

**Tri-Town Beach Commission
Monday, March 18, 2024
5:00PM
Deerfield Town Offices**

MINUTES

Present: Diane Kolakoski, Kenneth Cuddeback, Patriciaann Telega
Absent: Marc Bussiere

Ms. Telega called the meeting to order at 5:02 PM

Public Comment

The commission discussed policy regarding Public Participation at Meetings of Public Bodies that has been prepared by town counsel. The policy outlines rules that will be observed for public participation in commission meetings. Public comment is welcome but will be limited for each individual to two minutes. Each member of the public who speaks will need to state their names and addresses. The commission agreed that it makes sense to allow for public comment at the beginning of each meeting.

Motion made by Patty Telega, seconded by Diane Kolakoski to adopt the Public Participation at Meetings of Public Bodies policy as written. Motion Approved 3 – 0

Vote

Ken Cuddeback - yes, Diane Kolakoski - yes, Patty Telega – yes

Public Comment

Stephen Taylor of Eastern Avenue asked for clarification on public participation in meeting discussions after the Public Comment period. The commission explained the policy does not provide for questions and comments from the public during discussions of agenda items.

Minutes of July 26, 2023, September 19, 2023, December 11, 2023, and January 9, 2024

The commission discussed the minutes of July 26, 2023, September 19, 2023, December 11, 2023, and January 9, 2024.

Motion made by Ken Cuddeback, seconded by Patty Telega to approve the minutes of July 26, 2023, September 19, 2023, December 11, 2023, and January 9, 2024 as written Motion Approved 3 - 0.

Vote

Ken Cuddeback - yes, Diane Kolakoski - yes, Patty Telega – yes

Budget Updates

Ken noted the Fiscal 2025 budget proposals for the Tri Town Beach and Deerfield Swim Program were approved for recommendation to the Annual Town Meeting by the Deerfield Finance Committee and Board of Selectmen in a joint meeting in January. Ken noted the Whately Finance Committee will be discussing the Tri Town Beach Budget March 19, 2024 at 7:00 PM. Ken will attend along with Marc Bussiere and invited other members to come if they desire.

The current budget remains in good shape with enough available funds to fund operations and planned maintenance and repairs over the balance of the year.

CPA Funding Requests, Dock Proposal

Ken provided an update on the progress of the funding applications made for CPA funds in Whately and Deerfield. He reviewed the results of two meetings with the Deerfield Community Preservation Committee (CPC). The first meeting led to the need to provide additional information that had not been included in the original submittal including a request for feedback from other town boards, outreach to the Whately Conservation Commission about the applicability of wetlands review, and input from abutters to the Beach property. Ken provided an updated application and met with the CPC again. Ken said the need for this additional information made it unlikely the CPC would have all the information they required in time to make a decision for Town Meeting recommendation. After further discussion, Ken agreed to withdraw the application to be resubmitted once all information has been received. The request will most likely be for consideration for the fiscal 2026 funding cycle. Ken also noted that the submittal to the Whately CPC missed their filing deadline for consideration for their annual Town Meeting so the application will be resubmitted for consideration in next year's (FY26) plans.

Tri Town Beach Commission Minutes, March 18, 2024 (cont)

Ongoing Issues

- Diane and Patty noted the new entrance gate has been installed. A new lock needs to be purchased for the gate. Ken will purchase the lock and update the lock codes for the coming season. Patty talked about the unauthorized use of the beach as there have been beach fires lit at the beach over the winter. The new gate and added signage will hopefully stop this behavior.
- The pumps for the water failed at the end of last season and plans have been approved to proceed with repairs to the pumps. The drain lines from the bath house need to be cleared and snaked clean as well. The work will take place in the coming weeks once repairs have been completed to the roof on the pump house. Ken will look into repairing the pump house roof
- The exterior of the bath house will be painted as we prepare to open for the season. This work will be done by the guards and gatekeepers as part of the opening preparations.
- Patty will contact Galenski Landscaping to arrange for mowing and landscaping for the coming season.
- Ken will look to repair the pump house roof.
- Ken will contact Marc Bussiere to see about progress on removing the old dock underwater debris on the western shore.

