APPROVED

LINCOLN BOARD OF SELECTMEN MEETING MINUTES

SEPTEMBER 25, 2017 - 5:30PM

LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN, NH

Board of Selectmen Present: Chairman OJ Robinson, Vice Chair, Tamra Ham and Selectman Jayne

Ludwig

Staff Present: Town Manager Butch Burbank & Administrative Assistant Jane Leslie.

Public Present: Debbie Celino, Tammy Gionet-Dutilly and Jim Welsh.

I. CALL TO ORDER

Chairman Robinson called the meeting to order at 5:35 pm.

II. REVIEW AND APPROVAL-MINUTES OF THE PREVIOUS MEETING

MOTION: "To approve the meeting minutes of September 18, 2017 as amended."

Motion: Tamra Ham Second: Jayne Ludwig Motion carries.

MOTION: "To approve the Non-Public meeting minutes of September 18, 2017 as presented."

Motion: Tamra Ham Second: OJ Robinson Motion carries.

III. BOARD OF SELECTMEN'S UPDATED GOAL LIST Discussion

Chairman Robinson opened up the discussion explaining the intent of the goal list. The Board of Selectmen reviewed goals that have been reached, what is in the process or has been completed, and what needs to be done:

Water Issues

Water sources on State land

To access and explore water source options on State owned property may possibly require extensive political maneuvering with multiple State agencies. This is one possible avenue the board could pursue in the future in the event of an emergency. Chairman Robinson questioned if the State would be the first option the board would turn to in an emergency, as there are other backup sources available to the town, and it is not so much the town would need more water, but rather *more storage*, particularly during high peak water usage seasons. Robinson recommended the board mark this goal as a *low priority* now.

Replacement of old water meters

Town Manager Burbank recommended the town focus on monitoring water usage versus charging for water, and implement a system that water users can monitor online. Selectman Ham asked if they should consider putting money into the CIP over the course of the next 8-10 years to cover the costs. Town Manager Burbank suggested a warrant article would be the way to go in 2019, and recommends the town do this sooner than later. The board discussed the various aspects of implementing water meters and the best way to go about doing it. Chairman Robinson suggested the next goal be that the board prepare a summary/handbook for town meeting introducing the water meter concept, and then later schedule an informational meeting for the public to participate and ask questions.

Water pipe that goes through Village at Loon to the tank that feeds Coolidge Falls & Clearbrook Town Manager Burbank noted that per Nate Hadaway (DPW) there is no single pipe that runs through the Village at Loon, but rather a network of pipes. The big issue has been addressed by isolating the piping with shut-off valves, but leaves the bigger problem which is the town accessing the pipes for maintenance, and may be remedied when a tank is installed on the other side of the river.

Line to the Forest Ridge Tank

The line to Forest Ridge goes off the Maple Street extension, and the town has a maintenance easement all the way to the tank.

Documenting the status of all privately owned water systems

State of NH DES has contacted all privately-owned water systems (POR's) and is now monitoring these water systems.

Written agreements defining responsibilities

Chairman Robinson asked if it would be necessary for the town to obtain written agreements from the privately-owned water systems (POR's). Town Manager Burbank explained that it would not be necessary because each privately-owned water system is accountable to DES, and responsible for water reporting annually. (Goal complete).

Discuss establishing new POR's protocol to be sent to DES as a Planning Board condition DES handles this, and it is also covered in the Town's Water Regulations. (Goal complete)

Process and time-line to resolve water pressure issues

South Mountain is actively being marketed, and the town does not have any money set aside at this point. When the time comes, this will most likely be a "bond" issue.

New dam on Loon Pond

This item was not on the original list of goals; however, the dam was constructed with no remote controls on it, (cut from that budget for fear of not having enough money to complete the project). It turns out that there is money left which will allow Nate to monitor the dam's water levels remotely rather than having to drive up to Loon Pond to get this information (Nate will occasionally have to go up to the dam).

Crosswalks

Town Manager Burbank was working with NHEC to ensure proper lighting was at two (2) major crosswalks (outside Clarks and Gordy's Restaurant). Selectman Ham noted that Clarks may not need lighting because their business hours are during the daytime, and DOT was requiring Clarks to move the crosswalk further east to meet the ADA compliance guidelines, which would result in a significant loss of parking spaces for Clarks. Chairman Robinson added that if Clark's was not interested in pursuing this, the town would consider this on hold and support them in the future should they change their mind. Chairman Robinson would like the crosswalk lighting outside of Gordy's Restaurant to be a high priority.

