

**MINUTES OF ANNUAL MEETING
ASSOCIATION OF OWNERS OF LOWLANDS AND
MEADOWS AROUND CHILMARK POND
29 JULY 2007**

Officers Present:

Tom Bracken, President
Liz Lewenberg, Vice President
Tip Kenyon, Treasurer
Steve Lewenberg, 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 2006 annual meeting were approved as circulated.

Treasurer's Report

The Treasurer's Report, circulated with the notice of annual meeting, was noted and approved as circulated. The Treasurer advised that the 2007 April unbilled expense noted in his report remained unbilled. The Assistant Treasurer advised that there have been minimal expenses since the April accounting and that there is a balance of approximately \$26K in the Edgartown National Bank account and approximately \$63K in the Fidelity money market account (resulting from the conversion of certificates of deposit), the latter earning interest at 4%.

The membership voted to authorize the Treasurer to rent money at the bank, up to \$20,000, 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.

Commissioners' Report

The Commissioners noted that:

- Pond openings occurred in Oct 2006, Jan 2007 and Apr 2007;
- following the April opening, a storm had closed the cut and that the Commissioners had planned to reopen the Pond, with machinery to do so ready at the proposed area of the cut, but had called off the opening having been advised of the nesting of plovers and oyster catchers in the area of the proposed cut;
- although the oyster catchers and plovers had apparently fledged, there was now a colony of least terns in the area and that the Commissioners were in a holding pattern until these birds fledge;
- evaporation of the Pond (and possible seepage) has kept pace with water inflow and that the water level has remained reasonably constant at approximately 5' above sea level
- in order to achieve an effective flush of the Pond, a strong hydrostatic flush is desirable not only enabling a strong outward flow of water but creating a deep trough in the sand on the ocean side permitting a greater inflow of water.

Ronald Dworkin spoke, stating his belief both that the Pond Association is not operating within its prescribed procedural parameters and that the Commissioners' decisions regarding Pond openings are not being made in accordance with correct legal standard. He opined that justifications such as convenience, homeowner concerns and biodiversity per se are not an adequate basis for opening the Pond but, rather, that the Pond may only be opened if "necessary". He stated that he believes that Pond openings exacerbate the problem of the shrinking of the Pond area.

The Commissioners stated that they believe they are acting solely to properly drain the Pond, consistent with their mandate. The President noted that the matter would be discussed further by the Executive Committee.

Proposed Amendment to the Pond Rules

It was noted that there was no proponent of the proposed amendment to the Pond Rules (ie to allow non-internal combustion engines on the Upper Pond). There was no motion to vote on the proposed amendment.

Nominating Committee Report

Sue Miller, on behalf of the Nominating Committee (including Norm Asher and Sue Schaeffer), presented a slate of candidates for officers for 2007-8.

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. The nominations were accepted and the nominated officers were elected with effect from the close of the meeting.

The officers and all present at the meeting expressed their extreme gratitude to Tip Kenyon for his many years of service and support to the Pond Association and expressed their hope that he would continue to be available to offer guidance and wisdom.

The meeting was adjourned at approximately 5:10pm.