**Southwest Harbor Conservation Commission Minutes**

**Wednesday, December 6, 2023 @ 4:30 PM**

**Town Offices and by Zoom**

**I. Call to Order:**

**Voting Members Present:** Ann Ratcliff, Co-Chair; Francine Mayhew, Co-Chair; Kristin Hutchins, Secretary; Kathleen Slack; Ellen Scull; Kathy Lindquist. **Excused**: Eleanor Park.

**Associate Members Present:** Valerie Bodner and by Zoom: Therese Powers and Ann Judd. **Excused:** Dick Dimond and Jim Geary.

**Guests:** Aimée Williams, George Jellison and by Zoom: Natasha Johnson, Select Board Liaison.

**II. Agenda, Approval / Modifications:** Ann R called the meeting to order at 4:30. There were no modifications to the agenda.

**III. Public Comment:** May be made in person at the meeting or submitted prior, to: [townclerk@southwestharbor.org](mailto:townclerk@southwestharbor.org)

**IV. Approval of Minutes:** Kathy moved, Kathleen seconded to accept the minutes of 23.11.1 as presented. Passed, 6-0-0.

**V. Treasurer’s Report:**

**A. Conservation Commission Budget**: Ann J reviewed modifications to the Chris’ Pond budget.

**SWH Conservation Commission Administrative Budget**

**Projected Income Amount**

SWH Town Budget Requests $3275.00

**Projected Expenses**

Supplies, mailings, bookkeeping services, Quickbooks 650.00

Dues 125.00

Chris’ Pond monitoring 2500.00

$3275.00

Chris’ Pond expenditures include funds for a new composite picnic table, equipment and mailing expenses for aquatic studies and funding for a 12 month monitor starting 24.7.1: twice a week, July, August, September and twice a month, October – June 2025. Kathleen moved, Francine seconded to approve the amended budget as presented. Passed, 6-0-0.

**VI. New Business:**

1. **Consideration of Applications for Associate Membership:** Ann R thanked Aimée for her interest and invited her to speak. Ellen recused herself from the conversation.

Aimée described her objection to remarks made by the Select Board Chair, Carolyn Ball regarding Ball’s interpretation of State law and called some of Ball’s behavior “slightly unprofessional”. She suggested that without a justification for choosing not to appoint her they (the Select Board) were “probably looking at a legal problem.”

In answer to a question from Ann R, Aimée described her interest in preserving Chris’ Pond as a natural resource and cited her work and interest in preservation which included her service on the Town’s Cemetery Committee and with the SWH Historical Society. She said Chris’ Pond and Goog’s Pond had been “let go” and she was willing to help with that. Aimée indicated her concerns that the Conservation Commission (CC) was not fulfilling its statutory responsibilities and said she had a lot to offer.

Ann R expressed her concern about Aimée’s “tone” describing it as “accusatory and unpleasant.”

Kristin said that while she liked a diversity of voices on a committee or board and while she had recently suggested to Aimée that she consider joining the CC, in light of Aimée’s recent performances at Select Board meetings she no longer supported Aimée’s appointment. Kristin said that Aimée did not appear to be “acting in good faith.”

In answer to a question from Francine, Aimée indicated she wanted “accountability.” Excluding Charlotte Rhoades Park, Aimée suggested that the CC had been unproductive in other areas where they were stewards. She said that the CC had “gone off the rails” and “needed to be reined in” and should be more informative with the Select Board regarding the Commission’s activities. Ann contradicted Aimée’s characterizations and said the CC was accountable and transparent with the Select Board.

In answer to a question from Kathy, Aimée said she had no grievance.

Ann R referenced a letter Aimée sent to the Select Board. The letter suggested that the taxpayers had not been asked whether they were interested in expanding the Chris’s Pond property. In response, Ann R referenced a recent Town Meeting where voters approved the pursuit of grant opportunities for expansion and improvements to Chris’s Pond. Ann said ponds and trails and improved access was part of conservation. Ann encouraged Aimée to continue to come to meetings and to consider volunteering for projects the CC might be working on. Aimée hoped the Commission wouldn’t create any legal problems.

**VII. Old Business:**

**A. Tree Warden:** Ann J reported on the Tree Fund. The balance of gifts is $3500. Donations indicate the community’s support and help justify the CC’s annual ask to the Town. Francine is busy writing thank you notes!

**B. Veterans’ Park Appeal Update:** Francine said we have received 82 gifts totaling $7005. There are commitments for a further $3000. Gifts range between $20 and $500. The CC is more than half way to its goal of $16,000. Ann J said she was touched particularly by the donations on behalf of veterans. She thanked the members of the CC who had already made donations. Ann R joined Ann J in saying that any donations of any amount from members would mean that the CC members were united in support of the maintenance of the Veteran’s Park. Given that there will be $10,000 immediately available, the CC will be able to begin work in the spring without waiting for the Town’s annual meeting in May when taxpayers vote their support.

