Shutesbury Historical Commission Meeting

Minutes for February 5, 2021, 9:30 AM

Approved at the 3/24/21 meeting
Zoom Remote Access Meeting

Members Present: Mary Lou Conca (MC), Miriam DeFant (MD) (Secretary), Henry Geddes (HG)(Chair), Janice Stone (JS) (temporary Secretary).
Members absent: Greg Caulton (GC), Karen Czerwonka (KC)
Guests: Ezzell Floranina (EF), Dr. Lisa McLoughlin (LM)

Henry Geddes hosted the meeting. This meeting is still being recorded, audio & visual.

Introductions were made of all attendees. Ezzell Floranina (EF) is a prospective new member of the Historical Commission. Dr. Lisa McLoughlin (LM) is on the Northfield Historical Commission and a consultant who works with Tribes on protecting their traditional cultural properties.

New Business
Discuss contracts with consultants.
HG gave an update on contracting for the Historical Commission. He has done further research and found that the Historical Commission has a high degree of autonomy with whom they contract, and can set terms as long as they follow standard procedures. This would involve two contracts for services the Historical Commission wishes to enter, with LM and the Wampanoag Tribe of Gay Head (Aquinnah). HG mentioned finding the blog for the MA Historical Commission (MHC), which he said was helpful. He will send the link to the other members. MD suggested the group go through the contracts enough to approve HG to be empowered to complete negotiations with the Wampanoag Tribal Historic Preservation Office (WTHPO) based on this contract, and to sign and execute it. HG stated the negotiations are going slowly, and some contract details may change. It is for the WTHPO to provide education to the Historical Commission about the National Historic Preservation Act (NHPA) Section 106 process and how to adequately protect Tribal Cultural Properties (TCP) and Ceremonial Stone Landscapes (CSLs) in town. HG and MD are going to have a phone call about this contract this afternoon with Bettina Washington and Mark Andrews, members of the WTHPO. HG and MD need to find out more about what the Tribe is interested and willing to do. HG and MD answered questions from the other Commissioners about this contract.

Commissioners discussed the contract with Dr. Lisa McLaughlin (LM). The contract agreement was shared on the screen. MD discussed some of the issues they have been working through with LM and the Town of Shutesbury Town Counsel, including who owns what data, and legal indemnification. This has been slow going. The Commission discussed the services, which would include a few types of training for the Commission and a public presentation on TCP (Tribal Cultural Properties) and CSLs (Ceremonial Stone Landscapes). She will also provide research and policy support for the Historical Commission, and advise the Commission on development of public educational materials. MD discussed the intellectual property section. LM is a professional and has files she has created and is willing to share with us, but they remain her property, not the town's. LM explained it actually involves three parties, the Historical Commission, LM, and the Tribes. Her presentations for the town are based on data which belongs to the Tribes. Neither she nor the town can claim ownership to this data. MD explained to the Commission there is a disclaimer in the contract that the archaeological data is the sole property of the Tribes. Commissioners

continued to discuss parts of the contract. LM announced that she had just received a call from her attorney and he has approved her signing the contract. After conclusion of the discussion, JS made a motion to approve the contract for signing as amended, with any minor changes as needed by the Chair. MD seconded. Voting: HG yes, ML abstain, JS yes, MD yes. Motion passes.

Commission returned to discussion of the contract with the Wampanoag Tribe of Gay Head (Aquinnah). MD told the Commission there has been a lot of back and forth with the town. The THPO has a standard contract. The phone call today will be to try to get the issues resolved. We may just simplify the contract, what will be done and the limits. MD explained this would just be the initial step, just to get the ball rolling. We need to get an initial statement from the Tribe that they will work with us. MC asked about the old trespass order Cowls issued. Will that prevent the WTHPO from accessing the five new properties? MD suggested that it is too early to worry about that. We are trying to get the Tribe to work with us, and they will decide what they need to do, including visiting the land. She reminded the Commission they had already voted to do this contract; we are now just spelling out the terms. Can we let HG as Chair execute the contract without another meeting on this small contract? Any more contract details will be from the WTHPO. MD made the motion to authorize the Chair to execute this contract with the Wampanoag Tribe of Gay Head (Aquinnah). JS seconded. Voting: MD yes, JS, yes, HG yes, MC yes. Motion passes unanimously.

Other Business.
Updates & Announcements.
MD told the Commission she is finishing up the Report for the Planning Board, and will send the draft to the Commission next week. She wants it wrapped up before her surgery March 1st.
Nolumbeka film series on "Hidden Landscapes". This is a great series. The first two are the Great Falls film, which the Commission showed in town a few years ago. Worth watching again. MD tried to put the announcement on Next Door, but it seemed to disappear. She will try again. There will be discussion and Q&A after the films with the filmmaker Ted Timreck and Doug Harris, former Deputy THPO for the Narragansett Tribe, who has visited Shutesbury a few times. MC reminded Commissioners about the wealth of knowledge Rolf Cachat-Schilling and Jim Schilling-Cachat have recorded on CSLs in Shutesbury. There is a great YouTube video available to watch online.
Applicant for Commission Vacancy. Commissioners talked to EF about becoming a member of the Commission. She is interested. She has turned in a letter of interest to the Selectboard already. MC made the motion to recommend EF to become a member of the Shutesbury Historical Commission. HG seconded. Voting: HG yes, MD yes, JS yes, MC yes. Motion passes unanimously. HG will email the Selectboard to recommend her for appointment.

Adjournment. HG made the motion, seconded by MD, to adjourn the meeting. All voted in favor. Meeting adjourned at 11:02 AM.

Respectfully submitted by

Janice Stone, Temporary Secretary
Shutesbury Historical Commission