

DRAFT

**MINUTES OF ANNUAL MEETING
ASSOCIATION OF OWNERS OF LOWLANDS AND
MEADOWS AROUND CHILMARK POND
JULY 26, 2015**

Officers Present:

Peter Bruce, President
Steve Lewenberg, Treasurer and
Commissioner
Terry Meinelt, Vice President

Martha Cottle, Commissioner
Steve Asher, Clerk

Call to order

The President declared a quorum and called the meeting to order at approximately 4:00 pm. He invited members to take a copy of the Commissioners' and Treasurer's Reports.

Minutes

The minutes of the 2014 annual meeting as submitted to members by e-mail with the notice of Annual Meeting and the President's Report were approved.

Annual administrative agenda

Mr. Bruce opened the meeting by suggesting that the members pass the annual resolutions regarding the election of officers and Commissioners and emergency borrowing before opening the floor discussion. He stated that the Executive Committee had recommended the re-election of all Commissioners and officers, with the exception of Clerk. Steve Asher had said he did not wish to serve an additional term as Clerk and the Executive Committee recommended Amy Salzman to replace him. Mr. Bruce opened the floor for nominations. No further nominations were made by the members. Thereafter, 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:

Peter Bruce, President
Terry Meinelt, Vice-President
Stephen Lewenberg, Treasurer
Amy Salzman, Clerk

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.

President's Report

Mr. Bruce said that some members had expressed concern about high levels of algae and widgeon grass growing in various areas of the Pond. Both like warmth, light, and nitrogen and aren't bothered by changes in salinity. Widgeon grass doesn't grow in water more than one meter deep. What has changed this year is that the Pond is relatively warm and shallow as a result of the dry summer. He said that we have relatively little control over these factors, except that in a good opening, the nutrients are flushed out.

Mr. Lewenberg said that there had been a fantastic opening in April because the Pond was very high following winter snows. The Pond was opened at the optimum time and stayed open for a very significant period (eleven days), but closed at low tide. The Pond water level dropped 55 inches. With the lack of rainfall in recent months, it has not risen. Both Mr. Lewenberg and Mr. Bruce said that neither the algae nor the widgeon grass should be viewed as a long-term problem.

Treasurer's Report

Mr. Lewenberg then presented the Treasurer's Report. He said that the Association had approximately \$133,000 on hand, and that 60% of members had already paid this year's assessment. There were few long-term non-payers. He said that the Association was going through records of owners south of South Road to determine if the right people are assessed as riparian owners. He introduced Elias Miller, the summer intern who was assisting on the project by comparing lists of assessed members and town tax records. The results showed that the Association's list of members is pretty good. He said that he would be sending letters to those on the town's list of owners who are not members stating that the Association believes that as riparian owners, they were members of the Association and liable to pay the annual assessment.

He said that the Association was well insured for both general liability and D&O/E&O. Alan Parks of the Hancock Beach Association asked if the Chilmark Pond Association was considered a profit or non-profit entity for insurance purposes. Mr. Lewenberg explained that the Association is neither but is a quasi-governmental entity created by state legislation to manage state property, in this case the Pond.

Christine Russell asked if the list of members was public or private. She suggested that it be made available to all members because people may recognize neighbors not on the list. Mr. Lewenberg said that the list of members was public information.

Commissioners' Report

The annual report of the Commissioners was presented in writing at the meeting and distributed in an email to members sent prior to the meeting. Ms. Cottle summarized the report for the meeting. She said the Pond was frozen from December to late March. The April 2015 opening was very successful.

Mr. Bruce noted that the Association had worked to deepen the cut in conjunction with past Pond openings and would look for opportunities to do so in conjunction with future openings. In the last two years, there had been only two openings a year due to low water levels, whereas several decades ago 3-4 openings a year were common. A high water level is required for a

good flush of sea water and it takes at least seven days for achieve a good flush.

In response to a question, Ms. Cottle said that the work on deepening the cut could not be completed in April due to the arrival of protected nesting plovers.

