

Town of Nahant, MA
Board of Selectmen
Board of Selectmen Meeting
Thursday, April 2, 2020 7:00 PM

Richard J. Lombard, Chairman
Mark P. Cullinan, Vice Chairman
Joshua A. Antrim, Recording Secretary
Antonio Barletta, Town Administrator

1. Meeting Opening 7:00 pm

Opening Comments

Mr. Cullinan made a motion to open the meeting

Mr. Antrim seconded

Roll call vote

Mr. Antrim-yes

Mr. Cullinan-yes

Mr. Lombard-yes

Unanimous vote in favor

2. New Business

- a. Approve Board of Selectmen (BoS) Meeting Minutes from December 19, 2019, BoS Meeting Minutes from January 9, 2020, BoS Meeting Minutes from January 30, 2020 & BoS Meeting Minutes from March 19, 2020.

Mr. Antrim made a motion; I move that the Board of Selectmen vote to approve the meeting minutes from December 19, 2019

Seconded by Mr. Lombard

Mark-recused himself from the roll call vote

Roll Call Vote

Mr. Antrim-yes

Mr. Lombard -yes

Unanimous vote in favor

Mr. Antrim made a motion; I move that the Board of Selectmen vote to approve the meeting minutes from January 9, 2020

Seconded by Mr. Lombard

Mark-recused himself from the roll call vote

Roll Call Vote

Mr. Antrim-yes

Mr. Lombard-yes

Unanimous vote in favor

Mr. Cullinan made a motion; I move that the Board of Selectmen vote to approve meeting minutes from January 30, 2020

Seconded by Mr. Antrim

Roll Call Vote

Mr. Antrim-yes

Mr. Lombard-yes
Mr. Cullinan-yes
Unanimous vote in favor

Mr. Cullinan made a motion; I move that the Board of Selectmen vote to approve meeting minutes from March 19, 2020

Seconded by Mr. Antrim

Roll Call Vote

Mr. Lombard-yes

Mr. Cullinan-yes

Mr. Antrim-yes

Unanimous vote in favor

- b. Vote to accept and sign the Gift Agreement of \$50,000 from the Nahant Preservation Trust, to assist the Town with evaluating development of the property located at East Point.

Mr. Antrim made a motion; I move that the Board of Selectmen execute Gift Agreement Pursuant to G.L. C.44 §53A and accept a gift of \$50,000 from the Nahant Preservation Trust to assist the Town with evaluating development of the property located at East Point.

Seconded by Mr. Cullinan

Mr. Cullinan asked for this document to be posted on our Town website

TA confirmed that it would be posted.

Roll call vote

Mr. Lombard-yes

Mr. Cullinan-yes

Mr. Antrim -yes

Unanimous vote in favor

- c. Vote to adopt an alternative agenda notice posting method authorized by 940 CMR 29.03 to Nahant.org

Mr. Cullinan made a motion; Pursuant to 940 CMR 29.03, I move that the Board of Selectmen adopt www.Nahant.org as the official method of posting notices for meetings of public bodies in the Town of Nahant.

Seconded by Mr. Antrim

Roll call vote

Mr. Lombard-yes

Mr. Cullinan-yes

Mr. Antrim -yes

Unanimous vote in favor

- d. Postponing Annual Town Election Date to Saturday, June 20, 2020.

Mr. Antrim made a motion; Pursuant to Massachusetts Session Laws, Chapter 45 of the Acts of 2020, I move that the Board of Selectmen postpone the Annual Town Elections from Saturday, April 25, 2020, to Saturday, June 20, 2020.

Seconded by Mr. Cullinan

TA Legislation was adopted at the State level allowing municipalities to postpone their annual elections until June 30th given the Coronavirus State of Emergency. The candidates that are on the

ballot are set. Nothing can be added, nothing can be removed. The only thing that is linked to the date of the election, that will be moving with it, is voter registration. Which has to be 10 days prior to the election.

Town Council (Dan Skrip) added; in addition to absentee voting, they are now instituting early voting by mail. You can apply to Carol Nelson for an application to early voting by mail and literally mail in your vote.

Roll Call vote

Mr. Lombard-yes

Mr. Antrim-yes

Mr. Cullinan-yes

Unanimous vote in favor

e. Lady Apple II- Vote to take title ownership of abandoned vessel for purposes of disposal

Mr. Cullinan made a motion; I move that the Town apply for the title to the abandoned vessel - Lady Apple II - pursuant to MGL, Chapter 91, Section 40 for purposes of disposal.

Seconded by Mr. Antrim

Town Council (Dan Skrip) briefed the Board on the details of this vessel.

*A discussion about this vessel took place between the Board, TA and Town Council.

Roll call vote

Mr. Cullinan-yes

Mr. Antrim-yes

Mr. Lombard -yes

Unanimous vote in favor

3. Ongoing Business

Health Nurse (Deb Murphy)- I released two people from quarantine today. Travelers that had done their home quarantine with no symptoms.

