



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 September 2, 2020 Meeting Minutes
Combined BOS/FinCom Meeting

FinCom members present: Beatty, Tarmy, Fulghum, Brown, Lewis, Vanderslice, Sheehan
FinCom members absent: Zahora

BOS members present: Antrim, Cullinan, Canty (as of 11:20)

Others present: J. Blake, J. Mellen, K. Alice, Marcie, D. Skrip, D'Orlando, E. Berman, 'Jeff's Phone', 'Emily's Ipad', T. Hosker, M. Capano, E. Carmosino, H. Johson, Regnante, Macarelli, D. Berman, Bauta, Carangelo, Buba's phone, D. Waters, B. Blair, Patek, C. Cahill, phone calls, E. Johnson, H. Goodwin

FinCom meeting called to order 11:12 a.m.

BOS meeting called to order 11:12 a.m.

Opening comment by Cullinan: Thank-you to FinCom for all the work you have been doing over these many months. Tony, I appreciate you and your staff. Been thinking about Town Meeting long and hard:

- BOS discussed scaled down version of warrant
- w/full warrant – would draw 600 – 800 people
- there will be concern by Town – real or perceived
- we have no option to not have a meeting but we can control the size
- in the best interest of town – as members of BOS – health & welfare comes first

A letter to NEU will be drafted by Barletta. BOS will see if NEU feels the same about the people of Nahant. Letter will be sent to Ralph Martin and will address the current pandemic and the difficulty of having a public process surrounding issues that draw a lot of attention, and deserve a lot of attention. (see attached letter) Talks about Legislature Chap 53 of acts of 2020 regarding public meetings.

Motion to open Warrant made by Antrim, seconded by Cullinan. Barletta shared screen to walk members through the most current version of the WARRANT containing 16 essential articles. (see attached)

- No CPC articles



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- No citizens petitions
- No other capital

Barletta spoke with L Spencer re: CPC; with K. Collins re: housing needs can wait until May; DEP confirmed waste water could wait; D. Waters said pay-down of Library Bond can also wait until May.

Next step for BOS – utilize legislation that allows small requirement for Town Meeting. There are certain post requirements and deadlines as to when we can take that vote. Goal is to avoid large crowd but still be transparent about what will be at Town Meeting. Town meeting will still be at Flash Road site. Meeting will be live-streamed. It's your right to come.

Fulghum stated that we have arrived at a place/decision that is prudent and feel we can get Warrant to public on time.

Vanderslice asked about May meeting. Barletta said it has to happen according to by-laws and has to happen on the third Saturday in May. May meeting could essentially cover the outstanding warrant articles as well as new articles for FY2022. CPC may have two separate articles addressing both FY21 and FY22.

D. Skrip noticed two edits needed in current Warrant as presented. These changes: Article 15 correct to read FY2021; Committee corrected name of Coast Guard Design and Development Committee. Question re: Conservation Committee vs. Conservation Commission – Conservation Committee is correct. Changes were made 'live' during this meeting. Nahant Alternative Energy Committee is defunct. These committees that are continued are established/continued each year at Town Meeting.

Barletta: This is a meeting between BOS and FinCom. We don't have citizen's forum, that doesn't prevent us from opening up to citizen questions.

K.Carangelo: Thank you for adjusting the warrant, I think you made the right choice. How does the \$4.6 million borrowing relate to the \$4.1 approved at 2018 Town Meeting?

Barletta: They are combined to make approx. \$8 million.



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Waters: current balance from original \$4.1 million is about \$3 million. Barletta: This total will allow the town to:

- Award contract on Lynnway construction
- Design Willow Road force main replacement
- Improve Ward Road pump station

K. Regnante: Thank you for doing this. Will the public be notified how/if NEU responds to the letter?

Barletta: If we get a response it will be read at BOS meeting and then posted to NEU dedicated page.

Vanderslice: Is letter going out today?

Barletta: Should go out today.

Regnante: Do you expect to hear?

Barletta: No, they are not required to respond. The intent of this letter to put it out there to say 'your issue deserves a lot of attention but it is hard to get that with the COVID event.'

Antrim: This letter is written in a manner that says we expect their response. Whether they do or not remains to be seen.

Barletta: It includes Legislature Chap 53 acts of 2020, which allows us to hold on having our committees, which receive applications for permits, act on these applications for 45 days after the Governor's State of Emergency has been lifted.

B. D'Orlando: Thank you so much to everybody who worked so hard on all of this to keep us going forward. How can Nahant, and other small communities, get emergency balloting for Town Meeting articles?

Cullinan: Not aware of any process that allows this. There is a process to put a non-binding referendum questions on a ballot.