SWCA Update

Ken reviewed the status of the management plan updates from SWCA. A final proposal not to exceed \$6,800 has been submitted to conduct a final survey and submit to NHESP for approval. The survey can't be completed until the fall. Ken noted there is enough money in the budget to cover the expense. The commission discussed the continued delay in getting approval along with the cost and wondered if it might be better to go through this next season and see how bad the vegetation is. The commission agreed to continue this discussion at our next meeting.

2024 Summer Season

- Both camps from last season have reached out about returning for their coming camp seasons. Our staffing plans included this assumption and we will be able to provide enough coverage for River Valley Day Camp to bring their campers regularly.
- Patty reminded the commission of the early end to the school year in the Frontier and Union 38 schools. This will mean an early June start to the summer season at the beach. Ken confirmed the budget planned for 7-day openings starting June 15 and lasting eleven weeks to Labor Day.
- Patty confirmed the Senior Center has discussed programs for water aerobics and yoga at the beach. The commission also discussed exploring a program to offer kayak and paddleboard lessons at the beach.
- The commission agreed to discuss permit fees and rental fees at an upcoming meeting.
- Patty reviewed the need to hire gatekeepers for the coming season. We have no returning gatekeepers and the staffing plan calls for gatekeepers for the weekends. Patty would like to post the gatekeeper positions and an informal work group has been convened to conduct interviews. *Motion made by Ken Cuddeback, seconded by Diane Kolakoski to post gatekeeper positions and conduct interviews. Motion Approved 3 – 0*
Vote
Ken Cuddeback - yes, Diane Kolakoski - yes, Patty Telega – yes
- Ken Cuddeback asked about the lifeguard staffing and Patty said that we presently have a full staff of lifeguard hired for the summer. If this should change, we have four applications that are active and will be considered first for any lifeguard vacancies.

Adjournment

Ken Cuddeback moved to adjourn with Patty Telega seconding. Motion Approved 3- 0.

Vote

Ken Cuddeback - yes, Diane Kolakoski - yes, Patty Telega – yes

The meeting adjourned at 6:18 PM.

Respectfully submitted,

Kenneth Cuddeback

Attachments:

Public Participation at Meetings of Public Bodies

Minutes 7/26/23, 9/19/23, 2/11/23, and 1/9/24

SWCA Proposal

February 15, 2024

Ken Cuddeback
Tri-Town Beach Commission
4 Sandy Lane
Whately, MA 01093
Via email: kemcudd@gmail.com

Re: Tri-Town Beach Dwarf Bulrush Survey Cost Proposal

Ken Cuddeback:

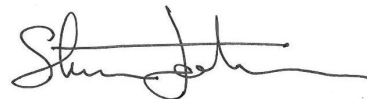
SWCA Environmental Consultants (SWCA) is pleased to provide you with a cost proposal for installing a new water level gauge and conducting a botanical survey for dwarf bulrush (*Lipocarpus micrantha*) in support of the development of a NHESP-approved pond management plan to improve conditions within the swim area at the Tri-Town Beach located in Whately, Massachusetts. This scope of work includes the survey and NHESP communications, but does not include additional permitting services.

Thank you for considering SWCA for these environmental services. Please reach out with any questions or need for clarification. I can be reached by phone at 413.658.2012 or by email at nvalentine@swca.com.

Sincerely,



Naomi Valentine
Ecological Restoration Team Lead



Steve Johnson, Ph.D.
Lead Biologist - Rare Species

PROJECT UNDERSTANDING

There are approximately 2 acres of swim area at the Tri-Town Beach, within a 16-acre pond, that requires aquatic vegetation management for improvement of recreational use (See Figures 1 and 2). Tri-Town Beach is located off Old State Road in Whately, Massachusetts, adjacent to the Deerfield border.

