

**TOWN OF NAHANT
Advisory and Finance Committee**

Members

Robert Vanderslice, Co-Chair
John Fulghum, Co-Chair
Barbara Beatty
DeWitt Brown
Jeff Lewis
Dana Sheehan
Julie Tarmy
Judy Zahora

Tuesday April 6, 2021 Meeting minutes

Members Present: Tarmy, Sheehan, Lewis, Vanderslice, Brown, Zahora, Beatty, Fulghum

Members Absent: None

Others Present: A. Nieto, S. Sloan, C. Bauta, A. Cort, A. Barletta, L. Spencer, K. Marden

Meeting called to order at 7:06 p.m.

BOS met this evening at 5 pm and finalized Warrant.

Barletta took us through changes to most recent Warrant:

- Usual greeting was added with time, date, place of Town Meeting
- Plan to cover as many articles as possible on first day of meeting, finish up on Sunday
- 43 total articles, plus 22 CPC sub-articles
- Essentially two years' worth of articles

Short discussion on possibly 'bundling' some of the CPC articles, which could be split on floor of meeting if necessary.

Art 18: Police Department Capital – bid from company increased by \$20K over last year's estimate, to \$190K. **Motion to recommend by Brown, seconded by Beatty. Unanimous ayes.**

Art 20: Coast Guard Housing – New language received from Peter Barba; includes Assessor's map and description of parcel. Proceeds of sale will first be used to pay down debt, according to MGL Chap 41, Section 66. Added specifics of committee recommendation of what should happen to property. Added language about dividing the property, leveling, demolishing buildings. Included language to cover the paying of costs associated with all of this work. There will be a number included in this article for borrowing to cover this costs and to have proceeds of the sale of these properties pay this debt off AFTER the first debt is paid. We don't have this figure yet. Will include # for town meeting. Because we are talking about 'future funds' we will have to vote on this at a future town meeting. This lets the town know the 'intent'.

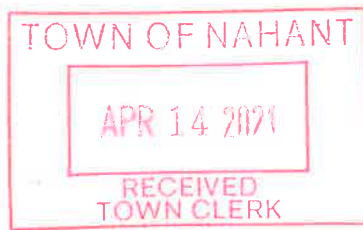
DS: Are we talking about more than the \$200K previously mentioned?

AB: Didn't have that \$200K #. The # will be in the motion made at Town Meeting.

DS. Why borrowing?

AB: to allow pay down of costs and reimburse with proceeds.

AN: Insures cash flow – would be short-term borrowing.



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AB: Would like CGHD&D committee to meet one more time to 'cross t's and dot l's". Without this approval for borrowing, we will not be able to perform the work to get the property ready.

JZ: Should this borrowing language be separate?

AB: Best to do them together.

JZ: I will include clarification in the response.

RV: This just addresses paying of the debt. What happens to the rest?

DB: Read quote from MGL Chapter 44, Section 63.

AB: This form of Town meeting cannot restrict funds of future fiscal years. We include this verbiage to provide 'comfort' and show intent to pay off debt.

JL: Extra money falls to free cash?

AB: General fund. Outside of Town meeting vote, FinCom & BOS could create memorandums on their understanding for the use of these proceeds.

JF: We can create a statement that we are completely aware of \$\$ and how to be used in conjunction with Accountant. FinCom keep track of it.

JL: When will initial transaction take place? Fiscal 2023?

AB: Good question. Look at what revenues are generated. Recommendation to sell every other lot in first round to prevent an individual from purchasing adjoining lots. Also need time for current residents to vacate property. Lots would then be prepared. Difficult to predict when revenues will hit free cash. Will have to look each year at what revenues came in.

RV: Up to our own self-discipline to be sure that funds are used appropriately.

CPC Articles: FinCom met with Lynne Spencer. Article then went to Tony. Only change made by BOS was to Eminent Domain article made by Counsel.

JF: Change to Eminent Domain CPC?

AB: Both, but specific to CPC.

JZ: CPC monies put aside for Rights of Ways. Monies put aside, but Town has to execute.

