

Meeting Minutes

Committee or Board: Lake Wyola Boating and Safety Review Committee

Meeting Time, Date, Location: 6:30 PM, Wednesday, January 8, 2025, 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:

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

Guests in Attendance:

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|--------------------|---------------|-----------------|---------------|------------------|
| George Abdow | Briggs Lehane | Charles Gilliam | Chad Grybko | Lauren Grybko |
| Lynda Grybko | Heather Kaput | Clint Kleciak | Paul Lemoine | Tracy McNaughton |
| Meghan Mikolajczuk | Norene Pease | Mick Perry | Carol Samuels | Jennifer Wallace |
| “Chris C.” | “Howard” | | | |

1. **Meeting called to order** by Borowiec at 6:33 PM.

2. **Comments from Chairman.**

- Borowiec said that he will try to get to the January 14th meeting of the Select Board and give them an update on our committee.
- Borowiec announced that Police Chief Burgess will attend our meeting on January 29th. Committee members should send questions for the Chief to Borowiec by January 15th.

3. **Review of Minutes from December 11, 2024. Question of legality of the meeting on Dec. 11, 2024.**

Siefert: I did not prepare any minutes out of concern that the online location of the meeting might not have been legally posted and that the meeting therefore may have violated Open Meeting laws. If it were deemed a violation it could mean that no actions taken at the meeting would be valid.

Salvador and Windcaller: Can the committee have an explanation?

Borowiec: There were some issues with changing the location links for that meeting. I asked about it with the Select Board and Town Clerk. The answer from the Town is that we did not violate any Open Meeting laws.

Siefert: A known member of the public was unable to attend the meeting as a result of the issues with the links. I asked about it with the Attorney General’s office and am awaiting their answer.

Green: I, as a Committee Member, questioned the meeting right then and there. I think it might have been a mistake to continue it. I do not think it was intentional. It is a reminder to the chairman of the committee that he has the opportunity to table any motion on the floor until he feels fit that the rest of the discussion has been completed.

Salvador: I have experienced similar technical issues with meetings of my other committees. How will this affect our movement forward if it is a violation? Hopefully we are all aligned at the end, on the bylaws and on what we propose in terms of education and improvements to the Select Board.

Windcaller: When we were going through the bylaws in the previous meetings, the Chair said that we would go through them, and then go back and review them. But it was pushed forward to a vote at the last meeting. If the last meeting was a violation and the vote from the last meeting is nullified, that allows us to slow down and discuss some things, which is how I thought we were going to proceed forward.

Motion

Motion to revote on the issue and leave the bylaws the way they are.

Motioned by: Brassil Seconded by: (None)

4. Public Comment.

- *Carol Samuels:*

I was a person who asked the Select Board to form this committee. I know of dozens of Shutesbury residents and Lake Wyola neighbors who are afraid for their safety. I speak for myself, my family, my friends, and all the paddlers that return in the fall to use the Lake in the off-season. I have six bullets.

1. I was disappointed in the conclusion and vote at the last meeting to keep the current bylaws as written. I have experience. I was on the Town's 2004 Lake Wyola bylaw committee and for 14 years on the Lake Wyola Association board as both Clerk and Director of the Safety Committee. It takes more meetings, research, and discussion than your five 1-hour meetings. A Town committee must see compromise and consider all constituents, listen to the voices on the committee that may differ, stay open-minded, expand conversations, and consider possibilities that only lengthy dialogue, research, and knowledge of the big picture can create. I hope that the committee will reconsider all possibilities, as is best practices on Town committees, and overturn the premature voting not to change the bylaws

2. Education. I've heard some really good ideas about needed educational steps going forward. I was an educator for over 40 years. Continuous education was a central focus of mine when I was on the Lake Wyola Association board. Unfortunately, the Lake Wyola Association Safety Committee has not met since 2020. The dues-paying LWA members have not been notified or invited to participate in any Safety meetings in 4 years. This is a violation of the Lake Wyola Association bylaws, as Safety is a standing committee. As the Town's committee committed to enact the needed and ongoing educational steps going forward, your leadership would be most welcome.

