

Meeting Minutes

Committee or Board:

Lake Wyola Boating and Safety Review Committee

Meeting Time, Date, Location:

6:30 PM, Wednesday, December 11, 2024, online via Zoom

Attendance of Members:

Matt Borowiec, Chair	Present	Christine Brassil	Present	David Green	Present
Amy Lehane	Present	Judy Rummel	Present	Mark E. Rivers	Present
Kathy Salvador	Present	Tom Siefert	Present	Alexandria Windcaller	Present

Attendance of Ad Hoc Members:

Fire Department Representative	Absent	Police Department Representative	Absent	Environmental Police Representative	Absent
--------------------------------	--------	----------------------------------	--------	-------------------------------------	--------

Guests in Attendance:

Norene Pease, Carol Samuels, Jennifer Wallace

1. **Meeting called to order** by Borowiec at 6:44 PM.

2. **Comments from Chairman.**

- Borowiec thanked Siefert for the educational material about boating laws on the state and town levels that Siefert sent out in the meeting minutes of 11/26/2024. Borowiec is “getting up to speed on what everybody else is doing out there.”

3. **Next Meeting dates and times.**

- The next three meetings will be
 - January 8, 2025 (Wednesday)
 - January 29, 2025 (Wednesday)
 - February 12, 2025 (Wednesday)

All three meetings will begin at 6:30 PM and be held online via Zoom.

4. **Review of Minutes from November 26, 2024.**

- Motion by Lehane to approve the minutes of 11/26/2024.
- Motion seconded by Windcaller.

Discussion: None

Vote:

Borowiec, aye

Brassil, aye

Green, abstain

Lehane, aye

Rummel, aye

Rivers, aye

Salvador, abstain

Siefert, aye

Windcaller, aye

- Motion passes (aye: seven, nay: zero, abstain: two)

5. Public Comment.

- Carol Samuels: Are the minutes from previous meetings available? They are not on the Town's website.
- Siefert: Approved minutes are sent to the Town Clerk who then posts them officially for the Town. I can send you copies of approved minutes if you email me.
- Carol Samuels: Has the committee looked at Massachusetts state laws for boating? They have some helpful language. Other areas around the state have similar multi-use bodies of water, some bigger, some smaller. So I thought that was a good resource.
- Borowiec: We have had little anecdotes throughout the last eight meetings or so, or six meetings we have had. We have sent out links to folks. So they could go check those out, review them outside. And we have had different conversations throughout our meetings about different elements of those.

6. Discussion of Part 6 of Shutesbury Bylaw.

- Borowiec: Displayed a slide with the Shutesbury Bylaw. Part 6 reads:
No watercraft are allowed other than non-motorized watercraft that are docking or launching in swimming areas designated and marked by the state or town or the East, North or West Lake Wyola Association beaches. Such areas shall extend no further than 75 feet from shore.

- **Topic: Swimming area at 75 feet from shore, Lake Wyola Association beaches**

- Rivers: The buoys that are connected to the ropes extending from the shore at the Lake Wyola Association beaches are set at 75 feet from shore.
- Windcaller: Who is responsible for setting up the buoys at the LWA beaches? Is there an annual check-in and measurement so that there is a standard for the record?
- Rivers: Pre-pandemic, when I was on the LWA Safety Committee, I measured. Nowadays, it is a community effort.
- Borowiec: As an action item, we could talk with LWA about measuring buoys for their beaches.
- Windcaller: It might be a good recommendation that we actually have some kind of log of who is putting up those buoys, so we know so that there is continuity.
- Green: Do you mean that the LWA would do it?
- Salvador: Maybe the recommendation should be that the Lake Wyola Association is responsible for documenting that it is being done annually and checked regularly with the assistance of whoever is available and willing to do it at each neighborhood.
- Rivers: It is reasonable to ask the LWA to have their Safety Committee document that they are inspecting once a year once the buoys are in.
- Siefert: Are the swimming platforms at the LWA beaches also 75 feet from shore?
- Rivers, Green: The swimming platforms can move or shift to beyond 75 feet from shore. People, wind, or currents might move them.
- Siefert: Are the big white cylindrical buoys at the LWA beaches 150 feet from shore?
- Rivers: Yes, that is where they are supposed to be.

- **Topic: Swimming area at 75 feet from shore, State Beach**

Borowiec: Do we know where they set the State Beach swimming area buoys? I did not know if they are abiding by 75 feet.

Rivers: I do not know. It would be good to communicate with the state about their swimming boundaries and about their buoys that are at the 150 feet from shore mark.

Siefert: Does anybody know how this 75 feet from shore designation came to be?

Borowiec: I think they arbitrarily came up with a number.