Video conferencing and technology (video streaming, tablets & document management)

Town Manager Burbank explained that video streaming municipal board meetings is becoming increasingly popular and ranges from \$4k-\$5k annually. Selectman Ham questioned where the concept of video streaming came from and why it would be necessary in the first place. Town Manager Burbank explained that the overwhelming amount of 91-A's inspired the idea and would provide actual audio/video files of public meetings that could be uploaded to YouTube and the town website for public

viewing. Burbank noted that the written set of approved meeting minutes would still be the official record of the meeting. Selectman Ham felt if this is something the public wanted, then the town should consider doing it. Jim Welsh commented that if the public was interested in what was going on at Select Board meetings, they should attend. Selectman Ham explained that this would be convenient for our elderly residents, those who work evening hours, or those who are home with young children. Selectman Ludwig feels this is the state of technology and the future direction that many municipalities are heading in, and was widely supported by the public at previous meetings. The board will also have electronic tablets to conduct their selectmen's business so that their personal devices will not be subject to 91-A requests. Chairman Robinson noted that electronic document management, electronic tablets, and video streaming could all be included in the 2018 budget.

Traffic Issues

Bypass road - South Peak

This issue has been resolved and the landowners are not interested in a bypass.

Alternative route to route 3

At this time, this is not a priority and will be removed from the list.

Multiple lane directions on Main Street

At this time, this is a low priority. Burbank noted that he heard the Ice Castle will be returning to Lincoln this year, and feels that the police department did a great job "coning" the roadway last winter which appeared to keep traffic flowing. Burbank also noted that it was rumored the Ice Castle organization is looking to purchase land in Woodstock next year and will be building the Ice Castle in Woodstock from 2019 on (this has not been confirmed by the Ice Castle organization).

Pollard Road

Three-way stops signs have been installed, and residents are noticing traffic slowing down. This goal is complete.

Connector Road light (delay so left-hand turns can proceed during busy hours)

Town Manager Burbank has discussed this with highway engineers who said this is a State of NH DOT issue and will remain a mediocre concern.

School crosswalk blinking sign (15 mph)

Town Manager Burbank has discussed this with highway engineers who said this is a State of NH DOT issue and will remain a mediocre concern.

Public parking & Connector Road Parking

This continues to be an issue and will remain a high priority. Selectman Ham asked if the No Parking signs on the east side of Connector Road could be removed so that the public could park there when there are ballgames at the school. Town Manager Burbank responded that this is a State route and the town would need permission from the State to do so. Chairman Robinson suggested we have this discussion with Chief Smith and take it from there.

South Peak Master Plan/Ongoing approval process (details, how long does plan last)

There are varying legal opinions on the Planning Board's approved Master Plan (approved over a decade ago) and it is not clear if the Planning Board would have to review and approve again when/if new owners come in and continue building. Chairman Robinson feels this is not a selectmen issue but

rather a Planning Board/legal issue that will be dealt with down the road when/if South Peak comes forward with a plan.

Sewer Department

This issue has been brought forward about whether or not the sewer department should be an in-house operation. Town Manger Burbank noted that after careful review with the Finance Officer, the cost-savings are minimal (would probably break-even). If we brought the sewer department in-house and hired the current operator (who is a class-2 water plant operator) this could replace the position lost because of the passing of Dave Dovholuk, who was a class-2 Water Plant operator. Selectman Ludwig asked if the exact cost saving figures could be made available. Chairman Robinson encouraged Town Manager Burbank to keep an eye on the cost savings, and make this a part of the 2018 budget discussions.

Health Insurance

The town will be going out to RFP as the expiration of the current policy draws near. This will be part of the 2018 budget discussion.

File Retention Committee

The committee was formed and will be meeting once a year as required by law. Goal is complete.