The Project work area is located within Priority Habitat (PH 1504) for dwarf bulrush (*Lipocarpus micrantha*), as mapped by the Massachusetts Natural Heritage & Endangered Species Program (NHESP). Dwarf bulrush is a Threatened species in Massachusetts. Dwarf bulrush is considered rare to extremely rare throughout New England and is the only member of its genus here. It is an annual herbaceous plant species that is a member of the Sedge family (Cyperaceae). This species is found along sandy and peaty shores of low-nutrient ponds and lakes. *L. micrantha* is a very small, wiry plant only 2 to 20 centimeters (<0.1-8 inches) in height.

On September 23, 2022, SWCA installed a water gauge and mapped the extent of the dwarf bulrush populations around the pond. Since that time, the water gauge has been removed or dislodged. Without a standing gauge, NHESP does not have any way to monitor water level relevant to known dwarf bulrush populations and their relative locations on the banks of the pond.

This proposal includes a proposed survey to conduct a new survey, which will map the current distribution of dwarf bulrush and install a new gauge, so the locations of the dwarf bulrush can be compared to the newly installed water gauge for future management planning and NHESP avoidance measure adherence.

SWCA will survey the entire exposed shoreline of the pond associated with the Tri-town Beach. We estimated there are approximately 1,100 linear meters of shoreline. The primary objectives of this survey are to determine the current distribution of dwarf bulrush around the pond associated with the Tri-town Beach and determine the elevations of all observed individuals in relation to the water level at the time of the survey, and how this relates to normal pool elevation. Based on this data, an analysis will be completed to determine at what water level an aquatic treatment of invasive species can be carried out without impacting the observed population(s) of dwarf bulrush.

SCOPE OF WORK

PHASE 01 2024 DWARF BULRUSH SURVEY, MAPPING, AND REPORTING

Following the NHESP-approved survey protocol submitted by SWCA on August 18, 2022, a team of two biologists, led by SWCA Lead Biologist Steve Johnson, will conduct visual surveys along the entire shoreline, focusing on all potential habitat for *L. micrantha*. The survey will occur when water levels were low and *L. micrantha* plants have matured. Prior to surveying, SWCA will install a new water level gauge at a location approved by the Tri-Town Beach Commission and record the water level at the time of the survey.

When dwarf bulrush is observed, SWCA will first visually search for all nearby individual plants, and then delineated the extent of the population using a GPS equipped tablet with sub-meter accuracy. When only scattered individual plants are found, a single point will be recorded for each individual. For each observed group of *L. micrantha*, SWCA will record the vertical distance between the lowest plants and the current water level and the horizontal distance between the lowest plants and the water's edge, as well as the vertical and horizontal distances of the highest plants.

SWCA will count and record the number of plants within sections of the population with lower densities. For sections with higher densities, the biologists will take three random samples, counting all plants within quarter meter square (0.25-square-meter) quadrats. The three sample values will be averaged to get an average density (plants per square meter) for each population segment, which will be multiplied by the calculated area of that section (in square meters), and then multiplied by four to determine average number of plants per square meter.

SWCA will take representative photographs of all observed diagnostic features, with a reference for scale, as well as of entire populations and associated habitat, and collect data on associated species and habitat to be submitted with all other observation data to NHESP via the Heritage Hub reporting system.

SWCA will provide a report summarizing the results of our survey and mapping efforts, including descriptive text of methods used, estimated population size and number of dwarf bulrush plants observed, representative photographs, and a map depicting the extent of the 2024 and 2022 dwarf bulrush populations. SWCA will also respond to the outstanding questions in the current NHESP letter from 2023. This should be the final step necessary prior to project acceptance and will allow the Tri-Town Beach Commission the ability to schedule the proposed vegetation management plan.

ASSUMPTIONS

SWCA Assumes the following statements are true to accurately budget this phase of work.

- The survey will take place between August 1 and mid-October, when the proper identifying features are visible on dwarf bulrush.
- This survey will take no more than one 11-hour field day for a total of 22 person-hours on site.
- This phase may require a change order if the level of communication with NHESP exceeds that of which SWCA has estimated, based on prior experience.
- SWCA will need guidance from the Tri-Town Beach Committee on the best location for the water gauge to ensure it is not removed/dislodged in the future.

