

**MINUTES OF MEETING OF
EXECUTIVE COMMITTEE OF THE
ASSOCIATION OF OWNERS OF LOWLANDS AND
MEADOWS AROUND CHILMARK POND**

MARCH 14, 2012

Present:

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

Martha Cottle, Commissioner
Bill Randol, Commissioner

Call to order

Joan Malkin called the meeting to order at approximately 6 P.M. and confirmed that all participants could speak to and hear one another by conference telephone.

Minutes

Ms. Malkin confirmed that all Executive Committee members had received drafts of the minutes of the Executive Committee meetings of January 6, 2012 and September 25 and May 29, 2011. After discussion, upon motion duly made and seconded it was unanimously:

VOTED: That the minutes of the Executive Committee of the Association of January 6, 2012, September 25, 2011, and May 29, 2011 be and they hereby are approved in the form submitted to the meeting.

Estuary Project report (“EP Report”)

Ms. Malkin asked the Executive Committee to approve the last portion of the \$20,000 payment with respect to the work done to prepare the EP Report, of which \$5,000 represented a contribution to the UMass Dartmouth Foundation. She noted that the \$5,000 was part of the contract the Association entered into for the preparation of the EP Report. After discussion, the Committee agreed to authorize the \$5,000 payment pursuant to the contract and to share the EP Report with the Town of Chilmark.

Proposed Chilmark Pond survey and Town Meeting Article

Ms. Malkin then raised the question of what position the Association should take if any on the Chilmark Town Meeting warrant article authorizing the Massachusetts Estuary Project (“MEP”) to assess the water quality of Chilmark Pond and the other ponds located in the Town, including Menemsha, Squibnocket, and Stonewall Ponds. Mr. Lewenberg stated his opposition to such an MEP survey of Chilmark Pond, which he viewed as part of a larger effort to compel riparian owners to install sanitary sewerage rather than continuing to use their current septic systems. He said that at the upcoming Town Meeting he would explain that the EP Report was part of an assessment of a proposed dredging project not related to any larger study that MEP might want to pursue and that the commissioning of the EP Report could not be construed as Association approval of such a study. Discussion followed.

Ms. Malkin then summed up the Committee's position, which was that it had not consulted the Association's members to obtain their views as to the desirability of the MEP project or the Town Meeting Article funding such a project and therefore the Association was not making a recommendation with respect to the Article. She also said she would explain the limited nature of the work done by MEP to prepare the EP Report.

Pond opening

Ms. Cottle reported that the Pond level was high. Mr. Randol said that the level was about 12 inches below the top of the measuring stake at the far northern end of Wades Cove adjacent to the dock.

Ms. Cottle confirmed that she had tried to contact Dale McClure to arrange for opening of the pond and the limited dredging operation previously approved by the Association as soon as possible. *[After the meeting, the Commissioners were informed that protected plovers were observed nesting near the site of the planned cut on April 6, almost a month earlier than in prior years and therefore the pond opening and dredging would have to be postponed until any hatchlings had fledged.]*

Long term dredging

Ms. Malkin then noted Peter Bruce's rough estimate of the cost of a long-term dredging scheme at more than \$1 million. After discussion, the Committee agreed that this information should be shared with the Association's members to get a sense of whether the members wished to pursue such a project.

Mr. Lewenberg said that the Upper Pond had silted in over the past twenty years. Ms. Cottle said that the entire barrier beach is moving north and the ocean side of the Pond is silting up.

Ms. Malkin suggested that the members also be asked whether they wanted the Association to perform water quality and salinity tests on a periodic basis.

Upper Pond update

Ms. Cottle said that Doctors Creek may need to be dredged to keep fresh water running into lower Pond.

Ms. Malkin told the Committee that the Town Beach Committee has viewed the situation at upper end of the upper Pond at Lucy Vincent Beach and brought in an engineer. She said that wash overs are continuing there, and that the consultants will advise if there is anything that can be done consistent with state environmental law, such as building up the dunes with hay bales or snow fencing, as had been done in prior years.

Shellfish

Ms. Malkin said that she was continuing to look at seeding oysters or other shellfish in the Pond to improve water quality but that the Town's Shellfish Constable had not been supportive because the resulting shellfish would be unsafe to eat. Ms. Malkin said she would pursue the possibility that immature shellfish could be moved into another pond with better water quality and that in any event both Town and State approval would be required for such a scheme.

Next steps

Ms. Malkin summarized the conclusions of the meeting as follows: (1) she would draft a letter to Association members that would go out before the annual members' meeting with the assessments, (2) the amount of such assessment should be discussed by the Executive Committee at its next meeting, in light of the \$130,000 the Association had on hand, and (3) no further work on the long term dredging project should be done until the members had been consulted.

She reminded the Committee that its next meeting was scheduled for Sunday, May 27, 2012, at 9 a.m. at her house.

After further discussion, on motion duly made and seconded, the meeting was adjourned.

A true record.

Attest:



Steven Asher
Clerk