Kanc Recreation Area

The construction of the new building is being completed (new door is being purchased, building is being insulated and a new heater) and the structure is being dedicated in memory of Dave Dovholuk. Chairman Robinson noted that additional parking sites are being considered. A new survey was recently completed and all missing markers (pins) have been located and reestablished. There were no major structures encroaching the town property, however, a neighboring house roof with a substantial overhang is on the property, and another temporary structure is right on the property line. Three (3) abutting homeowners have reached out to the town against any additional parking areas being created, and it was explained to these resident that the town is exploring their options at this point, and there will be public hearings scheduled for input if/when the town decides to expand the parking area at the Kanc.

Workforce Housing (overlay district, zoning changes, developers' requirements & establishment of a committee)

The board determined the above issues are Planning Board concerns, however, Selectman Ham noted that this is an important discussion for the town, and if businesses continue growing at the rate they are, we must have housing for people (employees) to live in. Town Manager Burbank was speaking with developers earlier in the week who plan on building a flagship hotel on Route 112 at the entrance to Forest Ridge, and expressed interest in developing workforce housing to accommodate future hotel employees.

Resident Debbie Celino asked the board if there was any chance the town would ever consider selling town-owned property (the old airport) for workforce housing, as she was in the process of purchasing property in the area and does not want that in her backyard. Chairman Robinson explained that there has been open discussion on possibly relocating the Police and Fire Department to this property, but not workforce housing. Ideally, Robinson could see selling the current Town Hall property (based on current market values) and using those funds to build a municipal complex that houses Town Hall, the Police and Fire Departments, which will create a tremendous cost-savings to the town.

Tammy Gionet-Dutilly asked if DART was still reconsidering an alternative landing site (old airport) for emergency transport. Chairman Robinson explained that Chief Beard had discussed possibly changing the landing site from the school to the old airport property, however, DART officials declined.

Sewer Issues (capacity, town growth)

At this point our sewer capacity is lasting (pending on frequency of dredging) and will be a fully funded CIP item for 2019.

IV. OLD/NEW BUSINESS

Town Manager's Report

Riverfront Park Recreation Grant

Tara Tower met with grant representatives on Friday, September 22nd and had the LWCF grant site inspection at the proposed Riverfront Park. The group was impressed with SE Group's plans as well as the well-maintained walking trails and the community support for the project. The bad news is that 32 applications totaling \$3.5M in fund requests have been received for this grant, however, federal funding has been reduced to \$500K (well short of what is normally received and not nearly enough to cover this year's requests). Organization officials are deciding whether or not to hold off on this year's requests and combine the \$500K with what they receive in 2018 and do a combined grant round. If funds are awarded this year, the required matching funds must be available to be spent in 2018. Based on Ray Korber's cost estimates, Phase 1 of the project is budgeted at \$650K, and the grant request can be up to 50% of the project value or \$200K. We requested \$200K, and the matching minimum is 50% of the grant request. Town Manager Burbank reminded the board that they had promised the Skate Park Committee they could begin construction in 2018, and may have to consider putting a warrant article in to make this happen. Selectman Ham suggested at the bare minimum (if we do not get the grant) the town will have to put a dirt road (minimal site work) leading to the skate park location.

Community Center (Odor Issues)

Spray foam was used throughout the community center this weekend, and workers noticed ammonialike fumes on Monday morning resulting in the cancellation of all activities at the Senior Center. The high humidity aggravated the problem, and the community center is being aerated with air conditioning and fans throughout the facility.

Posthumous Award for the Bomba Family

Chief Beard and fellow firefighters are attending a posthumous award ceremony for Steven Bomba and his family.

Transfer Station Hours

One written complaint was received by Woodstock Town Hall concerning the station's hours on Thursdays. Woodstock Board of Selectmen voted last Tuesday that if Lincoln's Town Manager decides to extend the hours (providing there is no increase in overtime or the hiring of additional personnel) they would support it. Town Manager Burbank and Public Works Director, Nate Hadaway reviewed the hours and it will cost four (4) hours of part-time salary, and adjusting Jim Conn's hours (8:00am-4:30pm) on Thursdays which will be minimal cost to the towns if the board agrees. Selectman Ham questioned why we would adjust the hours of the transfer station for one (1) written complaint? Ham also noted she is fine with this if it does not add overtime hours to a full-time position. Chairman Robinson was more open to extending Thursday hours during peak times (May 1st to November 1st) and suggested they have this discussion with Woodstock and let them know their recommendation. The board requested hard

numbers on exactly what the weekly monetary increase would be. Chairman Robinson would also like to address the "special list" comment with Woodstock Board of Selectmen, and feels this is an absurd, intentional comment that was made in sarcasm against the Town Manager and he finds it highly insulting.