Mr. Antrim- we had a great briefing yesterday from several departments regarding Covid-19. Special thanks to everyone involved with putting in the extra effort. Its encouraging to see how well this community has pulled together.

Mr. Cullinan echoed Josh's words. Thank you all. Great team. On a budget note he noticed that there is a new light at the Lifesaving Station. Its very nice. A few community members came together to do that. Appreciate it.

4. Town Administrator Report

5. Citizen's Forum

Michelle Capano- Northeastern University has put their final EIR. Public comment period ends April 24th. Wondering if the Board of Selectmen are going to ask MEPA for an extension?

Mr. Antrim-we need to request that for 60 days or for as long as the State of Emergency stays in effect.

Mr. Lombard- Tony will you write that letter on behalf of the Board of Selectmen?

TA- Absolutely. KP Law is already working on it, but I am happy to talk with her about adding in an extension request.

Mr. Cullinan- regarding construction, landscapers, etc. working around Town. One of the issues are inspectors going into homes to inspect. You'll advise the Board on what you think they should do at some point.

TA Currently, all inspectors conduct inspections virtually or photo documentation. Basically, not going into the house. It is certainly on our radar. We will have a discussion as soon as we get more guidance.

Mr. Antrim the National Grid effort on 1 Willow Road is closed indefinitely. Is that correct?

TA Zach was going to follow up with Faith at National Grid. We want to get that work done. We'll see.

Question came in; regarding the Jesmond Nursing Home. Health Nurse will address this question;

Health Nurse (Deb Murphy) Had a conversation with the administrator a couple of weeks ago. The following week, she had a conversation with the nursing Director, but has yet to receive any information to think that there would be anything alarming. The nursing home has her information and they know how to contact her if they need to.

Question came in; Landscapers- are they allowed to work or not?

TA as of now, there is no restriction on landscaping. The Governor did announce starting tomorrow all coastal parking lots will be closed. An effort to encourage social distancing.

TA Dunkin Donuts closed today. We are down to Seaside Variety and Seaside Pizza for food options in Town.

TA Anchor Food Pantry. I believe that has been posted on Covid-19 website. Folks are also able to get school lunches. All of this information will be on our website.

6. Adjourn:

Mr. Cullinan made a motion to adjourn

Mr. Lombard seconded

Roll call vote;

Mark Cullinan-yes

Josh Antrim -yes

Richard Lombard-yes

Unanimous vote in favor

Meeting adjourned 7:05 pm

Meeting Minutes prepared by Bobbie-Jo Blair, Administrative Assistant

Minutes approved by the Board of Selectmen on the _____ day of _____ 2020.

GIFT AGREEMENT PURSUANT TO G.L. c.44, §53A

WHEREAS. The Nahant Preservation Trust, Inc. ("NPT") a Massachusetts nonprofit corporation with a principal office at 41 Valley Road, Nahant, MA 01908 wishes to make a gift to the Town of Nahant, by and through the Nahant Board of Selectmen ("Town"), to assist the Town with evaluating development of the property located on East Point, so called ("Property"); and

WHEREAS. NPT has agreed to provide the Town with a grant of funds, under G.L. c.44, §53A, in the amount of Fifty Thousand (\$50,000.00) Dollars with the said funds to be placed into a gift account under G.L. c.44, §53A; and

NOW, THEREFORE, the Town and NPT agree as follows.

1. NPT hereby provides the Town's Treasurer with the sum of Fifty Thousand (\$50,000.00) Dollars under G.L. c.44 §53A to be deposited by the Treasurer in an interest bearing account ("Gift Account") to be expended as authorized below, exclusively, for the following purposes:
 - i. To authorize the Town Administrator, upon and with the approval of the Board of Selectmen, under Nahant Town Administrator Act ("Act") § 9 to hire and engage legal counsel to provide the Board of Selectmen and the Town Administrator with advice on all matters involving the Property, including rights the Town may wish to assert in connection with the Property and interests in the Property that the Town may seek to acquire, which engagement may include (a) the engagement of special town counsel, (b) the hiring of an expert appraiser, subject to the vote required below, to provide a confidential appraisal to the Board of Selectmen under G.L.c.79, §7A of the potential value of said Property and the potential interests that may be acquired, with the Town Administrator and the Board of Selectmen to authorize the parameters of the appraisal as to the property interests to be evaluated and to authorize the actual engagement of the appraiser, and (c) the hiring of other engineers or independent experts, including, but not limited to, a coastal wetlands expert and a land surveyor to provide reports and plans regarding the Property and such property interests with the Town Administrator and the Board of Selectmen to authorize the actual engagement of such consultants, and (d) the expenditure of other sums in relation to the engagement.
2. The gift funds may be used by the Town, up to Fifty Thousand (\$50,000.00) Dollars to pay for the reasonable costs incurred by the Town for the purposes set forth above, but for no other purpose without NPT's approval. Such payments shall be made by the Town, pursuant to the Act, from the Gift Account pursuant to written invoices received from the various consultants who are retained in accordance with the terms of this Agreement.
3. Non-attorney contracts shall be in writing and shall be for "not to exceed amounts."

