

**MINUTES OF ANNUAL MEETING
ASSOCIATION OF OWNERS OF LOWLANDS AND
MEADOWS AROUND CHILMARK POND
3 AUGUST 2008**

Officers Present:

Tom Bracken, President
Liz Lewenberg, Vice President
Steve Lewenberg, Treasurer
Peter Bruce, Assistant Treasurer

Joan Malkin, Clerk
Clarissa Allen, Commissioner
Russell Walton, Commissioner
Alan Dworsky, Commissioner

Call to Order

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

Minutes

The minutes of the 2007 annual meeting were approved as read. Mary Jane Pease requested that the Clerk keep a record in the minutes of comments made at the meeting. This was agreed, to the extent practicable. The suggestion was made that Executive Committee meeting minutes be made available on the Association's web site.

Treasurer's Report

The Treasurer's Report, circulated with the notice of annual meeting, was noted and approved as circulated. The Treasurer noted that the Association has approximately \$98,000 on hand at bank with additional monies not yet banked (approximately \$15,000) and further tax amounts anticipated to be collected (\$4,500). He then detailed certain expenses incurred since preparation of the Report (totaling approximately \$315).

There was a brief discussion concerning possible upcoming dredging activity. It was noted that an amount of not to exceed \$30,000 has been approved for dredging around the area of the cut.

One Association member advised that she is withholding payment of her annual tax because the Pond had not been opened in the spring. No associated motion was made and no further action was taken.

President's Report

The President's Report, circulated with the notice of annual meeting, was noted and briefly reviewed. The President noted that Pond openings were few during the past year due to the presence of endangered species at the locale of the intended cut. Mary Jane Pease advised the meeting that she was withholding payment of her taxes on account of the Commissioners' not having opened up the Pond in the spring.

Commissioners' Report

The Commissioners noted that they are considering possible alternative cut sites.

There was a discussion concerning testing of the Pond waters. It was unanimously agreed that the Executive Committee would develop and implement a comprehensive program to include the periodic testing of the Pond waters on a regular basis during the summer months at a reasonable number of locations for a variety of relevant pollutants and posting on the Association's web site the test results in a format understandable/usable to Association members. One Association member advised that, in his view, whether the Pond was safe for swimming was not the applicable legal criterion for the Commissioners to be considering but, rather, whether a proposed activity (ie an opening or dredging) was "necessary to properly drain" the Pond, as specified in the enabling statute.

Questions were raised as to whether the Pond could have been opened during the spring and summer, notwithstanding the presence of endangered species, if there had been cooperation with relevant

officials to protect endangered species as, according to one Association member, had been done with other pond associations. Concern was also noted that the Association has possibly unnecessarily subjected itself to various regulatory authorities in lodging an application to undertake Pond openings and dredgings. Rusty provided a full explanation of the history of relevant regulation, the Association's status under applicable legislation and the various requirements and restrictions. He then outlined the various criteria considered by the Commissioners when determining to undertake a cut, including:

- encroachment of pond water at the east end of the Abel Hill parking lot
- encroachment of pond water in the salt marsh at Hancock Beach
- residue markings on vegetation at the head of Wade's Cove
- marking stake indicating water level above mean low tide (at the dock at the head of Wade's Cove)

Nominating Committee Report

Tom Bracken noted that the committee this year comprised Sue Miller and Sue Schaeffer. Sue Schaeffer, on behalf of the Committee, recommended that the current slate be nominated for a further one-year term). Accordingly, the following slate was recommended for 2008-9.

Tom Bracken, President
Liz Lewenberg Vice- President
Steve Lewenberg, Treasurer
Peter Bruce, Assistant Treasurer
Joan Malkin, Clerk
Russell Walton, Commissioner
Clarissa Allen, Commissioner
Alan Dworsky, Commissioner

The floor was opened for additional nominations; none was made.

One Association member noted that she believed that Rusty Walton, who sits on the Chilmark Conservation Commission, has a conflict of interest and should not be eligible to run for the position of Pond Commissioner. This view did not receive any support, and no motion was made to disqualify Rusty. The nominations were accepted and the nominated officers were elected with effect from the close of the meeting.

Other Business

The floor was opened for other business.

1. Some members expressed a concern raised earlier in the meeting that the Commissioners were apparently unable to fulfill their statutory obligations due to environmental legislation. It was agreed that the Executive Committee should proceed to consider possible approaches to the issue (ie pressing for statutory amendments, seeking legal advice, etc) and the appropriateness of those approaches.
2. One Association member stated that she believes dune reconstruction work is crucial to the long-term viability of the Pond. It was noted that prior work (involving hay bales) had been directed to be removed by relevant authorities and that, in any event, there was a question as to whether the Association's authority extended to dune reconstruction.

The meeting was adjourned at approximately 5:30pm.