AB: Cost for clearing, fencing, signage, stairways. Primarily in Little Nahant. Sent letters to residents. Put on hold due to CPC. We met with abutters, walked every one of the ways, each was unique. Some safety issues with some of them. One at the point of Little Nahant that we wanted to do something about, the first 30 feet goes over a driveway, which is encroached.

BB: According to Lynne, the planning board has to be involved.

AB: They can't enforce, but they are the original CPC applicant. They are responsible for surveying all of the rights of ways. They have only gotten to Little Nahant so far. The executing to make safe for passive recreation is the Town's responsibility.

JZ: It needs to be addressed.

AB: Completely agree.



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BB & DS support strongly.

AB: Challenge is that at the end some of these rights of ways are danger cliffs. Question will be do we clear for just a view, or is there possibility to access to the water.

JZ: Just for viewing is ok. What doesn't make sense is that these rights of ways are gone.

AB: Right. You as a resident own that property, not the abutter. Completely agree.

DS: These rights of ways never go away, they have to be opened up.

AB: Some are easier said than done.

CPC - #1 change made – moved CPC Eminent Domain to very bottom of the list. Then Article 22 follows immediately, which is Eminent Domain approval. BOS change.

Other changes – added description of property with registry book and page, included purposes of taking – for open space, recreation, conservation, beach purposes. Town counsel recommended to make more broad in the taking. BOS will have PDF of map to include in book showing the area intended to take – language received from bond counsel on the borrowing under CPC. The \$1.5 only gets borrowed if the acquisition article gets approved and the \$3 million is available.

JF: Will the motion specify the 80A or 79 decision?

AB: Yes, and it is definitely 80A.

DS: Why does the article say 'all or portion'? Why is 'all' in there?

AB: Mtg tomorrow with counsel and town engineer regarding discrepancies in measurement of 'from mid-tide' and 'low-tide'. # of acres not yet determined. The map to be included with show actual acreage.

DS: fair to assume 12.5 acres?

AB: Yes.

JT: Will the order make mention of the trees on the property. In Chap 80A the verbiage states that if there are trees on the property they need to be included in the taking. Does this need to be in the motion? Or just in the order?

AB: Great point. I think it will be in the order of taking, not in the motion.

JF: Were the appraisals based on the mean low or mid?

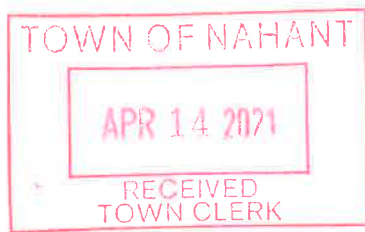
AB: I think 12.5, which was based on the mid-tide. Measurement may need to change based on tide level. The area the BOS is trying to protect isn't changing, just where the acreage goes to.

BB: Please make sure the BOS is aware of the tree subject in the order. This area would be entirely different if the trees are taken down.

AB: will definitely let them know. I'm sure that is in line with the Board's intent. The language as written, definitely captures the conservation, but will be sure that this is addressed.

RV: Mr. Masterman mentioned that NEU would be 'enjoined' to not make any further movement on development.

BB: But they already took down a lot of the trees without permit.



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AB: Article 22 – chap 80A language exclusively. All or portion will be narrowed down to exact area. Language on conservation and preservation and \$3 million requires 2/3 vote. Because it's borrowing. Any borrowing.

DB: CPC A – U would be simple majority, the rest 2/3?

AN: \$500,000 for three buildings also requires 2/3.

DB: Each article needs separate vote?

AB: Will ask counsel if for like articles, like a – d, can these be voted together? Do E separately, then to F-U. (Moment of levity)

Art 26 – law caps offense amount at \$10. Intent is not to issue fines, just create a rule on the books about having a responsibility to clear the sidewalks in front of your home.

JF: Where did this article come from?

AB: We have citizens pushing the town for snow removal on sidewalks, generally. The response was that many towns have by-law on the books that residents clear the sidewalk in front of their property. It is not a state law. It would be local. Dan Scrip looked at other towns. This article is modeled after Swampscott. It is basically everyone doing their own part. The town does the town property sidewalks. Part of snow removal plan – organized by hours post storm event – with goals to have certain areas done first, such as school, police station, elderly housing, and so on. Some areas can take up to 2 – 5 days to get to, such as along the beaches depending on how intent the storm was.