3. Safety. Whose safety is being considered and whose safety may be being denied? The number one safety concern for motor boaters is the swimmers. The number one safety concern for swimmers and paddlers is the motorboats. In the first case, people want to educate the swimmers and paddlers so that they can boat how they choose. In the other case, people want to educate the motor boaters so that their life is not at risk. Swimmers do violate the rules occasionally. Paddlers always have right of way as do sailors per the Massachusetts state boating laws. But what are the rules? How close can a boat pass a kayak or a standup paddle board? At what speeds can water skiers be pulled off their docks and return to their docks? How close can someone being towed come to a paddler? Enforcement of all this is tricky. There are many times of days, or holidays, that I choose not to battle, because I fear for my safety. There have been too many close calls. My 75-year old father was swamped. I do not trust the boaters, neighbors, or fellow board members to self-police or make good decisions about my safety. Bylaws that reflect the reality on multi-use Lake Wyola must be put in place. Many other towns

in the Commonwealth have slow times built into their bylaws, when the whole lake is 5 miles per hour and everyone can feel safe. I appreciate that Ria Windcaller brought up last month, as a trial period, a slower time built into every day.

4. Fairness over fear. Boaters are afraid that their rights are being threatened. Compare that to my life being threatened. See the whole picture. Stay open to what is best for the whole town and Community.

5. Send a survey out to the Lake Wyola users to get a broader perspective. Learn from the experience of everyone. You can create conversations of community in a safe learning environment.

6. Usage on the lake has changed. So must the bylaws in order to reflect that. One example is a paddleboard yoga class of about a dozen adults and kids enjoying the challenge of balance. One Sunday late afternoon, a motor boat came about 20 feet from the pod, and at least half of the yoga class was bounced off their boards by the waves. Why should this happen? I hope you will reconsider the vote that was taken last month to extend the mission of this Town committee and create safety for all users who enjoy Lake Wyola.

Note: Ms. Samuels submitted a written version of the above comments, attached at the end of these minutes.

- *Jennifer Wallace:*

I ask that a written copy of my public comments and the charge that the Select Board gave this committee both be entered into the minutes.

After attending all the committee's meetings, including the vote last month, I'm troubled by your approach. Discussions about changes to the bylaws, enforcement needs, and public education have not recognized that the committee is not empowered to do anything other than make a recommendation to the Select Board.

It often sounds as if the potential recommendations, implementation strategies, etc. will be the responsibility of the Lake Wyola Association. The LWA does not have any authority to do anything in relation to the lake unless it is expressly empowered by the Select Board to do so.

I have not heard any discussion about the power that you have to effect change by recommending various budget items to the Select Board. Regarding enforcement, the committee could recommend a warrant item that would fund police boats repairs and staffing, especially staffing the boat on busy weekends. The committee could recommend that the Town, in order to aid in safety, purchase some buoys and markers to indicate in key locations where the 150-foot distance from shore is.

There are many more safety suggestions that the committee has the authority to recommend. The charge expressly indicates to have materials ready for consideration by the next Town Meeting. Please don't miss this practical opportunity.

As a swimmer, sailboat operator, and kayaker, I register that the committee's discussions thus far and the vote taken last month do not acknowledge that many non-motorized users of the lake do not feel safe. I completely support Carol Samuels' statement. So far, motorized boat users on this committee have maintained their own perspectives without attempting to find common ground. I and others have asked several times for the committee to schedule an open meeting, dedicated to a public discussion of its findings. So far, the committee has not indicated agreement nor disagreement with this request. This gives the appearance of the committee being closed and not open to public point of view.

Note: Ms. Wallace submitted a written version of the above comments, attached at the end of these minutes.

- George Abdow (President of the Lake Wyola Association):

People driving fast on the lake with their lights on is a Town enforcement of current boating laws. It is an enforcement issue.

There are some good points here. I hear people saying that we should make recommendations about what we should be doing and how we should be doing it and bringing it to the Town. Hopefully we can get some money and get some additional things for the lake.

The Lake Wyola Association does not have the authority to enforce. Everything we do is voluntary and has nothing to do with enforcement of laws. We only inform and suggest.

If people are requesting an open forum then there should be an open form and people should be talking about it.