Siefert: Does the Town indeed have the right to tell the state that the state's swimming boundary can only extend up to 75 feet from shore?

- **Topic: Operating a motorboat within 75 feet of a private designated swimming area**

Siefert: The state regulations mention that no motorboats can operate over 5 miles per hour within 75 feet of designated private swimming areas. The Lake has many private designated swimming areas, so Number 6 in the current bylaw may need to address those designated swimming areas as well. The state also has a regulation prohibiting motorboat activity within 150 feet of a shoreline that is used as a beach.

Brassil: Massachusetts law says that no motorboats can be operated within 150 feet of shore, only at 6 miles per hour or less, and if you have to.

Rommel: There has always been a question about how far from the beaches, whether private or public, that the boats should stay and at what speed. We need to get that information.

Borowiec: That is part of our education. I do not disagree at all.

- **Topic: Watercraft at the State Beach**

Siefert: DCR regulations state that no watercraft at all, motorized or non-motorized, are allowed within the State Beach swimming area. So where it mentions the State Beach in our current bylaw might have to be revised just to take that out.

Rivers: You are correct.

7. **Discussion of Part 7 of Shutesbury Bylaw.**

Borowiec: Displayed a slide with the Shutesbury Bylaw. Part 7 reads:
Swimmers must be accompanied by a boat when swimming out beyond 150 feet from shore.

Borowiec: I have witnessed many people from the public beach who decide they want to swim to the center of the lake for no apparent reason at any given point of the day, whether that is on a weekend, weekday, morning, evening, noon, night. And they get quite angry if you go out there and ask them to be safe.

Lehane: I think this is one of the most important ones as far as safety goes. I agree that it is a big problem. It is a great opportunity for education. I think there are potentially some people that live on the lake or frequent the lake that do go out beyond that 150 feet. But it seems like many of the people that are doing that are not overly familiar with the lake. Signage communicating this at the public access areas where people come into the lake will be important.

Borowiec: We do have a host of triathletes who swim in the lake and they are really good about having a buoy, a buoy in tow. They are super on point.

Green: This part of the bylaw is not enforced enough. It is not clear whether a buoy counts as an accompaniment for a swimmer.

Borowiec: I think the idea is that there will be somebody else to accompany a swimmer.

Windcaller, Salvador, Green, Rivers: Clarification about whether a swimmer must be accompanied by a buoy, paddleboard, boat or other vessel is needed for part 7.

Siefert: We could add to part 7 that there is a distance around swimmers, I think it is 75 feet, that boats are required to keep, at no more than headway speed, per state law. It goes hand in hand with Number 7. The swimmer has this distance requirement, and the motorboat also has a distance requirement from swimmers.

8. Motion to leave Shutesbury Bylaw parts 1-7 as written.

Brassil: The bylaws are written fine. There is nothing wrong with the bylaws. There is really no reason to change them. We need to keep it simple. It is the definitions that are not there. I was thinking about different things about definitions about: what is clockwise? You put clockwise in there, some people do not realize what clockwise is. You say you have to bear to the left for clarification. I think that if we can start concentrating more and more on the knowledge and education, we can just add to these bylaws for definition and then enforce things that have to be done. We should really be concentrating more than on the verbiage of what is already written. Let's add to it, not take away or change.

Borowiec, Salvador: Education will be a key aspect.

Borowiec: A question I have is the difference between what is a bylaw and what is state law. I do not know what the difference is between what you put in as bylaw versus what you put in as education.

Motion.

Brassil: Motion to leave the bylaws the way they are.

Green: Before I deal with any motions, I want to have the Police Chief back to answer the questions I had from the first time she was here and about a lot of promises that she made, because you can educate people all you want but if you cannot get them to behave it does not matter. I want to know if these bylaws are enforceable. We have had these bylaws for years, and the Massachusetts boating laws for years and then we have had the behavior on Lake Wyola for years. I think it is not unreasonable to press the town and the Police Chief on what they intend to do differently. This Lake is a community resource and the complaints that have gone into the Town from what I understand have come a lot from outside the Lake Wyola community, so I really think it is important to get the Police Chief back.

Windcaller: I recommend we bring in an Environmental Police officer to address some of your questions. None of our police force has even taken the boating safety course from the Commonwealth.

Borowiec: Why don't I reach out to the Chief and ask about the Environmental Police?

Windcaller: We are not addressing conversations in previous meetings we had about the speed limit. A lot of the boats on the lake need to be able to go over the limit of 30 miles an hour to be able to pull a person going slalom water skiing. These bylaws are

from 2014. We have more multi-use now, such as paddleboards and the State Beach, and a greater population at the lake. I am going to continue with the suggestion that we revisit this and look at setting different times. Skiers could have their skiing time and then we could have certain days at a later start for skiing or an earlier end for skiing, so that some of the swimmers and the non-motorized sports could have their time too. That would catch people's attention because it would be so out of the box. Otherwise, how are we going to educate people?