DS: Does town have small equipment to do sidewalks?

AB: Use a skid steer with bucket or snow blower on it. In process of exploring proper piece of equipment. Zack has spoken with rental company to experiment with equipment. We have a small gator (which is on the capital plan to replace in a couple years). We will look at something then.

Art 39: Lowlands Drainage BOS article – change is we struck storm water pipes and outfalls and put back in with 'To Lynn Harbor'.

Art 43: removed conservation committee. Does not need annual renewal. No new committees to add. If Air B & B passes, next year – if not down- they may be a committee to add. Still have some questions on this article, to discuss later.

JZ: Not sure Coast Guard Committee is listed properly. But if CGH article passes, will they need to continue.

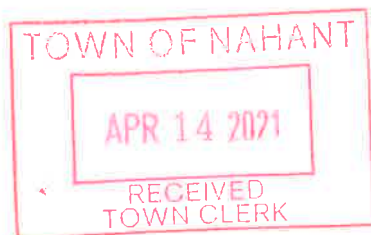
AB: Leave it in for now. If article passes, not sure if committee will be needed.

DS: Can we spell out the MVP as well?

AB: Another thing to look at, not sure this article is necessary. Could consider A. Consider continuing committees for longer time, or B. adding them into the by-laws. Not aware of a law that says you can't continue committees for more than one year. I will make change to CGH committee name and send to FinCom.

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JF: Are all associated budget documents fixed as well? Do we need different permutations based on different outcome?

AB: Debt schedule should be exclusive of debt schedule borrowing.

JF: It won't affect the omnibus as it is.

AB: No, we are not required to pay down in first year. If articles pass, we can make a payment in the first year or make a payment to pre-authorized debt that has a higher interest. Omnibus does not state specific amounts to specific debts. Our recommendation is more than what is minimally required in the upcoming fiscal year.

AB: At some point before Town Meeting it will have to come to FinCom to approve reserve fund transfer for costs associated with Town Meeting.

JF: Same site, same way?

AB: Yes, just twice as big. Two tents. Definitely two days, hopefully not more. Concern is if we get through the major articles on day one, how many people will show up on day two. Need to reach a quorum.

RV: Need to cleanup articles we have not voted on. Approve minutes.

Motion to approve minutes of March 25th made by Brown, seconded by Zahora. Beatty, Brown, Lewis, Vanderslice, Tarmy, Zahora, Sheehan ayes. Fulghum abstain. 7 -1 approved.

BB: Thank you for these. Very detailed. You did an awesome job.

Tarmy: Thank you. I like to include as much detail for those who want to understand.

DB: It's a script.

JZ: And Barbara as well.

RV: Julie, you will not be able to make Thursday?

JT: Correct.

RV: Can everyone make next Tuesday:

YES.

RV: I would suggest we hold the CPC borrowing piece and Eminent Domain discussion until then when we have the whole committee.

JF: But we can go through the other sub-articles then.

YES.

Discussion of getting book to Sterling publisher by the 19th. Thicker than usual book. Close to 150 pages. Might be underestimated. JF will talk with him tomorrow. JF can talk with Kristin about process to facilitate either sending book to her or directly to publisher. Need a succession plan for who will take this on in future. Last year we did not get a lot of extras. AB would like to add 100 extra to order to

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have at Town Meeting. AB will update the Town Meeting plan that we included in last year's warrant and send over. He will clearly state that this could be a two-day meeting. We only had 85 residents last year. Will attempt to get all supportive statements to FinCom before end of week.

JF: Bob, do you have new salary & classification?

JZ: put it up and let's vote.

JF: For omnibus – deal with on Thursday, latest version is on website.

JL: Does omnibus include sources & uses?

JF: Not part of what we are voting on.

RV: Art is simply all of the expense line items.

AN: For those articles that are using retained earnings, source/uses is stated in the motion.

JF: Also, the recommendation statements that give details for enterprise funds, as well.

