

**MINUTES OF ANNUAL MEETING  
ASSOCIATION OF OWNERS OF LOWLANDS AND  
MEADOWS AROUND CHILMARK POND  
26 JULY 2009**

**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

**Call to Order**

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

**Minutes**

The minutes of the 2008 annual meeting were approved as submitted to members with the notice of Annual Meeting.

**Treasurer's Report**

The Treasurer's Report, circulated with the notice of annual meeting, was noted. The Treasurer stated that 2009 taxes had been received from approximately 2/3 of the membership, that the only material expense incurred since the Treasurer's Report was prepared and mailed to the membership was the cost of the most recent Pond opening which he estimated to be approximately \$1000. He stated that the Association currently has approximately \$130K in various accounts.

At the suggestion of Norm Asher (former President), the membership voted to authorize the Treasurer to rent money at the bank, up to \$30,000, if necessary, in anticipation of tax collections.

**President's Report**

The President's Report, circulated with the notice of annual meeting, was noted and briefly reviewed. The President described the most recent Pond opening on 2 July. He then explained that Pond openings are for the principal purpose of maintaining the quality of the Pond water and the health of residents/users and fish/shellfish, and also to ensure that the Pond waters do not overflow the salt marshes and to protect the interests of abutting property owners. The President then described ongoing efforts to assess the quality of the Pond water and noted that those efforts would continue throughout the summer months.

**Commissioners' Report**

Rusty stated that the Commissioners are aware of the tensions between those wanting the Pond water level high and those preferring it at a lower level, but noted that they are constrained by the language of the governing Act which prescribes that they are authorized to do what is "necessary to properly drain the Pond". He also noted the impact of the Massachusetts Endangered Species Act and similar legislation and regulations which, for example, impose financial penalties for moving, damaging or harassing certain species of flora and fauna.

Rusty then summarized the circumstances of the recent Pond opening and noted that the Pond had stayed open for about 10 days (14 days being advised as optimal).

The question of possible alternative cut sites was raised, and it was noted that the Commissioners have considered this issue but that locations such as Long Point (where cuts have occurred in the past) are not currently deep enough to enable a thorough flushing of the Pond and, among other issues, a new cut location raises the possibility of significant shoaling at new areas in the Pond which could interrupt the westerly-to-easterly flow of Pond waters.

**Dredging Activities:** Steven Lewenberg reported in detail his discussions with Edgartown representatives concerning possible dredging activities, noting that, unlike Chilmark Pond, the Edgartown Great Pond is opened by the Town of Edgartown using tax revenues. Steve noted that Edgartown has created a tax-exempt 501(c)(3) corporation, Edgartown Great Pond Foundation (EGPF), to manage the Pond. Since shoaling is an issue in Edgartown Great Pond, EGPF has purchased a dredge (nicknamed "Nessie") which is smaller, more mobile and easier to operate than most other available dredges. Tom Wallace, President of EGPF, advised that EGPF has contracted with Steve Ewing to operate the dredge and that the dredge (together with the services of Mr Ewing) would be made available to the Chilmark Pond Association. As the dredge is planned for use by EGPF during the winter of 2009-10, it is not expected to be made available to the Chilmark Pond Association until the following winter. No terms as to price are yet available, but the dredge is expected to be rented at "cost" (including the cost of depreciation). The total cost to the Chilmark Pond Association will be a function of the volume of sand to be dredged. Steve also noted that various permits would be required for the dredging activity and that these may cost approximately \$15-20K.

Joan Malkin advised that the Executive Committee has scheduled a meeting for 12 September 2009 at which time the objectives of dredging will be discussed, as will plans to engage an engineer to advise on aspects of the dredging (including where, how much, etc). Members' input is welcome on these issues. The Executive Committee plans to present a detailed proposal to Association members for their consideration.

Relevant to the issue of dredging objectives, Steve Lewenberg noted that the enabling legislation, enacted in 1904, established the Pond Association to protect agriculture and aquaculture in the Pond environs, to enable the harvesting of eelgrass for mulching and to promote the farming and harvesting of crabs, oysters and herring. He stated that he felt the purposes might have changed over time, but that dredging would increase the flow of Pond waters and satisfy the original purposes of the legislation as well as potentially increasing the recreational enjoyment of the Pond.

A number of commenters (including Steve Krause and Steve Cohen) noted that increased shoaling in the 'middle' of the Upper Pond is threatening to create an upper, middle and lower Pond (with the attendant risks of a breaching of the barrier beach), and urged that dredging activities be considered in the area which has come to be known as "Intern's Creek". Mary Jane Pease reported that the Town of Chilmark is apparently interested in pursuing dredging in this area.

Bill Randol noted that there may be a market for the dredged sand. Steve Krause asked that consideration be given, if possible, to putting the dredged sand on the barrier beaches to build them up since they have eroded over time.

Ronald Dworkin noted that dredging will positively impact the health of the Pond, property values plunge with low water levels, and low water levels result in an unattractive environment. He urged the Executive Committee to think 'generously' and act promptly.

Alan Dworsky (former Commissioner) noted that any dredging project will be expensive due to the unit cost (quoted rates from several years ago were \$8/yd<sup>3</sup>) and the huge volume of sand to be moved.

Steve Krause asked whether hay bales could be placed on the dunes to mitigate erosion. Rusty advised that while oversize bales have been determined to interfere with the movement and visibility of some birds which nest in the dunes, normal size hay bales could be placed on the beaches without violating environmental laws. (Steve also noted his concern the weeds in the Upper Pond which are more apparent with the low water level.)

Mary Jane Pease put forward a proposal to plant beach grass along the barrier beach. It was agreed that the Association would fund a working weekend in October for this purpose.

### **Nominating Committee Report**

Tom Bracken noted that the Executive Committee had served as the Nominating Committee, and he offered a slate of proposed officers which had been agreed by the Committee. Following discussion and nominations from the floor, Carl Leaf (who had previously served as Commissioner), who had been nominated by the Committee for the position of Commissioner, withdrew his name from nomination, and Bill Randol, nominated from the floor, accepted nomination for the position of Commissioner.

The following slate for 2008-9 was presented, moved, seconded and unanimously approved.

Liz Lewenberg, President  
Joan Malkin, Vice-President  
Steve Lewenberg, Treasurer  
Peter Bruce, Assistant Treasurer and Web Master  
Steve Asher, Clerk  
Russell Walton, Commissioner  
Clarissa Allen, Commissioner  
Bill Randol, Commissioner

### **Other Business**

The meeting gratefully acknowledged the service of Tom Bracken as President over the last 3 years.

The meeting was adjourned at approximately 5:25pm.