Assessment Challenge Summons

Chairman Robinson received a summons that was filed in Superior Court by an entity challenging their property assessment. The board agreed to discuss further during this evenings Non-public session.

Healthtrust Annual Board Meeting

Chairman Robinson is unable to attend the annual Healthtrust meeting, and extended the invitation to Town Manager Burbank in the event he wanted to go.

Aubuchon Propane Gas Filling Station

Chairman Robinson asked what the status of this case was. Burbank explained that Aubuchon/Lahout has met the 4-point appeal criteria of the ZBA, and now must decide if they will apply for a site-plan review and go back before the Planning Board.

Time Warner/Spectrum Franchise Agreement

Negotiations are still pending and the old agreement is still in effect.

Sewer Lagoons

Selectman Ham asked if the unknown trucks reportedly at the sewer lagoons last week were identified. Nate Hadaway is still trying to track down the identity of the trucks (may be a Hartigan truck) and is waiting to speak with employee at the plant.

Friends of Rec Meeting

Selectman Ham is trying to locate a picture that was taken of Martha Patterson and Kay Boyle receiving an award (and a plaque). The Friends of Rec discussed recognizing the past/present volunteers of the Kanc Rec who have made a significant contribution, and possibly have a plaque created that lists each volunteer to be displayed at the Kanc. This is going to be discussed further at upcoming meetings, however, they do not support an annual race in honor of one specific volunteer because there are not enough races to honor all of the volunteers.

Letter received from Forest Ridge Property Owners Association

Chairman Robinson summarized a letter the board received concerning the July 24, 2017 Board of Selectmen's meeting when the board met with Spencer and Nicole Kelley to discuss their property. The Property Owners Association wanted to remind the board that Forest Ridge actually consists of four (4) different groups: (1) Forest Ridge Property Owners Association (and sub-associations), which consists of 215 residences and roadway infrastructure (2) New Jefferson Holdings—the developer of the remaining 600 acres up at Forest Ridge (3) Mt. Coolidge Construction which is the builder of "The Pines" which is under New Jefferson Holdings and (4) Town of Lincoln Conservation Easement which is on approximately 15 acres up in the first ledge area. The letter is requesting that the board be more specific in the future when referencing Forest Ridge (which area/owner is involved). The discussion on July 24th with the Kelley's should have been referencing New Jefferson Holdings and Mt. Coolidge Construction rather than Forest Ridge as the topic of discussion. Other than that, the Property Owners Association is pleased with conducting business with the Town, and just requests more specificity in future talks.

Chairman Robinson questioned one comment in the letter implying that the ponds were not working correctly, and Horizons engineering was to re-visit this in the spring of 2017 after the ice thaw. Town Manager Burbank said this is true and being looked at as we speak, as an engineer from Horizons has confirmed that the ponds are not working properly. Burbank also noted that the Planning Board approval for the entire project was for Forest Ridge, and the four (4) sub-entities that have come out of Forest Ridge are still working under the Master Plan for the Forest Ridge development. When the town references Forest Ridge, they are referring to the Planning Board's approved sub-division. Historically, every completed sub-division has been accepted by Forest Ridge Property Owners Association, so in a sense it is all one (even though Forest Ridge does not view it as one). Chairman Robinson suggests when the board is discussing Forest Ridge they try to identify the correct entity (i.e., the Pines subdivision up at Forest Ridge).

Public Participation

Tammy Gionet-Dutilly asked if the town had done the landscaping on Pollard Road after the drainage repair project because there are large stones on her neighbor's property (yellow house) that were not there before the project. Town Manager Burbank clarified that it was a town project contracted out to Lincoln Trucking. Dutilly said that her neighbors live in Tennessee and pay landscapers to care for their lawn, and there are rocks there that were not there before the project began. Burbank noted that Public Works Director Nate Hadaway has been in contact (by phone) with the homeowners and nothing was ever mentioned about this, however, he will have Nate check on this.

V. NON PUBLIC session Pursuant to RSA 91-A:3:(III)(e)

MOTION: "To go into Non-Public Session pursuant to RSA 91-A: 3(III)(e)

Motion: Jayne Ludwig Second: OJ Robinson **Motion Carries.**

The Board went into non-public session at 7:40 pm.