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D. Skrip: What do you mean by emergency ballot?

D'Orlando: To have articles normally voted on the floor put to a paper ballot vote instead.

D. Skrip: We do not have the discretion to take floor vote and put it to only a paper ballot. We would need special legislation to do this.

There was legislation proposed to allow open town meetings to be conducted by ZOOM. There was a lot of debate arguing against this as it would be hard to confirm that those voting are registered. With Robert's Rules – Open Town Meeting – the intent is to have live debate on articles.

K. Carangelo: Was the Town Moderator consulted during deliberations regarding warrant, town meeting, etc?

Barletta: Yes, throughout the entire process Moderator was updated as we went through this process.

KC: The trade-off on the size of the current warrant vs full was discussed?

Barletta: Yes and no – the Warrant belongs to the BOS. The logistics of the Town Meeting changed based on what changed in the Warrant were shared with Moderator.

KC: When was the last meeting held between NEU and the Current Selectmen?

Cullinan: May, maybe, or even earlier.

J. Blake: Early May or late April. KC: Is this meeting referred to or summarize somewhere?

Barletta: It may be referred to but it wasn't a meeting of the entire Board, so it didn't require open-meeting law, and I think it was protected under litigation.

KC; Different topic. What happened to the CPC funds that would have been allocated had we done that article? Do they stay in the reserve fund until the next ATM?

Barletta: Deb and I talked about this, and feel free to chime in, but I believe there is 10% that goes into the three different categories, so regardless of the vote that would happen anyway.

Waters: The remaining goes into their general reserves.



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KC: So, it's not spent?

Waters: It's not spent. But it will be available to be used at the next Town Meeting.

KC: Can the Finance Committee book be made available in a pdf on some site?

Barletta: Absolutely. We are going to try to go overboard with education of the Town Meeting to be sure citizens are aware of what will be at Town Meeting in this scenario where we don't want a lot of people to be there because of public health reasons, but we also want people to understand what's going to be on the warrant, what's going to be voted on, and then they know that it's set up in a safe way so if they feel like going, that they can. We have to start by putting out as much information as we can.

Alice Cort: Thanks for having this meeting. Is BOS committed to calling a Special Town Meeting should NEW not agree to requests of letter of they begin to file for additional permitting to go forward? If this happens in winter, how would town propose to hold a Special Town Mtg. that would be required safely indoors or outdoors? If Governor lifts emergency during winter, if only 45 days allowed, how does that work?

Cullinan: I believe this is a good question. I, as one, don't plan on sitting on my hand to allow NEU to use the pandemic as a way to not allow the town to vote the way it should. As a member of the BOS, I will make sure the Town has a say. I don't see the Governor lifting the emergency order any time soon with schools opening. I believe it would be closer to spring before we had to make a decision, but yes, I would call for a Special Town Meeting.

Barletta: Agree, it's a great question. Chapter 53 allows us 45 days AFTER state of emergency is lifted to begin the process of hearing any application.

AC: If they file for a permit, we can wait until after state of emergency?

Barletta: We believe Chapter 53 covers this. In the process, the individual board or committee has a time frame in which to respond. After the emergency listed, the committees have a 45 day period to begin the process.



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Once process is started:

- ConCom has 21 days to begin review
- Planning board has 60 days
- Building Insp had 30 days

Cullinan: These committees will run in sequence not necessarily in tandem.

Blake: Tolling statute; This prevents towns from being inundated with permits.

Antrim: If some of these requirements are not airtight and NEU can advance, I will do everything to be sure people of Nahant have the right to vote on this issue. I won't stand idly by and let NEU do what they want to do without giving the people of Nahant the right to vote on the fate of their town, East Point, and the associated implications.

T. Hosker: Why an article can't be added to the Warrant that says let's move articles x, y, and z to a paper ballot to be determined by the Town Clerk or BOB?

Cullinan: Needs to be done by legislature.

Hosker: A motion can't be made at this Town Meeting to allow that?

Cullinan: You can put it to a vote at Town Meeting electronically. I don't know of a way to put it to an election by ballot.

Skip: Town does not have this ability.

Hosker: On the floor – an article can't be moved to a town-wide vote?

Skip: Not to send it to a town election ballot. Only a paper ballot on the floor. An article can be amended on the floor but cannot be then sent to a town election ballot.

AB: It would be non-binding if it did. Has to be done live, in open session.

Skip: Has to have state support. Chapter 9 of Town by-laws allows 25 members to convert an oral vote to a paper vote, but that has to be done on Town Meeting floor. Cannot be converted to a town-wide election vote.



