway – answer from Bill, “No”.

2.2.5.2. Clarification of insurance – we have \$1M of coverage, and we are fully compliant with all state requirements and that provides a level of protection. We pay a fee to the state that is the “middle” \$750 level amount. This amount is linked to the amount of potential damage that could be caused by the dam.

2.2.5.3. Motion was put forward – If existing in the Bylaws, update to allow the draw down every 4 years to be automatic not to require a vote of the BOD or the Association and to allow the BOD at any time with a 2/3 vote to schedule and execute a draw down. Motion maker Pat Bowman, 2nd Terry Bowman.

2.2.5.3.1. Vote: All in favor, 0 opposed, 0 abstained

2.2.5.3.2. There is no Bylaw update action taken from this vote as the drawdown is not in the Bylaws. The drawdown has been in the Dam OMR (operations, maintenance response) form provided to the state.

3. VLAP (Volunteer Lake Assessment Program) Keith Simpson –10:41am

3.1. Written Report and Data - up on the screen and on website

3.2. Keith – 13 years. Samples go to Concord. We have data back to 1988 which is excellent and rare. Lots of rain, 5” in a few hours. Beaver dam breached. Sediment into the lake. Tested 8 days after with standard samples and bacteria monitoring. Nothing unusual in data. Data from multiple sites is aggregated and trend plotted. Data on North End has shown differences since 1990. No algae bloom so far this year. Last year major algae bloom except in south end of the lake, but fortunately no cyanobacteria, the toxic variety appearing with increased frequency in area lakes.

4. North End Project Update Libby Peard – Plan pursuant to Grant 10:48 am

4.1. Rust Pond received a grant to begin to address storm water run-off and ongoing serious sediment deposition at the North End. Unfortunately, 7/16 storm significantly impacted this plan. EPA 319 grant and Town matching totals \$52,000 – 3 elements of the plan: adding structures to reduce sediment loading (sediment traps, improved drainage channels, beaver-dam flow-through pipes), conducting dredging feasibility study, and public education/outreach. Phosphorus and conductivity numbers going in the wrong direction. Due to the storm, the scope of the remediation is significantly increased. Town of Wolfeboro agrees plan needs to be re-evaluated by engineers. No time for band aids, we need surgery! Laura Baker and Art Slocum working with Libby on North End and have contacted NH Fish and Game for guidance on managing beavers. To be determined whether \$52,000 can be re-allocated to new purposes. Hope to receive support from the Board of Selectmen in September.

4.2. Questions:

- 4.2.1. Ed Yost – question about property ownership beyond the North End Shore – privately owned – Hutchinson
- 4.2.2. David Nelson – is town applying for FEMA funds.

Old Business:

1. Donations by the Rust Pond Association were made for \$100 to The Lakes Region Trust, Loon Preservation Society, and the Wolfeboro Waters <https://www.wolfeboronh.us/wolfeboro-waters-committee/wolfeboro-waters>
2. A reminder for all to be courteous and kind to your Rust Pond Neighbors. All boaters are asked to keep safe and responsible distance from shore while boating. This will aid in reducing the impact of boat wake waves. The waves created by a variety of boats reach the shoreline and cause damage to property including shoreline, docks, and boats. For owners that rent property and allow launch of motorboats, please assure that the renters know all state, local, and pond rules and courtesies.

New Business

1. Board and Officer Elections

1. Current Officers and BOD Members listed with expiration.
 - President – Terry Bowman (exp 2023)
 - Vice President – Karen Coan (exp 2023)
 - Treasurer – Jack Ferguson (exp 2023)
 - Secretary - Elaine Webb (exp 2024)
 - BOD Member – Libby Peard (exp 2023)
 - BOD Member – Bob Leavy (exp 2023)
 - BOD Member – Bill Tappan (exp 2024)
 - BOD Member - Kurt Bamberg (exp 2024)
 - BOD Member - Art Slocum (exp 2024)
 - BOD Member - Keith Simpson (exp 2024)

2. Positions Filled at Annual Meeting

- 2.1. **President** – 2 year term (new exp 2025)
 - 2.1.1. Motion for **Libby Peard** - made by Corrine Smith, 2nd by Karen O’Dowd
 - 2.1.2. Vote: All in favor, 0 opposed, 0 abstained.
- 2.2. **Vice President** – 2 year term (ne exp 2025)
 - 2.2.1. Motion for **Art Slocum** made by Corine Smith, 2nd by Mary Simpson
 - 2.2.2. Vote: All in favor, 0 opposed, 0 abstained.
- 2.3. **Treasurer** – 2 year term (new exp 2025)
 - 2.3.1. Motion for **Jack Ferguson** made by Chuck Wilson, 2nd by Pete Colbath
 - 2.3.2. Vote: All in favor, 0 opposed, 0 abstained.
- 2.4. **BOD Member** – 3 year term (new exp 2026)
 - 2.4.1. Motion for **Bob Piekarz** made by Terry Bowman, 2nd by David Nelson
 - 2.4.2. Vote: All in favor, 0 opposed, 0 abstained.
- 2.5. **BOD Member** – 3 year term (new exp 2026)
 - 2.5.1. Motion for **David Nelson** made by Rich Wyman and 2nd by Pat Bowman
 - 2.5.2. Vote: All in favor, 0 opposed, 0 abstained.
- 2.6. Action Taken by BOD on 9/11/2023 Motion by Art Slocum, 2nd by Jack Ferguson
 - 2.6.1. **BOD position (exp 2023)** vacated by Art Slocum is filled by Bob Leavy in accordance with Article III E4 which allow the BOD to choose a successor for a vacant position until the next annual meeting.