COST

SWCA will invoice for the proposed work at time and materials. Invoicing will be submitted monthly for all work and expenses utilized in the previous month. The estimated costs included in Table 1 includes the not-to-exceed dollar value for each phase of work. SWCA may not need the entire budget to conduct the proposed work and will not bill beyond the not-to-exceed prices presented.

Table 1. SWCA's Estimated Cost

PHASE	ESTIMATED COST
Phase 1: 2024 Dwarf bulrush Survey, Mapping, and Reporting	\$6,800
Total Cost:	\$6,800

TRI-TOWN BEACH COMMISSION

PUBLIC PARTICIPATION AT MEETINGS OF PUBLIC BODIES

I. Purpose and Scope

Tri-Town Beach Commission (hereafter “Commission”) welcomes everyone to the meetings of its many public bodies. All such meetings shall be held in accordance with the Commonwealth’s Open Meeting Law and state and federal free-speech laws. We believe that community participation is important and vital to understanding the programs and operations of our town government. We endeavor to inform and to listen.

II. Applicability

This policy shall apply to all meetings except those where a specific notation is made on the agenda that public comment is suspended to conduct the business of that meeting and that public comment will resume at the next regular meeting.

III. Policy

To achieve this objective, the following rules shall govern public participation at meetings of the Commission:

1. The chair or his/her designee shall devote a period at each meeting to public comment (“public comment period”) to the extent that doing so does not interfere with the public body’s ability to perform its duties in an orderly, efficient, and timely manner. The point of the meeting during which the public comment period takes place; the duration of the public comment period, the number of individuals and/or entities who are permitted to speak; which individuals and/or entities are permitted to speak; and the time for which such individuals and/or entities are permitted to speak shall be in the sole discretion of the chair or his/her designee; provided, however, that the chair shall, to the best of his/her ability, ensure that each individual and/or entity who is permitted to speak is allotted an equal amount of time in which to do so.
2. While public comments are not required to pertain to an agenda item for that particular meeting, such comments must pertain to a matter within the public body’s jurisdiction. Public comments on matters outside the public body’s jurisdiction shall not be permitted. Because they are not Constitutionally protected, the following comments shall likewise not be permitted: true threats, incitement to imminent lawless conduct, statements that were found by a court of law to be defamatory, and sexually explicit statements made to appeal to prurient interests.
3. Individuals and/or entities who are permitted to speak during the public comment period shall begin their remarks by stating their name and address, including their town or city of residence.
4. Individuals and/or entities who are permitted to speak during the public comment period shall do so only through the Chair.

5. Entities who are permitted to speak during the public comment period must select a single spokesperson through which to do so. The spokesperson must identify themselves and the entity for which he/she is speaking, including his/her official position within said entity, as well as the entity's physical address.
6. Individuals and/or entities who are permitted to speak during the public comment period shall not be permitted to assign their time to another entity or individual unless such assignment is required as a reasonable accommodation for such individuals and/or spokespersons because they have a disability.
7. If an individual and/or spokesperson(s) for an entity permitted to speak during the public comment period requires a reasonable accommodation to speak because of his/her disability, he/she must contact the Chair at least 48 hours prior to the meeting to arrange for such accommodation, which may include permitting said individual or spokesperson to speak for a longer time than the other individuals and/or entities permitted to speak during the public comment period.

IV. Procedures

To provide attendees the opportunity to share information with the Commission and to ensure the ability to conduct business in an orderly manner, the following procedures will be used at all meetings.

Public Comment will occur at the **beginning (when do you want to take it?)** of the meeting after the Commission convenes and follow the Policy adopted outlined above as follows:

1. The Public Comment period will be held for up to 20 minutes;
2. Speakers will be allowed two (2) minutes to present their material. The presiding Chair (or designee) may permit extension of this time limit;
3. A member of the Commission will time the public comment session;
4. All remarks will be addressed through the presiding Chair (or designee) of the meeting.