

**Town of Nahant, MA**  
**Board of Selectmen**  
**Board of Selectmen Meeting**  
**Thursday, January 30, 2020 7:00 PM**

**Richard J. Lombard, Chairman**  
**Joshua A. Antrim, Recording Secretary**  
**Antonio Barletta, Town Administrator**

**1. Meeting Opening 7:00 pm**

Pledge of Allegiance

Opening Comments

a. Swearing In - Selectmen

Town Clerk Margaret Barile swore newly elected, Mark Cullinan, in as a Nahant Board of Selectmen

Mr. Cullinan- made a motion; to have the Town Administrator send a letter to Northeastern University asking them to provide (5) day prior notice for any significant work event at Northeastern.

Mr. Antrim seconded

Discussion

Mr. Antrim I would just like to clarify the number of days

Mr. Cullinan- 5 working days

Unanimous vote in favor

Mr. Cullinan made a motion; to setup a meeting with KP Law to meet in Executive Session to discuss litigation.

Mr. Antrim seconded

Unanimous vote in favor

Mr. Lombard- on behalf of the Board he would like to congratulate Mark Cullinan.

Mr. Lombard read aloud the opening comments;

b. Winter “Red” and “Blue” light graphics are now on both the Town and Police website homepages:

i. Red Light = winter parking ban is in effect

ii. Blue Light = snow emergency is declared

c. Water bills mailed out 1.24.20. Due 2.24.20

d. Excise bills mailed out 1.28.20 Due 2.27.20

**2. New Business**

a. Approve Meeting Minutes from Board of Selectmen’s Executive Session on December 5, 2019

TA Minutes are being tabled until the next Board of Selectmen meeting.

b. Wright Pierce Presentation

TA- Our sewer infrastructure is at the top of our priority list. In 2017 the Town experienced two breaks on the Lynnway totaling about 1.6 million in repairs. In 2018 at Annual Town Meeting the Town authorized the Town to borrow \$4 million to tackle sewer infrastructure needs and beginning an assessment of our sewer main. Last year we experienced another break on the Lynnway to the tune of \$300,000 and just in Aug/Sept of last year we had another break at the Willow Road at the Wharf pump station area (another break that cost the Town \$100,000). This issue is costing the Town significant amount of money over the past few years. We bid out and hired Wright Pierce to look at our force mains & options to consider. Tonight they will present those findings of

their assessment. This will be a borrowing article at this year's Town Meeting. Secondly repairs to our main pump station at Ward Road is probably our most critical need.

TA Mentioned that presentation would be added to the Town website for folks at home who would like to review.

Tom Simbro and Andrew Smith from Wright Pierce presented their findings of the Town's Force Main Assessment.

TA discussed options in further detail after the presentation.

The Board, Wright Pierce Representatives and TA discussed the presentation, findings from assessment and Lynn Water Sewers predicted upcoming changes.

c. Close the Warrant

Mr. Cullinan made a motion; I move that the Board of Selectmen vote to close the Annual Town Meeting Warrant as of tomorrow, January 31, 2020 as stated in Section 3 of Article 2 of the General Bylaws.

Seconded by Mr. Antrim

Mr. Antrim- is there a time at 5pm or?

TA- No, anything received by midnight tomorrow will be considered. If it is a citizen's petition the signatures have to be approved by the Town Clerk. The Board of Selectmen have the availability to open and close the warrant beyond this date.

Unanimous vote in favor

d. Approve the Event Request for a Puppet Show on February 19, 2020 from 10:30am-11:30am at Town Hall

Mr. Antrim made a motion; I move that the Board of Selectmen vote to approve the event request from the Nahant Public Library to host a Puppet Show on February 19, 2020 from 10:30am-11:30am at the Nahant Town Hall.

Seconded by Mr. Cullinan

Unanimous vote in favor

e. Approve the Event Request for an Animal Show on April 22, 2020 from 10:30am-11:30am at Town Hall

Mr. Cullinan made a motion; I move that the Board of Selectmen vote to approve the event request from the Nahant Public Library to host an Animal Show on April 22, 2020 from 10:30am-11:30am at the Nahant Town Hall.