4. NPT may, but shall not be required to, replenish the Gift Account if there is any shortfall to provide additional funds to the Town, in which case this agreement shall be modified by majority vote of the Board of Selectmen to authorize receipt and expenditure of the additional gift funds.
5. Once the Town Administrator notifies the Treasurer in writing that all outstanding costs and fees detailed above have been fully paid and notifies the Treasurer of the amount of the costs and fees, then the Gift Account shall be closed and any excess funds remaining therein shall be returned to NPT or its written assign. At any time after February 28, 2021 NPT shall have the right to request the return of any funds held in the Gift Account not expended or required for costs properly incurred hereunder prior to the date of such request.
6. Any interest accrued under the Gift Account may be used for any purpose allowed under this agreement.
7. Any report or plan or advice generated shall be for the sole benefit of the Town, by and through the Board of Selectmen, and shall be maintained as confidential by the attorneys and the consultants and shall not be disclosed or shared except (i) to the Board of Selectmen and those attorneys specifically engaged under this Agreement and (ii) to the extent covered by that certain Amended and Restated Common Interest Agreement dated as of February 6, 2020 by and between the Town and NPT, to NPT and its counsel signatory to such agreement. All determinations as to whether to release confidential documents to any other party shall be determined as provided for under state law and with any waiver of attorney client privilege to rest solely with the Board of Selectmen.
8. It is hereby acknowledged the Town shall have the right, but not the obligation, to use the funds, including any accrued interest, obtained hereunder for the stated purpose and that the Town shall not be deemed to have waived its right to use the funds or be deemed guilty of laches if the Town delays in using the funds.
9. It is expressly understood and agreed by and between the Town and NPT that by accepting said funds and by executing this agreement, neither the Town nor the Board expressly or impliedly makes a representation or a promise that it has endorsed or will endorse a particular course of action or will recommend a particular course of action to Town Meeting.

[Signature Page Follows]

Nahant Preservation Trust, Inc.*

Emily R. Potts
By: *President*
Its: *President*

* A corporate vote authorizing the above signature is attached hereto.


Date:

Nahant Board of Selectmen, approved by a vote of 3 to 0 on April 2, 2020.

BY:


Richard J. Lombard, Chairman


Mark P. Cullinan, Vice Chairman


Joshua A. Antrim, Recording Secretary

Date: 4/8/2020

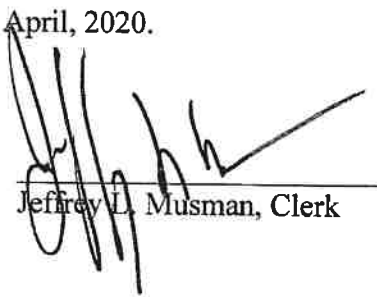
NAHANT PRESERVATION TRUST, INC.

Clerk's Certificate

I, Jeffrey L. Musman, Clerk of Nahant Preservation Trust, Inc., a Massachusetts non-profit corporation (the "Corporation"), hereby certify that, at a meeting of the Board of Directors of the Corporation held on April __, 2020, the Resolutions set forth on Exhibit A attached hereto and made a part hereof were duly adopted and filed with the corporate records of the Corporation.

I further certify that the said votes have not been altered, amended or rescinded but remain in full force and effect.

WITNESS my hand and seal this 15th day of April, 2020.



Jeffrey L. Musman, Clerk

EXHIBIT A

**NAHANT PRESERVATION TRUST, INC.
RESOLUTIONS**

On April __, 2020 at a meeting of the Board of Directors of the **NAHANT PRESERVATION TRUST, INC.**, a Massachusetts non-profit corporation (the "Trust"), the following resolutions were adopted

:

Ratification of Officers

RESOLVED: That the Trust hereby ratifies, confirms and approves that the following persons serve in the offices of the Trust set forth next to their respective names below, as of the date hereof, each to serve as such until their respective successors are duly elected and qualified:

Emily Potts	-	President
Dennis Maroney	-	Treasurer
Jeffrey Musman	-	Clerk

RESOLVED: That the officers of the Trust (each an "Authorized Person"), each acting singly, is authorized in the name and on behalf of the Trust, to execute and deliver to the Town of Nahant that certain Gift Agreement (the "Gift Agreement") executed by the Board of Selectmen of the Town of Nahant as of April 2, 2020 in the form attached hereto and made a part hereof, together with any and all additional documents, agreements, certificates and other instruments, and to take any and all other actions as each of them deems necessary or advisable in order to effectuate the gift contemplated by this resolution, the taking of such actions and the execution of such documents, instruments and agreements to be conclusive evidence that the same has been approved by the Trust.

ATTEST



Jeffrey L. Musman, Clerk