These people have put a lot of good work in. They have done a lot of research and they were granted a power in a committee and they're going to do what they've been asked to do. There is a lot of good here. What I am hearing in all these comments is just bad, negative and I am a little disbarred by it.

- *Tracy McNaughton:*

To address what George Abdow just ended with, it is not good practice to put down people who are expressing their concerns about how things have gone with this committee so far as just being negative. They are expressing their concerns about safety on the lake.

I am disappointed that the decision to stick with the present bylaw was not opened up to the public, for example through a Town email inviting people and telling them where things are. This is a Public Safety committee, a different type from other committees.

As a home-rule bylaw, the Town's present bylaw is allowed only to become stricter than the state law. Our present bylaw does not reflect the state law. Many of the aspects that would be really important, for example, in terms of who has right of way, are not in the Town bylaw. People do not understand that a home-rule bylaw is stricter than the state rules. They assume that the only thing that they see is the only thing that the rule is, and that is not the case.

I am not hearing much talk about horsepower. Most towns that have lakes, especially larger lakes, have horsepower limits. We have this little, tiny lake here, and we have people out there with 150 horsepower engines that are designed for the ocean.

I feel this committee has stuck primarily with the freedoms of the boaters and not all the other people who use the lake. I think that you definitely need to have a public forum.

If you get a vote that is barely over 50 percent, it does not bode well for how thoroughly your committee has researched.

- *Lauren Grybko:*

I am hearing a lot of comments about people feeling unsafe and about the usage around the lake. I myself am a paddle boarder. I kayak as well. I love to swim. I also love to boat.

I am not sure where it makes a difference whether five people voted or nine people voted for one thing. I think you cannot continue to go in circles. You are always going to have people on two sides of the thought. At some point we need to make recommendations as you voted on and move forward. That is not to say that you cannot make other recommendations such as funding something or adding a buoy here or there.

I understand the concern about it not being a public meeting.

- *Paul Lemoine:*

I hear a lot of boaters versus paddlers. I paddleboard, I kayak, and I boat. I own a boat. I am on the lake all the time. It should be like a community. I have seen sailboats in distress and boats break down. I think we are pitting a war against boaters and kayakers. I think we need to do some stuff to help educate people.

Concerning horsepower, I know it is weird when you look at a high horsepower boat on the lake. But you could get a 15 horsepower jon boat to go 25 miles an hour if you wanted on that Lake, which is way too fast for that boat and if you have paddlers around.

I think as a community, everybody has to look at themselves and look at what we do and all get along, not really try and change a whole lot, but educate a whole lot.

- *Meghan Mikolajczuk (Board Member of the Lake Wyola Association):*

I will echo Paul Lemoine's comment.

Also, people put a lot of thought into these bylaws. There was a lot of education 20 or 25 years ago. We need to create an environment where folks are really aware of what needs to be done from a safety perspective, and put the onus back on the Town to have some enforcement. Jennifer Wallace's recommendation for buoys and signage is a great idea. I would love to see that we really focus on enforcing what has already been set forth and then perhaps revisit the bylaws once there has been a really good push and good communication and good connectivity throughout the community.

- *Lynda Grybko:*

I think we need to take a look at the laws that we have and enforcement. If the Lake Wyola Association does not have the ability to enforce them, we need to figure out how we can get them enforced. Those laws were well thought out. If that does not work, then make new laws.

- *Norene Pease:*

I am a past president of the Lake Wyola Association. I was on the Safety Committee of the Lake Wyola Association for over 10 years. I have been on the Shutesbury Board of Health for 13 years and a major concern of the Board of Health is safety.

I am humiliated for and disheartened by this committee's lack of consideration of requests and concerns of four of its fellow members when voting to close discussion of changes to the existing Lake Wyola Safety bylaws.

There was a very reasonable proposal put forth by Ria Windcaller to have a test period to experience different options and user times for Lake Wyola users, in order to experience a safe environment.

Unfortunately, that proposal never was granted the light of discussion.

It is this committee's job to consider safety for all users. Should the committee refuse to reconsider changes to the existing bylaws, I recommend that a Minority Report with options for change in those bylaws be presented to the Select Board and to our residents for their full consideration.

Note: Ms. Pease submitted a written version of the above comments, attached at the end of these minutes.