MOTION: "To re-enter public session."

Motion: OJ Robinson Second: Jayne Ludwig

Motion carries.

The Board came back into public session at 7:48 p.m. and made the following motions:

MOTION: "To un-seal the non-public meeting minutes from August 11, 2004."

Motion: Tamra Ham Second: OJ Robinson Motion Carries.

VI. ADJOURNMENT

After reviewing the weekly payables and with no further business to attend to, the Board made the following motion.

MOTION: "To adjourn."

Motion: Tamra Ham Second: OJ Robinson Motion carries.

The meeting adjourned at 7:50 p.m.

Respectfully Submitted,

Jane Leslie

Approval Date 10/16/17

Chairman O.J. Robinson

Tamra Ham

Jane Ludwig

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Board of Selectmen's Meeting Please PRINT Legibly

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Forest Ridge Property Owners Association 174 Forest Ridge Drive, Suite 101 Lincoln, NH 03251

September 24, 2017

Board of Selectmen Town of Lincoln Lincoln Town Hall PO Box 25 Lincoln, NH 03251

I, Harry Schofield, as President of Forest Ridge Property Owners Association (FRPOA), am writing about two issues in the recently Board of Selectmen minutes of the meeting on July 24, 2017.

First, in the discussion regarding the flooding at the home of Spencer and Nicole Kelley at 22 Mansion Hill Drive in Lincoln, there are repeated references to "Forest Ridge." For example, reference is made to "building in Forest Ridge," and an allegation that the flooding is due development in "Forest Ridge."

Unfortunately, over the years the term "Forest Ridge" has become confused. Development of the Forest Ridge Community was begun in the late 1980s, and involves a total development area of approximately 750 acres. Currently, responsibility for this area is divided among four different entities.

- a. Forest Ridge Property Owners Association (FRPOA) is responsible for approximately 150 acres that has been built out with 215 residences and related infrastructure (including roadways, landscaping and drainage), FRPOA is the master association for the six junior associations representing two single-family communities (Forest Ridge Homes (12 homes) and Mountain View Homes (11 homes)), and four condominium associations (Forest Ridge Unit Owners (82 homes), Forest Circle (40 homes), Forest Woods (46 homes) and Forest Gardens (24 homes)). FRPOA represents the junior associations in dealings with the Town and the developers, and owns and operates the parcel of land on which the Forest Ridge Sports Club is built. Construction of the residences in Forest Ridge began in 1988 and is complete, with the exception of two undeveloped lots in the single-family Forest Ridge Homes community. FRPOA is responsible for maintenance of the areas controlled by the junior associations, but does not have anything to do with construction, drainage, and other activities on the remaining areas of the property included in the Forest Ridge Community.
- b. **New Jefferson Holdings** (NJH) is the current owner, developer and declarant for most of the remaining 600 acres and is totally separate from and unrelated to FRPOA and the junior associations. While FRPOA can

control whether new development will be annexed to FRPOA, it generally has to rely on the Town through the Board of Selectmen and the Planning Board to determine what NJH decides to do with the undeveloped property. Therefore, FRPOA is essentially in the same position as any other Lincoln taxpayer with regard to NJH and the land it controls.

- c. **Mount Coolidge Construction** is a sub-declarant and the current builder of "The Pines," a development of approximately 8 acres. While annexation papers were filed by Mount Coolidge Construction with Grafton County, Mount Coolidge did not have the legal authority to complete any annexation, and The Pines is not a part of FRPOA. FRPOA has had no say as to the development in The Pines except through the Town of Lincoln.
- d. **Town of Lincoln** holds a conservation easement on approximately 15 acres in the undeveloped area owned by New Jefferson Holdings in the Forest Ridge Community.

I respectfully request that any and all future references to "Forest Ridge" in official town documents be more specific as to which area/owner is involved. Comments such as published in the 7/24 minutes reflect negatively on FRPOA and our 217 taxpayers who work hard to insure that our development is well managed, well maintained and considered one of the most desirable properties in the area. When referring to development activities in the Forest Ridge Community, we would greatly appreciate it if the Town will refer to development activities by New Jefferson Holdings or Mount Coolidge Construction and not simply "Forest Ridge."