RV: Articles 1 & 2. Boiler plate. Introductory, two steps – set the rate of pay – does call out what the contracts specify as a point of info – does not approve contracts. Shows breakdown of pay structure.

AN: figures are not yet final for teachers – in negotiation. Also, minimum wage increase will be effective January 1, 2022.

AB: Should be a line item for Assistant Health Nurse at \$40/hour.

RV: Changes to these articles, would include three changes: the increase of hourly wage to \$13.50 in January; add an assistant health nurse at \$40/hour; and 'elective' would become 'elected'.

Motion to recommend Articles 1 & 2 made by Zahora, seconded by Brown. Unanimous ayes.

JF: Take time to read through omnibus in on-line folder. We will vote this on Thursday.

Art 20: CGHD&D - brief discussion on \$\$ amount to be inserted for costs before Town Meeting. AB has call tomorrow with P. Barba to confirm amount. Also discussed building materials in housing. Asbestos? Not sure. Difficult to get concrete number.

AB: Wouldn't hold up vote for this. Will have to specify an amount in the motion. Amount in the motion would be a cap. Not sure of what the costs will be until we put it out to contractors.

CPC Articles:

Motion to recommend sub-article A of CPC made by Beatty, seconded by Tarmy. Unanimous ayes.

Motion to recommend sub-article B of CPC made by Zahora, seconded by Beatty. Unanimous ayes.

Motion to recommend sub-article C of CPC made by Tarmy, seconded by Beatty. Unanimous ayes.

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Sub-article D. Additional funds being requested for this project, add to request awarded in 2019. The area needs complete resurfacing. Low-bidder agreed to hold original price, most of cost in on 'sub-floor' to support drainage. This is what CPC funds are for. State match provided as well. Town thought it would be less, until it got the bids. Multi-use area. No work done on these courts in 30 years.

Motion to recommend sub-article D of CPC made by Sheehan, seconded by Tarmy. Unanimous ayes.

Discussion on how to write recommendations. Blanket or individual? Beatty, Sheehan, and Fulghum will divide up.

Article E: Only \$500K for repairs to three Town Buildings. Ellingwood Chapel archway – 'lethal'. This borrowing article does NOT show up on debt schedule. Supporting statement details the work to be done. Very comprehensive. Also, bidding to do all three at the same time by the same contractor is cost effective. In interest of moving on will look at this again at next meeting.

Motion to recommend sub-article F of CPC made by Brown, seconded by Beatty. Unanimous ayes.

Motion to recommend sub-article G of CPC made by Brown, seconded by Tarmy. Unanimous ayes.

Motion to recommend sub-article H of CPC made by Sheehan, seconded by Beatty. Fulghum, Beatty, Brown, Lewis, Tarmy, Vanderslice, Tarmy ayes. Zahora no.

Motion to recommend sub-article I of CPC made by Tarmy, seconded by Beatty. Unanimous ayes.

Motion to recommend sub-article J of CPC made by Tarmy, seconded by Beatty. Unanimous ayes.

Motion to recommend sub-article K of CPC made by Sheehan, seconded by Beatty. Unanimous ayes.

Motion to recommend sub-article L of CPC made by Zahora, seconded by Beatty. Unanimous ayes.

Motion to recommend sub-article M of CPC made by Beatty, seconded by Tarmy. Unanimous ayes.

Motion to recommend sub-article N of CPC made by Sheehan, seconded by Beatty. Unanimous ayes.

Motion to recommend sub-article O of CPC made by Tarmy, seconded by Beatty. Unanimous ayes.

Motion to 'bundle' clawback sub-articles P,Q,R,S,T of CPC made by Brown, seconded by Zahora.

Unanimous ayes.

Motion to recommend sub-articles P,Q,R,S,T of CPC made by Brown, seconded by Beatty. Unanimous ayes.

Motion to recommend sub-articles U of CPC made by Tarmy, seconded by Beatty. Unanimous ayes.

No public comment.

Motion made to adjourn made by Brown, seconded by Beatty. Unanimous ayes.

Meeting adjourned at 9:45 p.m.