

# Lake Wyola Boating and Safety Review Committee

## Meeting Minutes

Meeting Date and Time: **November 13, 2024, at 6:30 PM**

Meeting Location: Online via Zoom (virtual Town Hall)

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Attendance (P = present, Abs = absent)

### Committee Members:

Matt Borowiec (Chair), P	Christine Brassil, Abs	David Green, P
Amy Lehane, P	Judy Rimmel, P	Mark E. Rivers, P
Kathy Salvador, P	Tom Siefert, P	Alexandria Windcaller, P

### Ad hoc Committee Members:

Fire Department Representative, Abs  
Kristin Burgess (Police Chief), Police Department Representative, P

Guests Present: Mike Connors, Charles Gilliam, Norene Pease

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### 1. Meeting begins

- Meeting called to order by Borowiec at 6:31 PM.

### 2. Comments from chairman

Borowiec: Committee webpage is up and running on the town website. See: <https://www.shutesbury.org/LW-Safety> The page will be editable so that the committee can add things. Copies of all emails to the committee's email address can also go to each committee member individually - Siefert will follow up with any members for whom the email forwarding is not yet set up.

### 3. Upcoming meeting dates

The Committee selected the following two dates for the next meetings:

November 26, 2024, at 6:30 PM

December 11, 2024, at 6:30 PM

Note: The meeting scheduled for December 4, 2024, was cancelled.

### 4. Review and approve minutes from October 23, 2024

- Motion by Green to approve the minutes of 10/23/2024. Motion seconded by Salvador.

Vote:

Borowiec, aye	Brassil, not present	Green, aye	Lehane, aye	Rimmel, aye
Rivers, aye	Salvador, aye	Siefert, aye	Windcaller, aye	

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

### 5. Video recordings of the Committee's Zoom meetings

Green asked if all the videos of our meetings were posted yet on the Town's youtube channel. Siefert confirmed that one of three meetings was posted. Burgess noted that the rest should be up soon.

## 6. Public comment

Mike Connors reports that he and his family are taking things one day at a time after the boat collision on the lake in June.

## 7. Discussion with Police Chief

Borowiec prompted a discussion with Chief Burgess about the Town's Boating Bylaw, enforcement, etc.

Borowiec: What types of enforcement does the Town do or plan to do?

Burgess: Measuring speed from land was tested at the end of the summer with handheld radar. The Town could get its police boat up and running, and onto the water more often - in the past, the boat may have been on the water more often, but not a lot. The Town police will use "intermittent enforcement" - enforcement on a schedule that is not predictable. Not knowing when the next time will be helps people pay attention more. People should call the police for enforcement and not take matters into their own hands.

Borowiec: What is the process to reach out? Call 911? Call the non-emergency line?

Burgess: For emergencies, call 911. For non-emergencies, call the dispatch at 413-625-8200. The dispatch personnel can assist with determining the emergency status as well as response needs such as fire department or EMS. Note that voicemails to the police station line or to the Chief can mean a day or more of response time

Borowiec: What about speed testing done on the water, from the Town's boat?

Burgess: Speed enforcement is easier to imagine doing on the water than from the shore. This entails that police personnel will need to be trained at estimating motorboat speeds.

Windcaller: If the town Bylaw were changed so as to limit horsepower instead of limiting speed, would there be a need for speed enforcement on the lake?

Burgess: Yes, because people can still enhance the horsepower of an engine on their own.

Rivers: Horsepower is not the sole factor in considering safe speed. The design and type of boat are also factors. Weather or other factors might also mean a boat goes less than top speed.

Burgess: Conditions are also a factor. The limit of 30 miles per hour is not the only factor.

Windcaller: Would one option be to bring to the Select Board a recommendation for no outboard motors, so that no police resources would be needed?

Burgess: There has always been a need and desire for police to be on and at the lake. People are not saying they do not want police there.

Borowiec: What enforcement ability do the Environmental Police have? Can they only enforce state laws and not local laws? Have you talked with them about their presence on the lake?

Burgess: DEP has the authority to enforce local bylaws, but it would be too overwhelming for DEP to get into each town's laws. So, our Town police would do local bylaw enforcement. Yearly, Shutesbury's Police Chief asks DEP to come to Lake Wyola. DEP recognizes that the lake is used more now than before. DEP has agreed to make use of the Town's boat with or without the Town police.