- *Mick Perry (Board Member of the Lake Wyola Association, Director of the LWA Safety Committee):*
I would like to say that what Paul Lemoine said made a lot of sense.
We as an Association do not have authority to enforce laws on the lake. But we have authority to tell people they are doing something wrong.
The Town police themselves cannot do a lot on the lake because none of them has training for water safety. The Environmental Police would have to be more involved in that.
I think it makes more sense to enforce the laws that we have now than to make new ones.
I don't think there's a reason for anybody to feel unsafe on the lake. We have not had enough bad things happen on this lake for that to even be an issue.
50 years ago, there were twice the boats that we have on the lake now.
Horse power does not make a difference. I have a 90 horsepower on my pontoon boat and it goes 25 miles an hour. Ski boats are regulated. Wake boats are regulated. As Paul said, you can have a jon boat that has a 25 horsepower engine on it and does 30 miles an hour.
The speed limit is still 5 miles an hour at sunrise and 5 miles an hour at sunset. At dusk, you can water ski up to right before sundown. That is when the lake is the calmest.
Kayakers can go out at that time. Kayakers can go out in the morning.
The only busy day on the lake is Sunday.
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- *Clint Kleciak:*
I think we should keep the existing bylaws. They have been in place for 25 or 30 years. I think it is a very safe lake. There are very low accidents on this Lake. There was one this summer, yes.

5. **Closing Comments from Committee Members.**

- Borowiec: The next meeting will likely be extended beyond our customary length of one hour. I will look at the minutes of this meeting to help design the agenda for the next meeting. At the next meeting, we can start to respond to the points brought up at tonight's meeting.
- Windcaller: I will appreciate getting the agenda for the next meeting. Also, I'm really enjoying getting to know all my neighbors on Lake Wyola and it has been lovely meeting people I did not know before. This has been a great discussion. I think it is important to let the public know that I enjoy coming to this meeting and talking about the Lake. It is one of my favorite places in the world. I want to keep positive.
- Salvador: I second Ria Windcaller's comments. I love this neighborhood and I do not want our work on the committee to be viewed in any way as skewed. We have lots of work left to do and if we need to revisit some issues that led to that vote at our last meeting, we will do it as we move forward. I think that was a really good conversation here tonight.
- Brassil: Kathy Salvador made a valid point. We need to move forward. I think the bylaws are very good the way they are.
- Green: I think this is the best meeting this committee has had. It has been great to hear all this feedback.

6. **Adjournment.**


- Motion to adjourn at 7:30 PM. by Green. Motion seconded by Rivers.
Vote:

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

- Motion passes (aye: eight, nay: zero, abstain: zero)
- Meeting adjourns at 7:31 PM.

Documents and Attachments:

A. Written version of Public Comment from Carol Samuels

Click here:  C. Samuels - Written Version of Public Comment - Jan. 8 Meeting.pdf

Or click here:

https://drive.google.com/file/d/1YGss5g0k919d-oKAxFMGw8PpfQQ2b_rc/view?usp=sharing


B. Written version of Public Comment from Jennifer Wallace

Click here:  J. Wallace - Written Version of Public Comment - Jan. 8 Meeting.pdf

Or click here:

https://drive.google.com/file/d/1SFUkP6Klbr5_Ot9kC_fXbIXWlvW5Ekku/view?usp=sharing

C. Written version of Public Comment from Norene Pease

Click here:  N. Pease - Written Version of Public Comment - Jan 8. Meeting.pdf

Or click here:

https://drive.google.com/file/d/1L_GeaHLrBqA0KzDZkVgtC1jJrqavFniy/view?usp=sharing

D. The Charge of the Lake Wyola Boating and Safety Review Committee

Click here:  Boating and Safety Committee charge _ Shutesbury.org.pdf

Or click here: https://www.shutesbury.org/boating-safety_charge

Copy of Zoom recording of this meeting:

Click here:  Lake Wyola Boating Safety Committee 1/8/25

Or click here: <https://youtu.be/hCY2JEcXzDc?list=PLUyASF8dRTxvgnq3XWapQMvgBT9WDGWR5>

Minutes Submitted by: Tom Siefert, Secretary