3. Bylaw Changes

- 3.1. **Article III E.2. Election of Directors and Officers** New Text Approved.: “Per Article III (A) the maximum number of “general”, non-officer or past-officer, BOD members shall be 6. These general member BOD positions may be 2 each of 3-year, 2-year, and 1-year terms. This will promote recruitment of new members with the shorter terms and also allow for staggered expirations. In advance of the Annual Meeting the upcoming terms of expiring members may be adjusted by the BOD, solely or with input from the Nominating Committee if available, as needed to promote filling the BOD and serving the RPA mission.”
 - 3.1.1. Motion By Corrin Smith, 2nd by Donna Yost, Vote All in Favor, 0 opposed, 0 abstained
- 3.2. **Article III E.5 Nominating Committee** replaced “shall” with “may”. “A nominating committee consisting of three members may be appointed by the President. This committee shall present at the Annual Meeting a proposed slate of Officers and Directors to be voted on by the Members. Nominations for those positions may also be made at the Annual Meeting by any member.”
 - 3.2.1. Motion by Libby Peard, 2nd by Donna Yost, Vote All in Favor, 0 opposed, 0 abstained
- 3.3. **Article III C. Duties of Officers** Pronoun update replacing “his” with “their”. “The Vice President shall assume the duties of the President in their absence.”
 - 3.3.1. Motion By Donna Yost, 2nd by Robin Wyman, Vote All in Favor, 0 opposed, 0 abstained
- 3.4. **Article VIII Notices:** additional pronoun change made by E. Webb “his/her” to “their”

4. 2023 Storm Damage/Storm Water Run-off

- 1.1. Art Slocum and Libby Peard – Formation of the Wolfboro Waters Committee in 2018, after the first cyanobacteria bloom in Lake Winnepesaukee, and increased funding for addressing water quality issues signal the Town’s more proactive stance in preserving area lakes. An in-progress Lake Winnepesaukee watershed study focused on Wolfboro Bay could also have positive implications for Rust Pond. Among other things, this study will analyze Rust Pond impacts and will also look at run-off from Route 28.
- 1.2. Issue regarding Camp School Road raised by Libby Peard. In a comprehensive lake and watershed study completed by DES in 2007, Camp School Road was identified as a high-impact trouble spot. Road run-off, which can be high in phosphorus, along the last quarter mile of the road is potentially compromising water quality for all Pond residents. Considerable funds are contributed by Camp School Road residents for annual road repairs, but it is clear that major remediation is necessary. Scott Lehner, who takes care of annual repairs, presented a plan for this remediation that includes catch basins, re-sloping and underground piping to better manage major stormwater run-off. The cost estimate is close to \$15,000. Efforts are being made to raise funds from residents in the immediate area, but it could take some time to raise this target amount. Given the increasing frequency of toxic algae blooms in neighboring lakes and Rust Pond’s changing water quality metrics, the Board is committed to accelerating the pace for addressing this and other high-impact trouble spots in Rust Pond’s watershed (North End and Route 28 are the top priorities). With this in mind, board members agreed to introduce for discussion at the annual meeting the possibility of a funding match from Rust Pond Association reserves to enhance funds collected from Camp School Road residents. If this were to be seen by the membership as an appropriate use of the reserve, Camp School Road remediation could proceed on an accelerated schedule.
 - 1.2.1. Summary of discussion: Members expressed concern that there are other private roads around the pond that also require repair to mitigate rain/stormwater flows into the pond. Views were expressed that the lake is one body, and that any impact to water quality impacts all shoreline owners. Views were expressed by several members that Camp School Road property owners should be funding this critical repair in a similar manner to other owners with frontage on other pond access roads. Discussion lasted for 15 minutes. At the start time of this discussion the meeting had extended beyond the allotted hour.
- 1.3. Motion – “Approve the use of up to \$10,000 of the Rust Pond Association funds to support Camp School Road repairs ONLY if the Camp School Road residents raise a minimum of \$5000.00.”
 - 1.3.1. Motion by Clyfe Beckwith, 2nd Pete Colbarth.
 - 1.3.2. Vote hand count: 13 – in person, 1 proxy = 14 in favor; 11 in person, 1proxy = 12 opposed, 4 abstained. Motion passed 14 :12 : 4
 - 1.3.3. The vote in favor is reduced by one as a vote in favor by a “non-voting” member was counted.

Following the discussion and given the close vote, Libby Peard shared her commitment to raising funds from Camp School Road residents (and any other Pond residents who would like to support the cause) without tapping into the RPA reserve.

Adjournment – 11:55am

Attachments:

See Web Site for all documents supporting this Annual Meeting <http://rustpond.org/2023-minutes.html>