

**MINUTES OF ANNUAL MEETING
ASSOCIATION OF OWNERS OF LOWLANDS AND
MEADOWS AROUND CHILMARK POND
AUGUST 5, 2012**

Officers Present:

Steve Lewenberg, Treasurer and
Commissioner
Peter Bruce, Vice President
Martha Cottle, Commissioner

Steve Asher, Clerk
Bill Randol, Commissioner

Call to Order

Vice President Peter Bruce, presiding in the absence of Joan Malkin, President, declared a quorum and called the meeting to order at approximately 4:00pm.

Minutes

The minutes of the 2011 annual meeting were approved as submitted to members with the notice of Annual Meeting and the President's Report.

President's Report

Mr. Bruce referred to the President's Report, which was distributed with the notice of the meeting, and asked if anyone had any comments on the matters it discussed. As an update to the topic of hatching shellfish in the Pond, Liz Lewenberg said efforts to enlist the Town of Chilmark in monitoring any such shellfish hatchery not been successful and therefore such a hatchery was prohibited because the shellfish would not be edible.

Treasurer's Report

Steve Lewenberg reviewed the Treasurer's Report, circulated with the notice of annual meeting. He stated that since the report had been mailed, he had received an additional \$9,000 in assessments and spent nothing, with the result that the Association had approximately \$141,000 in liquid assets. He reminded the members that as an entity empowered by Massachusetts law to assess riparian owners, the Association had the same taxing authority as a city or town, and that assessments could be treated for federal tax purposes as a state tax.

Review of Pond geography and remediation

Mr. Bruce presented a picture of the Pond shoreline in 1970 and a recent Google Earth picture. By comparing the distance to landmarks on the northern side of the Pond, he estimated that the erosion of the barrier beach had caused the ocean beach to move northwards approximately 200 feet over the last forty years. The north side of the barrier beach, however, which is the south shore of the Pond, does not move uniformly northwards. It can remain unchanged for many years before an ocean washover can wash in a large quantity of sand, shrinking the Pond. He showed aerial photos of previous washovers, both at the upper Pond, creating Intern's Creek that separates the two upper ponds, and at the lower pond in the area of the cut. He reviewed his calculation that the cost of a major long-term dredging project could approach

or exceed \$1,000,000. Alan Dworsky said that he thought Mr. Bruce's arithmetic was correct. Steve Lewenberg said that the cost per member would equal \$1 million divided by 125, or \$8,000. After discussion, the sense of the meeting was that a project of such magnitude was impracticable.

Mr. Bruce then turned to issues of critical concern to the health of the Pond. He reported that sand from ocean washover at the extreme western end of the Pond at Lucy Vincent Beach had narrowed the upper upper Pond and that the eroded dunes guarding the upper upper Pond were no long able to keep the washover out of the Pond.

Mr. Bruce's report is available at the Association web site, chilmarkpond.org, as "Pond Status Report."

Commissioners' Report

On behalf of the Commissioners, Mr. Lewenberg said that there had been several good Pond openings over the past 12 months, but that the most recent planned opening was aborted due to the discovery that endangered piping plovers had begun to nest in the area of the planned cut. Fortunately, the summer had been relatively dry and the level of the Pond, while high, was manageable.

Max McCreary observed that the key issue in opening the Pond was maintaining the health of the Pond. Mr. Lewenberg agreed and said that was why he regretted being unable to open the Pond as planned in April. He also said that Pond openings were not producing a good flush of ocean water into the Pond due to shoaling at the mouth of the cut. The short-term dredging project previously approved by the members was intended to address that problem, and that the Commissioners continued to believe that the short-term dredging project was important. Discussion followed, with the sense of the meeting continuing to be supportive of the previously-authorized short-term dredging and the use of the dredged sand to replenish eroded dunes in the area of the cut.

Mr. Lewenberg then turned to the subject of dune restoration. The Association in past years had worked with the Town on dune restoration by planting beach grass, laying hay bales, or installing snow fencing, but the state had said that such efforts required permits. Such efforts had helped prevent overwash of ocean water and sand into the upper and upper-upper Ponds.

Mr. Bruce observed that given the cost of a major dredging project it was far more cost efficient to keep sand out of the Pond by rebuilding eroded dunes if the relevant authorities would permit it.

Presentation on endangered species

Mr. Bruce then introduced Luanne Johnson and Liz Baldwin of Biodiversity Works, a non-profit organization involved in the protection of endangered and threatened species on the Vineyard. Ms. Johnson has in recent years been monitoring the nesting and fledging of such species in the area of the cut and advising the Association when a planned pond opening or other project might disturb the protected birds, and closing off large sections of the barrier beach in the

vicinity of the cut when endangered birds are nesting (usually in April, May and June).

Ms. Johnson discussed the current status of the relevant endangered and threatened species. There are estimated to be no more than 700 pairs of endangered piping plovers in Massachusetts. To protect the breeding process, she said that the plovers must not be disturbed during the nesting process (approximately 25-28 days) and the subsequent fledging of the hatchlings (a second 25-28 day period). American Oystercatchers and a species of tern are also endangered and protected. However, pond openings could occur in those times as long as it was done in such a way that it did not disturb the birds, including maintaining a buffer zone between the nests and the area of the cut. If a qualified monitoring organization such as hers is used to monitor the work, any required permitting is likely to be made easier. Discussion followed.

Ms. Johnson said her organization would be happy to work with the Association on any future Pond openings.

Other business

Jane Willkie described the past successful efforts to remove invasive phragmites from the area of Doctors' Creek. She reported that only \$2,775 is left of the funds both from the grant of \$18,240 received from MA Wildlife in 2006 for the project, and contributions from individual CPA members and others, enough for treatment of Doctor's Creek this fall.

Ms. Willkie stated that she did not believe the problem is solved, only controlled, and that ongoing maintenance treatment is required. The yearly cost of treatment has declined markedly from the first year, but is currently about \$2,400. The funds have been administered through Sheriff's Meadow Foundation, and Ms. Willkie did not wish to let the account at Sheriff's Meadow end, as setting up the account again would likely entail another \$1,000 contribution to Sheriff's Meadow for services. She asked the Association and its members to make another contribution to Sheriff's Meadow for the Doctor's Creek phragmites project to keep the project going for several more years, and if the Association and its members wished to support additional phragmites removal efforts in other portions of the Pond. Extensive discussion followed, and upon motion duly made and seconded it was

VOTED: That the President and Treasurer of the Association be and they are hereby directed to contribute \$5,000 from the Association to the Sheriff's Meadow Foundation in support of phragmites control programs on the Pond, and that the members of the Association be encouraged to make individual contributions to the Foundation for such purposes.

Election of Commissioners and Officers

Mr. Bruce stated that the Executive Committee had recommended the re-election of all Commissioners and officers and open the floor for nominations. He also noted that, although in recent years there had been a historical pattern of Presidents serving for two years and then

being succeeded by the Vice-President, there was no requirement for this succession and there was no two-year limit on service. Though this question did not arise this year, as 2011/2012 was the first year of service for Ms. Malkin and Mr. Bruce, Ms. Malkin had indicated an interest in possibly continuing service beyond 2013, which suited Mr. Bruce well. There being no further nominations, 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