

**MINUTES OF ANNUAL MEETING
ASSOCIATION OF OWNERS OF LOWLANDS AND
MEADOWS AROUND CHILMARK POND
JULY 24, 2011**

Officers Present:

Liz Lewenberg, President
Joan Malkin, Vice-President
Steve Lewenberg, Treasurer
Peter Bruce, Assistant Treasurer

Steve Asher, Clerk
Clarissa Allen, Commissioner
Matt Feinberg, Commissioner

Call to Order

President Liz Lewenberg declared a quorum and called the meeting to order at approximately 4:00pm.

Minutes

The minutes of the 2010 annual meeting were approved as submitted to members with the notice of Annual Meeting.

Treasurer's Report

Steve Lewenberg reviewed the Treasurer's Report, circulated with the notice of annual meeting. He stated that 2011 taxes had been received from approximately 2/3 of the membership equaling \$14,437 and that no material expense had been incurred since the Treasurer's Report was prepared and mailed. He said that the Association currently has approximately \$154,000 in its accounts. The amount due to the Estuary Project for its data collection work was approximately \$20,000, with an additional \$2,000 due for two pond openings. He estimated the net surplus at about \$130,000 and said he expected additional money to come in from the forty owners who hadn't yet paid as of the date of the meeting.

He said that he had successfully persuaded the Massachusetts Department of Revenue to recognize the Association as a quasi-governmental authority and therefore exempt from paying sales taxes on purchases. He said that anyone who purchases something on behalf of the Association should get a copy of the Association's certificate of exemption from him.

Dredging and Estuary Project

Ms. Lewenberg then reported on the status of the dredging project. She said that due to last year's Hurricane Earl, no work could be done until spring 2011. This year, instruments were put in and collected data for three days before the spring opening and thereafter. She said the contractor was going to remove the instruments in June, and would take the summer to download the data and model the results. The contractor promised to provide the data by September, but that in any case she would not pay until the data was received.

She explained that the data would help the Association obtain a permit authorizing dredging to

make the Pond deeper and healthier. Peter Bruce had identified a civil engineering firm that will use the data to help us decide where and how to dredge and the cost. The survey would map the depths off the Upper and Lower Pond and flow patterns, so the engineering firm could project what was likely to happen if a particular place were to be dredged. There had been discussion about renting Nessie, a floating dredge used in Edgartown Great Pond, but had been informed that it cost \$500,000 for Nessie to dredge Sengekontacket Pond. She estimated that the cost of the permitting process alone to be around \$50,000. She would continue to work on this project after her term as President ends.

Alan Dworsky asked whether Nessie could be trucked to Chilmark Pond, rather than floated. Ms. Lewenberg responded that she had been given conflicting answers to that question.

Ronald Dworkin asked how valid the data collected would be in terms of accurately predicting what will happen if the dredging project is carried out. Mr. Bruce responded that the small-scale dredging projects carried out ten or fifteen years ago, primarily a channel through the sand bar, had not lasted more than a few years. He said those projects taught us that we needed to have a major project to achieve a long-term outcome, but there were no guarantees with any given dredging project.

Ms. Malkin said that Mr. Bruce would review the model prepared by the engineers from the data to determine how plausible it seemed. Mr. Bruce added that the model may not offer firm predictions as to outcome, but rather how much would be removed and where. Ms. Malkin noted that the disposal of the dredged material would be included in the engineer's cost estimate.

Discussion followed, in which Ms. Lewenberg and Mr. Bruce stated that no one could guarantee that any dredging project would provide a long-term solution. In particular, Mr. Bruce noted that a major hurricane that breached the Pond could cause sand to wash back into the dredged area.

Ms. Malkin said that the chief purpose of the Association was to protect the health of the Pond, and that as the Pond gets shallower, it becomes hotter, less healthy, and stagnant. Ms. Lewenberg noted that a deeper Pond would lead to greater biodiversity. Ms. Malkin said that the issue of dredging had nothing to do with recreation or beach access.

Water testing

Ms. Lewenberg reported that the Association had gotten various results from the water testing as to the safety of the Pond, but that it was not clear which if any of the results were valid, so the Association has stopped the water testing program. She added that both the Land Bank and the Town of Chilmark continued to test the Pond's water quality, which she said should be sufficient. She was disconcerted to learn that some of the results could have been due to contaminated equipment at the testing lab.

Other business

Ms. Lewenberg reported that the Pond Association had to abandon the idea of growing oysters in the Pond to improve water quality, because the Town concluded that some poachers might

be tempted to eat the oysters even if they had been told they were not safe to eat. She said the Association would look into seeding mussels as an alternative.

In response to a question regarding a bill introduced in the Massachusetts Legislature that would in effect declare barrier beaches between great ponds and the ocean to be public property regardless of private access rights to those beaches, Ms. Malkin said that the Association would not take a position on the bill because it did not relate to the Association's purpose of draining the Pond, but that individuals could seek to influence the bill's progress whether individually or as a group. Ms. Lewenberg said that the extinguishment of private beach rights would reduce the Town's property tax base. Mr. Dworkin questioned whether the legislation would be constitutional.

Election of Commissioners and Officers

Ms. Lewenberg stated that the Executive Committee had recommended the election of Joan Malkin as President and Peter Bruce as Vice-President and the re-election of all other officers. She also stated that Clarissa Allen and Matt Feinberg did not want to be nominated for another term as Commissioner, but that Bill Randol was willing to serve for another year. Accordingly, she opened the floor to nominations.

Nominations were made and seconded for Martha Cottle and Steve Lewenberg as Commissioners and for the slate of officers recommended by the Executive Committee.

In response to questions, Mr. Lewenberg stated that among the duties of the Commissioners was reviewing the appropriate placement of measuring stakes in the Upper and Lower Ponds. He said that Kent Healy would take measurements and advise as to the appropriate location for the Upper Pond stake.

After nominations were closed, discussed ensued and upon motion duly made and seconded, it was unanimously

VOTED: That Martha Cottle, Stephen Lewenberg, and William Randol be and each hereby is elected as a Commissioner of the Association.

VOTED: That each of the following persons be and hereby is elected to the office set forth next to his or her name:

Joan Malkin, President
Peter Bruce, Vice-President
Steve Lewenberg, Treasurer
Steve Asher, Clerk

Authorization of Borrowings

Mr. Lewenberg then asked for the routine annual motion to permit borrowing for emergency purposes. He said money would not be borrowed under this authorization for dredging. After discussion, upon motion duly made and seconded, it was unanimously

VOTED: That the President and Treasurer be and they hereby are authorized on behalf of the Association to borrow up to \$25,000 for emergency purposes.

There being no further business to come before the meeting, upon motion duly made and seconded it was unanimously

VOTED: To adjourn.

Adjourned.

A True Record.

Attest:

Steven Asher
Clerk