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AB: You could do a non-binding election vote, but the vote would still have to be taken on the floor.

D. Monteith: I just wanted to know if a Northeastern representative is on one of the call-ins. If they would like to identify themselves.

AB: We don't know. Can't identify.

DM: It would just be nice to know. Perhaps they could speak up.

K.Carangelo: To super clarify what T. Hosker asked. There is no way to enfranchise people who are not physically on the floor?

Skrip: Correct. Best we can do, and are prepared to do, is televise Town Mtg. We cannot do mtg remotely. Section in our by-laws allows for folks to talk for someone else – but they cannot vote for someone else.

AB: Haven't put a motion on the floor yet, but it would be something like: I move to amend the warrant for the September 26, 2020 Annual Town Meeting as presented by the Town Administrator and send it to the Advisory and Finance Committee.

Motion made by Antrim to recommend town warrant as just reviewed and send to Finance Committee, seconded by Cauty. Unanimous Ayes.

Cullinan: John and Bob, you have an abbreviated warrant.

Fulghum: Thank you very much.

AB: Nothing further for BOS to discuss.

Fulghum: Final logistics for getting the warrant to print:

- Finish FinCom cover letter
- Update the warrant with changes made today
- Compile into pdf



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- Add 'What to expect at town meeting' page
- Send completed warrant to Barletta/Bobbie Jo to send on to printer? Or do we send?

Barletta will check with Bobbie Jo, and he and John will plan on talking a couple times today.

AB will send FINAL version of warrant to Fulghum.

**Motion to close warrant made by Antrim, seconded by Canty. Unanimous ayes.
BOS meeting adjourned at 12:27**

FinCom next meeting Wednesday September 9th at 7 p.m.

Barletta suggests planning on a combined meeting in the week before Town Meeting, with BOS, FinCom, Moderator, and Clerk to go over logistics. 23rd, 24th, or 25th. Nothing set today.

**Motion to adjourn FinCom meeting made by Beatty, seconded by Tarmy. Unanimous Ayes.
Meeting adjourned at 12: 30**

Post meeting note: D. Sheehan attended meeting by phone but was unable to comment.



*Town of Nahant
334 Nahant Road
Nahant, MA 01908*

Telephone: 781-581-0088 Fax: 781-593-0340

September 3, 2020

Ralph Martin
Columbus Place and Alumni Center
716 Columbus Avenue
Boston, MA 02120

Re: Chapter 53 of the Acts of 2020

Dear Mr. Martin,

I am writing in regard to the proposed Northeastern University Marine Science Center expansion at East Point in Nahant. As you know, this proposed project has garnered significant public interest. Indeed, any public hearing or meeting held addressing any aspect of the proposed project is usually attended by a capacity crowd interested in all aspects of the regulatory process. As you are aware, due to the COVID-19 emergency crisis, the Governor has limited crowd size for indoor and outdoor gatherings. Therefore, meetings and/or hearings that garner significant attendance are very difficult, if not impossible. As such, Chapter 53 of the Acts of 2020 provides that non-action by a permit granting authority shall not deem a permit granted so long as said permit granting authority act within 45 days from the lifting of the Governor's Declaration of Emergency.

As I indicated above, due to any hearing or meeting involving the proposed project would likely garner significant public interest, the Town will not conduct such hearing or meeting virtually and instead will wait, as allowed by c.53 of the Acts of 2020, until the Governor's Emergency Declaration has been lifted. The Town requires that Northeastern recognizes the unique circumstances and challenges facing the Town in these challenging times and commits to refraining from any further filings with the Town until such time as in-person hearings can be conducted.

Thank you for your expected commitment to suspend filings and site work. If you wish to discuss this matter further, please do not hesitate to contact me.

Sincerely,

Antonio Barletta
Town Administrator

**Annual Town Meeting Warrant
September 26, 2020**

ARTICLE 1. (Salary & Classification Plan) To see if the Town will vote to amend the Nahant Town By Laws, Article XIII, Section 5, Subsection B, entitled “Chart of Classification and Salaries” for the fiscal year beginning July 1, 2020, or take any other action relative thereto.

ARTICLE 2. (Compensation for Elected Positions) To see if the Town will vote to fix the salary and compensation of all elective officers of the Town, as provided by Chapter 41, Section 108, as amended, or take any other action relative thereto.

ARTICLE 3: (Prior Year bills) To see if the Town will authorize the payment of prior Fiscal Year bills, or take any other action relative thereto.

ARTICLE 4. (Omnibus) To see if the Town will vote to raise and appropriate and/or appropriate from available funds in the treasury, or transfer from available funds such sums of money as may be necessary to defray Town charges for the fiscal year beginning July 1, 2020, or take any other action relative thereto.