Seconded by Mr. Antrim

Unanimous vote in favor

f. Community Preservation Committee Appointment

Mr. Cullinan made a motion; I move that the Board of Selectmen vote to appoint Austin Antrim to the Community Preservation Committee for a term of one year and thereafter a term of three years.

Seconded by Mr. Lombard

Unanimous vote in favor (Mr. Antrim abstained from voting)

g. Open Space Committee Appointment

Mr. Cullinan made a motion; I move that the Board of Selectmen vote to appoint Nancy Cantelmo to the Open Space and Recreation Plan Committee for a term of 1 year

Seconded by Mr. Antrim

Unanimous vote in favor

h. Approve Annual Lobster Trap Leases

Mr. Antrim made a motion; I move that the Board of Selectmen vote to approve the attached Lobster Trap Storage Leases as presented and further, that the release of said leases are subject to the payment of all outstanding fees, fines, and payment to the Town of Nahant

Seconded by Mr. Cullinan

Unanimous vote in favor

i. Tree Hearing

Mr. Antrim made a motion; I move that the Board of Selectmen open the Tree hearing as noticed in the Lynn Daily Item on January 15, 2020 and January 22, 2020 per Section 3 of Chapter 87 of the Massachusetts General Laws.

Seconded by Mr. Cullinan

Unanimous vote in favor

Mr. Lombard has opened the hearing for the removal of the tree in front of 22 Forty Steps Lane. People who are in favor of keeping the tree will speak first and then those who are against taking the tree down will speak.

Thomas O'Shea 22 Forty Steps Lane- spoke about his concerns related to the tree in front of his property. He spoke in favor of taking the tree down.

Mr. Lombard- asked for those against taking the tree down to speak.

Julie Tarmy 34 Forty Steps Lane- stated that she is in the middle. During the October storm a branch fell and blocked the street from cars passing through. Some of these branches have taken the power out. She is unaware of the health of the tree. She is in favor of trees but feels this tree needs to be looked at.

Debbie Vanderslice 368 Nahant Road- Wondering why people are coming to the Board. Is this a Town owned tree as opposed to someone's property?

TA- yes, it's a public shade tree on Town property.

Marc Carbone (Town Tree Warden)- This is a very large tree and it's the Town's tree. It is healthy- still growing with a very strong trunk. This tree has been pruned up in recent years. His feelings are that the tree should be kept and made safe.

Mr. Cullinan- You have been a Massachusetts certified arborists for over 30 years. What is the diameter of the tree?

Mr. Carbone – Its got to be over 70 inches. It is considered by the state of Massachusetts as a heritage tree.

Mr. Cullinan- what type of tree is it?

Mr. Carbone- an red oak tree

Mr. Cullinan- how did we determine that this tree is in a right of way?

Mr. Carbone- I looked at the street with property lines, resident fences and you can tell it is within the buffer zone of the street and the property lines.

Mr. Lombard- discussion with the Board

Mr. Antrim- Its hard to disappoint a resident but in his perspective we have to consider the benefit to the community. It's a tree that belongs to the community. He would personally like to keep the tree.

Mr. Cullinan- He supports the recommendation of the Tree Warden

Mr. Lombard- Wants to go along with the recommendation of the Tree Warden as well.

TA Thinks that we could have our Tree Service contractor take a look for any dangerous limbs to be removed. We typically do this in the springtime anyway.

Mr. Cullinan made a motion; I move that we support the Tree Warden and keep the tree.

Mr. Antrim seconded the motion

Unanimous vote in favor

### **3. Ongoing Business**

### **4. Town Administrator Report**

#### **a. Parking Sticker Contest**

The Johnson Elementary school held a contest with five different colors for 2020 parking sticker's color. They ended up picking Lemonade. Thank you to the students at Johnson Elementary School.

#### **b. Mosquito Control**

TA Mosquito control will be coming into Town in the next month of so to do some ditch maintenance. Waiting for ground to get a frost.

We receive state aid that we deposit funds into the mosquito control program. It's percentage based and in Essex County, Nahant puts the lowest percentage into mosquito control. However, they try to split their budget evenly throughout the communities. We had them come out and walk the entire ditch system and placed them on a five year plan. They can do about 500 ft of clearing in Town. DPW can provide assistance under their permit and can extend the amount of work within reason. This year we are targeting the ditch system in the golf course that goes along the right hole.

