

Town of Nahant
Joint Meeting
Board of Selectmen & Board of Health
Thursday December 3, 2020 via Zoom

Meeting Minutes

Mark. P Cullinan, Chairman

Joshua A. Antrim, Vice Chairman

Eugene Canty, Recording Secretary

Antonio Barletta, Town Administrator

Attendance: Mark P. Cullinan (MC), Joshua A. Antrim (JA), Eugene Canty (GC), Antonio Barletta (TA)

1. Meeting Opening- 6:30pm

Motion:

MC- Opened the Joint Meeting with the Board of Selectmen and Board of Health at 6:30pm on 12/3/20

- a.** Coronavirus update with Health Nurse Deborah Murphy and Health Officer John Coulon

Deborah Murphy- Weekly data for COVID came in today, Nahant changed from yellow to green. Nahant has 12 new cases over the last 2 weeks. There are currently 5 active COVID cases. The school is doing great. COVID testing in Nahant has been successful.

2. Opening Comments

- a.** Christmas Tree Sales

MC- Johnson School PTO is selling Christmas Trees at Lowlands from Friday's 6-8p and Saturdays and Sundays 9-6pm.

- b.** Winter Parking Ban

MC- Winter Parking Ban starts December 21-March 20th from 12am-6am. If you need on street parking you can contact the Nahant Police Station for guidance.

c. Real Estate Bills

MC- Real Estate bills were distributed on November 18, 2020 and due December 18, 2020.

Discussion:

JA- There was a very loud and low flying plane over Nahant last night. If anyone hears a plane please call the Massport noise complaint phone# and report. Phone # is 617-561-3333 or go on Massport website. Asked if there is an update on Kelly Greens.

TA- Our last agreement with the last lessee ended October 31, our golf committee put together an RFP, we received two bids. They selected R&B Management run by Brett Waterman and his partner. Our Town Counsel is in communication with the selected bidders counsel and we are in the middle of contract negotiations.

3. New Business

- a. Approve the BOS meeting minutes from August 5, 2020, August 20, 2020, September 3, 2020, September 16, 2020 and September 23, 2020.

Motion:

JA- I move that the Board of Selectmen vote to approve the BOS meeting minutes from August 5, 2020.

GC- seconded

Roll call vote:

JA-yes

GC-yes

MC-yes

JA- I move that the Board of Selectmen vote to approve the BOS meeting minutes from August 20, 2020.

GC- seconded

Roll call vote:

JA-yes

GC-yes

MC-yes

JA- I move that the Board of Selectmen vote to approve the BOS meeting minutes from September 3, 2020.

GC- seconded

Roll call vote:

JA-yes

GC-yes

MC-yes

JA- I move that the Board of Selectmen vote to approve the BOS meeting minutes from September 16, 2020.

GC- seconded

Roll call vote:

JA-yes

GC-yes

MC-yes

JA- I move that the Board of Selectmen vote to approve the BOS meeting minutes from September 23, 2020.

GC- seconded

Roll call vote:

JA-yes

GC-yes

MC-yes

b. Duck Hunting Ordinance

JA- the current bylaw states the boats/discharge of firearms can be done 300yds off shore. The bylaw was made a long time ago, there are more boats,surfers,kite surfers etc out on the ocean making it more dangerous to have duck hunters so close. The 300yd boundary for fire arm discharge should be moved out further.

TA- We are having issues of debris/shot gun shells washing up on shore and the noise from duck hunting. We are looking into how far our jurisdiction is, what is the state law for how close the hunters can be to our coastline. With any change to any proposal there is an enforcement arm. Depending on the species, what you are hunting with, where you are in the state, your age, it varies for the dates, and duck hunting season basically runs from October-February. You have to be 500ft from a dwelling. Our local ordinance says that you can't discharge a firearm unless you are 900ft from our coastline. Local ordinances that have been challenged at the state level in the past that are specific to hunting or for prevention of hunting have been deemed unconstitutional. We need to be careful with the language and have it be a limit on firearms in general which we don't allow anyway. Looking into expanding and pushing the hunter's further out and how far our jurisdiction goes. Our seaward coastline jurisdiction is 3 miles off.

Dan Skrip(Town Counsel)- Has spoken to the Attorney General's office and surrounding communities, Lynn and Revere to get more information on where our seaward boundaries would be.

TA- The idea would be to propose a change to the local ordinance that is within our jurisdiction and present as an article at town meeting. If it passes we would have to look into how we would enforce it.

c. Approve appointment of Finance Director/Town Accountant

Motion:

JA- I move that the Board of Selectmen approve the appointment of Alison Nieto to Finance Director/Town Accountant position.

GC-seconded

Roll call vote:

JA-yes

GC-yes

MC-yes

Discussion:

TA- We posted the position and we received a number of applications. Deborah Waters and I are happy with the selection of Alison Nieto. She has many years of Accounting experience as well as Municipal Accounting experience. She is going to be a great fit.