- Borowiec: What about other enforcement authorities and fines mentioned in the Town bylaw?
- Burgess: The town does not currently have any constables who do enforcement. The Select Board is authorized to enforce the bylaw as a failsafe - if, for example, the police department were disbanded.
- Rivers: There are also enforceable infractions that do not involve motorboats.
- Rivers: Does the Chief have any recommendations that this committee could bring to the Select Board concerning the police's ability to do enforcement?
- Burgess: Looking over our current bylaw citations and updating them. (Burgess will send Siefert a copy of the current bylaw for citations.)  
More cooperation would be good, because citations can sometimes not have enough "teeth" in how they are written. It could be advantageous for the Town to work with the Collector to get citations linked to the Collector's office. There could be a Memorandum of Understanding with the Sheriff's Department to serve a person with a citation. Even though people do not need to respond to warnings, having a tracking system of issued warnings is important.
- Connors: Did the Chief manage to get out onto the lake on all different disciplines? That was discussed at the Lake Wyola Association meeting in August. It would provide valuable perspective.
- Burgess: Since then, went on two boat rides with two different people. Swam once. Kayaked once. Relaxed on beach too. Did not use a paddleboard yet. Would like to kayak again when there is more "action" on the lake. The experiences were very helpful.

#### 8. Continue discussing Lake Wyola Bylaws. Bylaw 5: No water skiing between sunset to sunrise.

##### TOPIC: Water Skiing versus Towing

- Green: Did the committee want to change the phrase "water skiing" to include towable things?
- Siefert: Let's wait before voting on any changes in wording. For now, we can make a note of this point about towing things versus just water skiing alone.
- Salvador: Bylaw 5 could be looked at for towable things in general.
- Windcaller: A good idea to include all towing.

##### TOPIC: Sunset and Sunrise

- Rommel: The issue of sunset is problematic. Dusk is already a difficult time on the lake. The posted sunset time is not always true light time because of the hills here.
- Connors: Sunset and Sunrise could be defined more. In Connecticut, for motor vehicles, there is a rule about 30 minutes before sunset or after sunrise. Perhaps Massachusetts has something similar.
- Rivers: Massachusetts boating law uses "dawn to dusk," but Shutesbury uses "sunset to sunrise," which means an exact minute.
- Windcaller: Looking at other bylaws in other towns, they have time descriptions that do not necessarily include Sunset and Sunrise. (Siefert asked Windcaller to forward copies of other towns' bylaws that she had.)

Lehane: Sunset and sunrise do not seem to be typically busy times on the lake.  
Burgess: She has data from the end of this summer which might back up Lehane's observation.  
Connors: With a 5 miles per hour speed limit at night, water skiing would not be possible then.

#### Conclusion of Discussion

- Borowiec asked Siefert to make a draft copy of Bylaw 5 to incorporate "towing."
- Burgess asked that people continue to send questions for the police to her. Borowiec suggested that members send any questions to him or Siefert, and then Borowiec will forward the questions to Burgess.

#### 9. New business, questions

Borowiec: - We will plan on discussing Town Bylaws Number 6 and Number 7 next time.  
- Let's get the Select Board an update in mid-December.

Burgess: - The police have a Select Board liaison in Melissa Makepeace-O'Neil, and she can be invited to our meetings by Burgess.  
- Let's nail down a time for an Environmental Police Officer to attend a meeting. They need a good notice.

Windcaller: Did Bylaws 1 through 4 already get voted on?  
Siefert: No, no actions have been taken yet on the bylaws.

#### 10. Conclude

- Motion to adjourn at 7:30 PM. by Green. Motion seconded by Lehane.  
Vote:  
Borowiec, aye          Brassil, not present      Green, aye      Lehane, aye      Rimmel, aye  
Rivers, aye          Salvador, aye          Siefert, aye      Windcaller, aye
- Motion passes (aye: eight, nay: zero, abstain: zero)  
Meeting adjourns at 7:30 PM.

#### Documents used at meeting:

Borowiec displayed a slide with the Shutesbury Boating and Water Safety Bylaw:

<https://www.shutesbury.org/sites/default/files/files-and-images/Bylaws/Watercraft%26PersonsUsingLakeWyola.pdf>

#### Copy of Zoom recording of this meeting at:

<https://www.youtube.com/watch?v=nMXpHbeqtQM&list=PLUyASF8dRTxvgnq3XWapQMvgBT9WDGWR5&index=1&pp=iAQB>

Minutes Submitted by: Tom Siefert, Secretary