Max McCreary asked if was possible to have openings in other places. Ms. Cottle replied that the Association was legally prohibited from cutting through the dunes and that the deepest water is at the site of the cut.

Mark Brandfield said that he lived on Doctor's Creek and that the higher level of of pollutants and algae was a relatively recent development. He suggested that the cut be made wider for a better flush. In response, Mr. Lewenberg said that the Association had relied for many years on the expertise of Dale McClure who actually does the work of opening the cut. Mr. Bruce said that the cut widens naturally to 40+ feet soon after opening.

Shellfish Project update

Rick Karney and Emma Green-Beach of the MV Shellfish Group (MVSG) distributed a handout regarding shellfish enhancement and nitrogen mitigation projects in the Pond. Ms. Green-Beach said that the growth of widgeon grass was not a bad sign and meant that there is light penetrating the Pond and the water is appropriately brackish.

She said the MVSG had worked on the first draft of the Mass. Estuaries Project (MEP) report on the Pond. The MEP has not yet arrived at a maximum nitrogen loading figure (Total Maximum Daily Load or TMDL) for the Pond yet, pending review by state environmental officials.¹

Ms. Green-Beach said that the approximately 30,000 oysters seeded south of Wades Cove had survived the winter, although their shells seemed thin. She reminded the members that the hope was that shellfish could reduce levels of nitrogen in the water at much lower cost than alternatives such as sanitary sewerage. It would take 15 million oysters a year to bring Lagoon Pond down to its TMDL, which is probably unrealistic, but a meaningful reduction in nutrient loading could reduce the scope and expense of any sewer project. The oysters appear to be reproducing. She said the MVSG would keep growing them and removing them before market size because they were not fit for human consumption.

As for the ribbed mussels, many died from lower salinity, but others survived. This year the MVSG figured out how to spawn mussels more reliably. None have yet set, which means they stop swimming. She was not sure what effect predators, like blue crabs, could have on survival rates. In conclusion, she said the MVSG was on track to transplant the mussels into the Pond and satisfied with the progress of both initiatives.

Steve Krause asked if the Association should try to spread the word to limit use of fertilizer to reduce nitrogen levels in the Pond. Joan Malkin, former Association President and a member of

¹ *From the 2014 Association meeting:* MEP is reviewing ponds across the Island to determine whether the nitrogen loads are harming the relevant pond's ecology and if so what remedies should be instituted. In shallow ponds, runoff of phosphorus and nitrogen, largely from fertilizer and septic systems, leads to blooms of algae. In all the ponds that have been studied to date, there is an excess of nutrients, largely nitrogen. The MEP can impose a nutrient standard (Total Maximum Daily Load or TMDL) on each Town and the state can require the Towns to take action to reduce nutrient loads to attain the TMDL.

the Chilmark Conservation Commission, replied that current regulations limit the amount and timing of application of fertilizer. Landscapers must be licensed and should know how to limit use of fertilizer.

In response to a question, Mr. Bruce said that goose feces had no effect on nitrogen loading. Ms. Malkin said that the MEP had reached the same conclusion.

Steve Krause asked if the Association was testing Pond water quality. Mr. Bruce said the Association would appreciate volunteers to organize a testing program. He suggested that volunteers should coordinate with the Land Bank which takes samples on the ocean side. The past testing had been of bacterial levels, not nitrogen. Ms. Green-Beach said that the Martha's Vineyard Commission used to test nitrogen levels, but needs access to the Pond as well as use of a boat to get to different testing sites.

She said that the MVSG was preparing a proposal to EPA for grant to cut phragmites and measure the effects on nitrogen loading. An acre of phragmites absorbs 200 kg of nitrogen, equal to the effect of 500,000 oysters. If the MVSG gets the grant, Chilmark Pond will be one of test sites.

Other business

There was discussion of the desirability of deepening the Upper Pond at Doctor's Creek. Mr. Bruce said that any such project would require extensive and complex permitting. Ms. Malkin said that the Town should be responsible for such a project.

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:

Amy Salzman
Clerk