Alison Nieto- Introduced herself, she grew up in Nahant and excited for the position. Currently at Town of Marblehead Town Accountant.

4. Ongoing Business

a. Preserving East Point- ongoing discussion

TA- No update on the timing of the RKG report. The latest is the change to Chapter 53. Jeff Blake and I drafted a letter to the secretary of Housing and Economic Development asking for an exception and more time.

MC- Ken Carangelo asked to clarify what the RKG report is

TA- Essentially it is a financial impact assessment based on the filings that Northeastern submitted to MEPA, their ENF's, and the data that they provided, how many cars, how many people, how much water/sewer flow etc. That is the type of study it is and the impact of the type of development would have on the community.

JA- Ken Carangelo asked if this RKG report would take place of the BOS second statement. My view would be that it wouldn't take place but would supplement it. We will update the second statement

MC- We do plan on having our imminent domain attorney and town counsel have a zoom meeting on imminent domain with the public to answer any questions.

TA- Resident Alice Cort via zoom chat stated Governor Baker just changed the timing range for board reviews as of this week stating 45 days from this week, this will affect all boards and commissions I believe can you comment on that?

TA- That is the Chapter 53 of the acts of 2020. Originally when Chapter 53 was passed earlier this year it said 45 days after the state of emergency was lifted and then in the last month the legislature passed a supplemental budget and as an outside section they amended chapter 53 stating that if any permits or reviews were submitted after March 2020, you have to begin your process December 1st. According to the new law ConCom would have to begin the new process hearing those analyses starting December 1st. The new law also allowed the secretary of Housing and Economic Development to provide exception. We have written a letter to the secretary requesting that.

b. Public Shade Tree discussion

Dan Skrip(town counsel)- We have been looking at what is and what is not a public shade tree. A public shade tree is anything on the town's way/borders and excludes trees within a public park for example or on the lawn of town hall. Public shade trees are protected. It becomes difficult when a tree is on the border of private property and a public way. We need to come up

with a policy to determine if the tree is on private property or a public way tree. It's hard to determine where the line is. As of now in the absence of any definitive proof of a particular line, if a public shade tree is encroaching on a paved path, sidewalk or roadway, then we can't assume it's a public shade tree. The way the statute is set up if it is vague then it's assumed to be a public shade tree. The question is who's responsibility it is to take care of the tree. But if most of a tree is on private property then it is not logical to have the DPW care for that tree. Looking at the case law and statues, we came up with an idea that we would on a case by case basis pursuant to a prompting from a home owner, we would look at that situation and make a written determination if the tree is a public shade tree and if it divides a public and private property. Then it would be resident/home owners responsibility to trim/prune the branches that reach over their own property and the town would be responsible to trim braches that reach over a public way. That is consistent with state law when dealing with municipal funds where they shouldn't be used for a private benefit. We can do a joint letter from Town Hall and the tree warden declaring a tree a public shade tree for those that are unclear, and provide written information for the homeowner to prune/trim trees.

5. Town Administrator Report

TA- Read a question from the zoom chat- "what if the trees are unstable and seem inevitable to fall on a house as already happened at 52 Valley Rd" if you think there is an unhealthy tree , it needs work, or it needs to be removed etc, the tree warden can come look at it.

TA- An update on Nahant Road and Howe Road gas main work, the goal of National Grid is to be completed by December 22nd on Nahant Road. The new main should have been gassed in today, they have more services and tie ins to complete. Every street light has been converted, there are still some that need to be re-wired and a few more arm installations. The shields are approximately 3 weeks out, once the shields are in they will be installed where they need to be and where requested.

6. Citizens Forum

CJ Duncan-26 Prospect St- asked Why does Nahant want to change the Duck Hunting ordinance?

JA- We are not changing the Duck Hunting Ordinance, we are proposing the town vote to change the fire arms discharge limits off shore

CJ Duncan- How fare offshore are you thinking?

JA- We have not proposed the warrant article yet but further than the 300yds it is now

CJ Duncan- With the effective range of the shot gun shell why does it matter if its 300 or 150yds?

JA- Because there could be people in the ocean. It's the matter of protecting people, surfers, kite boarders, etc.

CJ Duncan- Are you planning on having a minimum distance from them to be from shore as well? Because they are both recreational activities?

JA- The bylaw we are talking about is discharging firearms

CJ Duncan- What jurisdiction does Nahant have over Broad Sound?

Dan Skrip- We are still trying to figure out where the town's boundary lies.

7. Adjourn

GC- Moved to adjourn the meeting at 8:16pm

JA- seconded

Roll call vote:

JA- yes

GC- yes

MC- yes

Meeting adjourned 8:16pm

Meeting Minutes prepared by Kristin Taylor Administrative Assistant on 12/7/20

Meeting Minutes approved by the Board of Selectmen on the _____ day of _____

Board of Selectmen