ARTICLE 5. (Water & Sewer Enterprise) To see if the Town will vote to raise and appropriate and/or appropriate from available funds in the treasury, or transfer from available funds a sum of money to operate the Water and Sewer Enterprise Fund for the fiscal year beginning July 1, 2020, or take any other action relative thereto.

ARTICLE 6. (Water/Sewer - Equipment and Paving) To see if the Town will vote to appropriate from retained earnings in the Water and Sewer Enterprise Fund a sum of \$30,000 for paving throughout Town, including all costs incidental to or related thereto, or take any other action relative thereto.

ARTICLE 7. (Rubbish Enterprise) To see if the Town will vote to raise and appropriate and/or appropriate from available funds in the treasury, or transfer from available funds, including retained earnings of the Rubbish Enterprise. a sum of money to operate the Rubbish Enterprise Fund for the fiscal year beginning July 1, 2020, or take any other action relative thereto.

ARTICLE 8. (Chapter 90 Highway) To see if the Town will vote to raise and appropriate and/or appropriate from available funds in the treasury, or transfer from available funds, or raise by borrowing, such sum of money in order to accomplish certain highway construction and maintenance pursuant to the provisions of the General Laws, Chapter 90, or other state transportation program, or take any other action relative thereto.

ARTICLE 9. (Recreation Revolving) To see if the Town will vote to accept M.G.L. Chapter 44, section 53D, thereby reauthorizing Parks and Recreation revolving accounts for general recreation, basketball, sailing, tennis, Fourth of July, tot lots, playground equipment, and Youth Commission, or take any other action relative thereto.

ARTICLE 10. (OPEB) To see if the Town will vote to raise and appropriate and/or appropriate from available funds in the treasury, or transfer from available funds the sum of \$25,000 to the Other Post-Employment Benefits Liability Trust Fund, or take any other action relative thereto.

ARTICLE 11. (Stabilization) To raise and appropriate and/or appropriate from available funds in the treasury, or transfer from available funds the sum of \$100,000 to the Stabilization Fund, or take any other action relative thereto.

ARTICLE 12. (Paving) To see if the Town will vote to raise and appropriate and/or appropriate from available funds in the treasury, transfer from available funds, or raise by borrowing, a sum of \$100,000, for paving

throughout Town, including the payment of all incidental or related costs, or take any other action relative thereto.

ARTICLE 13. (Fire Capital—Fire Dispatch) To see if the Town will vote to raise and appropriate and/or appropriate from available funds in the treasury, transfer from available funds, the sum of \$2,500, or any other sum of money, for the annual capital assessment used towards equipment maintenance and upgrades, including the payment of all incidental or related costs; or to take any other action relative thereto.

ARTICLE 14. (Sewer Capital) To see if the Town will vote to raise and appropriate \$4,600,000, or any other greater or lesser amount, to pay costs of repairing and/or replacing portions of the Town’s sewer collection system, including the payment of all costs incidental and related thereto, and to determine whether this amount shall be raised by borrowing or otherwise, including by borrowing all or any portion of this amount through the Massachusetts Clean Water Trust, or to take any other action relative thereto.

ARTICLE 15. (Continue Committees) To see if the Town will vote to continue the following standing committees to June 30, 2021: Community Preservation Committee, Cable TV Advisory Committee, Veterans Memorial Committee, Sailing Committee, Cemetery Advisory Committee, Coast Guard Design and Development Advisory Committee, Town Charter and Bylaw Committee, Tennis Committee, Town Owned Land Study Committee, Nahant Alternative Energy Committee, Golf Course Management Advisory Committee, and the Open Space and Recreation Plan Committee, Conservation Committee, Cultural Council, FEMA Flood Insurance Study Committee, Green Community Committee, MVP Committee, Noise Abatement Committee, Nahant Fire Station Architectural Assessment Committee, or take any other action relative thereto.

ARTICLE 16. (Gifts) To see if the Town will vote to accept gift(s) or grants of money for the Nahant Life-Saving Station, Greenlawn Cemetery, Fourth of July Committee and Fireworks, Recreation Commission, Council on Aging, Johnson School Programs, Beautification Program, Sailing Committee, Tennis Committee, Charles Kelley Scholarship Program, Veterans Memorial Committee, Nahant Community Garden, Nahant Public Library, Youth Commission, Nahant Public Safety Departments, Department of Public Works, Nahant Veteran’s Association and Memorial Day Committee, Nahant Santa Parade Committee, or take any other action relative thereto.