Brassil: If we actually considered restricting timelines for people, wouldn't it make it difficult when I get out of work if I am not supposed to do something? If you restrict me from having my pontoon boat on the lake from 6 to 9, or 6 to 8, or whatever the case may be, that restricts me in the life that I want to live.

Windcaller: These types of programs are used all over the Commonwealth. Lake Wyola is unusual in terms of not having different time periods for water skiing or power boating. This is not an unusual request.

Rivers: I have not been on a public lake with time restrictions for certain activities. I think it creates more problems than it solves. How does changing the rules solve anything if we cannot enforce the rules we already have?

Salvador: I do not think making the bylaws more complex is going to help.

Windcaller: Public lakes in Holland and Lennox, as well as many others in the Commonwealth have time restrictions for certain activities. I'm not saying make a bylaw. To get the community to come around and join this, and to educate, I recommend that we recommend to the Select Board that we do this as a trial period. Let's look at next summer, 2025. That will give us a lot of data that we are lacking. We still have edit the Shutesbury bylaw to include reference to all activities for Number 5. We had already made a vote to relook at number 5.

Siefert: And Number 6 would contradict state law as written.

Green: I am not comfortable with the motion.

Rommel: I do not think that we should okay it when, for one, it is not clear as it is. When it says no boats within 150 feet of a swim area, is that private or public? And it is not clear enough with the sunset. Our sun goes behind that hill a lot earlier than what the designated time is.

Windcaller: I'd like to make a motion to table this and to continue the conversation until the next meeting.

Borowiec, Green: We already have a motion on the floor.

Salvador: That is what I was going to suggest, because I do not get the feeling that we are ready to to second Christine Brassil's motion.

Green: Christine Brassil would have to retract her motion.

Second.

Lehane: I actually would like to second the motion by Christine Brassil to accept the bylaws as they are.

Green: I think it's premature for this motion. A lot of people on this committee have questions. I am not comfortable rushing this through. Out of respect to my fellow committee members, I would discourage the passing of the motion.

Rivers: Education is really the big issue. What can we do to support the Police Chief in

the Town to enforce things better and how do we get the public educated so that these bylaws are actually useful?

Windcaller: I think we still need clarity on some of these bylaws. Going back to Number 5, it is not clear. We do not have it written down on, so we are voting on something that just a couple weeks ago we said we need to define better. Lake Wyola is busier than it has been. I feel we need more conversation on the matter.

Brassil: I respectfully disagree. I think it is a very calm lake.

Windcaller: We have much bigger motors than we did years ago. We are dealing with boats of bigger size that do not have brakes. And we have more swimmers than ever before. We also have a rental program for kayaks now out of the library, so we have more and more people using the lake. When you see multi-use increases in the area you have to adjust to that.

Siefert: I think it would serve us well as a committee to be as united as possible when we do things and I am not sensing that we have a good, clear, unified feeling right now and that is why I would not vote on this motion to say yes at the moment.

Vote:

Borowiec, aye	Brassil, aye	Green, nay	Lehane, aye	Rommel, nay
Rivers, aye	Salvador, aye	Siefert, nay	Windcaller, nay	

- Motion passes (aye: five, nay: four, abstain: zero)

9. New Business.

Siefert: I am going to bring Number 6 up for review because it simply contradicts state law and so I am going to make a motion to undo our previous vote, as an announcement for our next meeting.

Rivers: How does Number 6 go against state law?

Siefert: DCR law is that no watercraft are allowed in the state beach swimming area and our town bylaw currently allows it.

Brassil: I disagree with Siefert.

10. Adjournment.

- Motion to adjourn at 7:56 PM. by Green. Motion seconded by Siefert.

Vote:

Borowiec, aye	Brassil, aye	Green, aye	Lehane, aye	Rommel, aye
Rivers, aye	Salvador, aye	Siefert, aye	Windcaller, aye	

- Motion passes (aye: eight, nay: zero, abstain: zero)

Meeting adjourns at 7:57 PM.

Copy of Zoom recording of this meeting:

Click here: [📺 Lake Wyola Boating Safety Committee 12/11/24](#)

Or click here:

<https://www.youtube.com/watch?v=Yjmia2s--0Y&list=PLUyASF8dRTxvgnq3XWapQMvgBT9WDGWR5&index=4&pp=iAQB>

Minutes Submitted by: Tom Siefert, Secretary