1. **Chris’s Pond:** Since November 19 Valeriehas been monitoring “three channelized flows” that feed Chris’s Pond. Whether Maine DEP recognizes Chris’s Pond as a stream will help the CC determine what type of permit to apply for should the Town want to remove some of the sedge growing in the pond. Whether the flows are active for a minimum of six months is one of five criteria DEP recognizes in defining a stream. She also needs good precipitation data with respect to what the State will recognize as “normal” precipitation. Kathy and Kathleen have volunteered to help Valerie monitor the Pond.

There has been some work done restoring the dam and the water level is high enough that we may expect the skating to be okay this winter.

Part of the work that Bonnie Norwood’s 6th grade class will do in the spring is to look for “macroinvertebrates” for which they will need sieves and nets.

Valerie referenced some data sent to the Committee in an e-mail on Tuesday, 23.12.5.\* The information shows normal parameters and the actual measurements for Chris’ Pond. Interestingly, Chris’s Pond appears to have more phosphorus than nitrate. Data for other water bodies quite often show the opposite. Typically, phosphorus is the limiting nutrient in measuring pond eutrophication; here at Chris’s Pond, nitrate/nitrite is more limited. “Eutrophication” is a measurement indicating how much plant life a body of water can support.

Valerie reviewed pH and alkalinity. Alkalinity is the measurement of a pond’s ability to maintain a constant pH. pH is derived from the bedrock surrounding the pond, which here is mostly granite. Chris’s Pond is likely, relatively acidic. The 6th graders will collect pH data dissolved oxygen and conductivity data in the spring. “Conductivity” is a measurement of a water body’s ability to carry an electrical current.

In answer to a question from Aimée, Valerie agreed that the Pond was probably okay though there may be a couple of areas of concern. Water turnover in a water body can be good but the chemistry of a pond is defined by the watershed. It is early to speculate on the health of the Pond without more data.

In answer to comments from George Jellison about the conservation area and what would be appropriate interventions at Chris’s Pond, Ann R referenced the easement held by Maine Coast Heritage Trust that defines the allowable uses some of which are recreational.

Ann R thanked Valerie for her report.

Ann J offered to help monitor the Pond when she returns to SWH in the spring. She asked Valerie to make a schedule for monitoring by volunteers until town funds become available in July for a paid monitor.

**D. Charlotte Rhoades Park:** Ann J thanked Valerie and her team for getting brush down on the garden beds.

**1. June 28 Public Park Talk, Xerces Society:** Martina Ditmar, a representative from the Xerces Society has offered to give a talk on Friday, June 28 at the Park’s annual open house. Martina has been direction the junior naturalist program at the Park for the last few years. She is a Maine Guide and a master gardener.

Thursday, July 25 will be the date of the Annual Butterfly Release. Please keep the date free!

**VIII. Adjournment and Schedule Next Meeting:** Wednesday, January 3, 2024 @ 4:30 pm. Kristin moved, Ann R seconded to adjourn the meeting. Approved, 6-0-0.

THE CONSERVATION COMMISSION RESERVES THE RIGHT TO TAKE ACTION ON ANY ITEM THAT IS LISTED ON THIS AGENDA. *Public comment, limited to 3 minutes per speaker, is an opportunity for the Commission to listen to concerns and receive information from the public. The Commission will not engage in dialogue but will investigate as appropriate. Speakers and Commission members should be always respectful and professional.*

\*I have researched the desirable concentration levels/ranges for the various analytes/physical properties for which we collected samples.  These values vary slightly from source to source but these seemed reasonable to me.  You will see our results in red:

For pond eutrophication:

   Total Phosphorus:  oligotrophic <10 ug/L

                                  mesotrophic  10-20 ug/L

                                  eutrophic >20 ug/L                    Source:  US Geological Survey, Muller and Helsel 1999                  36ug/L

   Nitrate/Nitrite:  oligotrophic <0.3 mg/L

                           mesotrophic  0.3 - 0.5 mg/L

                           eutrophic 0.5-1.5 mg/L                     Source:  UMass Amherst                                                                   Not Detectable

Alkalinity:  20 mg/L as CaCO3  minimum

                 75 - 200 mg/L as CaCO3 ideal               Sources:  Fondriest Environmental Learning Center and Penn State Extension       5.8 mg/L as CaCO3

Conductivity: < 200 uS/cm                                      Source: Atlas-Scientific.com and [datastream.org](http://datastream.org/)                                   5 uS/cm

Total Suspended Solids:  <40 mg/L  (<20 mg/L water appears clear, >40 mg/L water appears cloudy)   Source:  Fondriest Environmental Learning Center    <2.5 mg/L

pH: 6.5 - 9.0     Source:  US EPA                                                                                                                                          Not Collected

DO:  below 6.0 mg/L can begin to have detrimental effects on aquatic organisms      Source:  Penn State Extension        Not Collected