Second, we were pleased to read that Chairman Robinson directed that "Ray Korber go up to Forest Ridge to view the current retention ponds to verify if they are working as designed." As you are probably aware, Dave Larsen, FRPOA's Business Manager and an owner in Forest Circle provided a summary of the issues with the retention ponds to the Town Planning Board through Carole Bont some time ago. In summary Dave informed Carole that:

- Horizon Engineering working for New Jefferson Holdings/Mt Coolidge Construction designed The Pines (including drainage basins) and prepared the plans which were submitted to the Town of Lincoln for the permits
- In the spring of 2016 Ray Korber inspected the site for the town and determined that the construction, specifically the detention ponds, were not completed in compliance with the approved plans and that corrections had to be made.
- Horizon Engineering modified the plans to meet the requirements of the Town and NH Department of Environmental Services ("NHDES").
- In August of 2016 Caulder Construction performed work which was intended to modify the area so that it complied with the revised plan.
- Since that time the detention ponds have always remained full, as Dave Larsen has reported, and do not appear to be working properly or constructed in compliance with applicable requirements.

Dave supplied backup documentation including a December 2016 letter from Horizons Engineering which indicated the ponds were not working properly and should be reviewed by Horizon in the spring of 2017 after ice melt. As of this writing we do not believe Horizon has conducted any inspection in the spring or subsequently.

We were very pleased to receive a copy of the August 21, 2017 email from Ray Korber to Rick Elliot of Mount Coolidge Development requiring Mount Coolidge to provide documentation from Horizons Engineering regarding its conclusion whether the retention ponds comply with the NHDES requirements and the plans approved by the Planning Board, provide as built drawings, and specify any deficiencies in the construction of the retention ponds. We will appreciate the Town forwarding any response that they receive from Mr. Elliot or Horizons Engineering to Dave Larsen.

We were also pleased to read that the Town has required Mount Coolidge to obtain a letter of concurrence from FRPOA that it is willing to accept responsibility to operate and maintain the drainage system. We can assure the Town that we will not proceed with annexation of The Pines unless we are satisfied the retention ponds are properly constructed and operating as required. Thank you for your support on this issue.

Third, relating to the recent Kelley flooding issue, certainly the culverts discussed appear to be a significant contributor, **BUT** we believe properly operating detention ponds upstream could have provided some buffering of the flow to limit the volume of the downstream flow. We also note that the logging and clear cutting conducted on New Jefferson Holding's property in the winter of 2015/16, including logging in the Town's conservation easements, could increase the rate of runoff flow from the logged areas.

As described above, FRPOA and its junior associations do not own or control the property on which the logging occurred or on which the retention ponds are built. We are effectively abutters to the New Jefferson Holdings' and Mount Coolidge Construction's property. As such, the health, safety and environmental issues generated by activities on their property are a major concern to us. In addition, since the undeveloped areas are part of the Forest Ridge Community as initially conceived by the developer in 1988, we have a special interest in making sure the current developer's activities are carried out in a way that is of benefit to the entire community.

That said, our options for influencing New Jefferson Holdings and Mount Coolidge Construction are very limited. As you are probably aware, we commenced a law suit that attempted to block the logging a year and half ago, and we can seek to influence the developers because of their desire to ultimately annex new developments to FRPOA. However our success to date in influencing developers has been largely unsuccessful. Therefore, we are now taking steps to insure that future annexations are done properly and that no annexations occur until each build-out is substantially complete.

In this regard The Town has more leverage. Construction and other development will require building permits and presumably other Town approvals. FRPOA would welcome the opportunity to work with the Town to seek to assure future development issues get fully and properly addressed.

We would be pleased to make a representative available to appear at a meeting of the Board of Selectman to further discuss these issues. Also, we request that the Planning Board be requested to notify us of any proposals involving the properties included in the "Forest Ridge Community."

Finally, as discussed above, we would greatly appreciate if the Town would avoid general references to "Forest Ridge" in the future, and more clearly describe the source of any problems or issues. When referring to any ongoing development activities, please reference the actors, such as New Jefferson Holdings or Mount Coolidge Construction. If the discussion involves the established residential community, then reference to the Forest Ridge Property Owners Association will be more appropriate.

Thank you

Harold Schofield

President, Board of Directors

Forest Ridge Property Owners Association

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