Mr Cullinan- what do they do with the dredge material?

TA- we have to remove it. We will have to de water it and put it down at the compost site.

Mr. Cullinan is the Nahant Thicket area being scheduled to be dredged as well? Have you talked to Audubon about that or have they approached you?

TA We have not. The last I have is the work that they were claiming to do in the thicket and they may be including some vegetation removal. We believe that Audubon owns that ditch system in there. It does tie into the Town's outfall pipe. We want to target some of the other main systems first.

\*A brief discussion about ditch work took place between the Board.

\*TA explained the permitting process regarding Mosquito Control.

#### **c. Cell Tower**

TA There was work this past week and continuing this week behind the police station, at the top of the cell phone tower. They are removing the top 30 ft of tower and replacing it. Also doing some maintenance work. February 10<sup>th</sup> they will continue some upgrade work to the tower.

Mr. Cullinan- I believe in their permitting, there was an issue about the antennae wraps around or sticks out. I would suggest checking into it.

d. AirBnB

TA We talked about this at the last Board of Selectmen meeting. We've had some complaints from folks here in Town about AirBnBs. Town Council, Dan Skrip has looked into it. We are not prepared to have a vote tonight. It is probably going to require a Town meeting vote. That conversation is around regulations, there is a local community impact fee. There are a number of options for us to consider.

Town Council- Dan Skrip- we have the ability to regulate and require licenses. Other Towns have done this. As of now they are required to register with the state, but not locally.

A brief discussion regarding AirBnBs between the Board and TA took place.

## 5. Citizen's Forum

Vi Patek 172 Willow Road- Thanked the Town for the electric sign. Would like the board to explain how this sign works.

TA Its solar power energy. It does record data but you have to download the data from the sign itself.

Bill Mahoney 179 Willow Road- Last June Northeastern came to East Point and started clearing testing (over 30,000 sq ft of turf). As of yesterday they are back at the tree cutting. There was no need to take those trees down. I think the Town should look into this. They did not come to the Planning Board with their testing plans.

Mr. Lombard notified Mr. Mahoney that the Board passed a motion earlier in the meeting regarding a 5 day notification prior to any future work.

Mr. Cullinan- I have asked the Town Administrator to set up meetings with Town Council and outside council so that we get a handle of which who has jurisdiction over this; i.e planning board, building inspector. One of the questions that I have heard is; can the Building Inspector stop the clearing? Findings are maybe not. That may be addressed in our Storm Water By-Law. We are looking into that. There may be an issue in terms of drilling. Again these are some legal questions. I just want to make sure that we are on sound legal footings before we take action. But we do plan on taking action.

**Peter Rogal 391 Nahant Road-** 87% people voted for the amendment to the wetlands bylaw. If we take that percentage, our Selectmen and Town Council should be impressing the voice of the people which is to fight this vigorously. We are very anxious for you folks to have a unified voice with the people. 87% of the Town is waiting for you all to take action.

**Michelle Capano 29 Ocean Street-** On December 18<sup>th</sup> there was a Conversation Commission hearing with Northeastern to talk about the work that they were proposing. ConCom made an agreement with Northeastern for a five day notice. My understanding is that Northeastern provided that notice on January 17<sup>th</sup> and that allows them to do the work that they started this week. My understanding also from that notice is that they are going to do their drilling on February 3<sup>rd</sup>. I think the most of us are struggling with the lack of communication and instruction by the Town Administrator and the Board of Selectmen to all the department heads and committee heads to make sure that if they are interacting with Northeastern, that they are communicating that with you. Our boards work very hard for us, but I think that there needs to be that clear path of instruction going forward.

Alice Court 7 Valley Road- There are a couple of issues that need oversight by the Town. My understanding for this entire project with regards to testing, they are only allowed to clear 1.0 acres of land. This would include the Canoe beach project. I am hoping that our Town people will be measuring this and we are not just taking their word for it. Do we know if they are being honest with us.

**Julie Tarmy 34 Forty Steps Lane-** Would like to add to that question; before clearing, aren't they also supposed to do an archaeological study? I don't think that they have completed that yet, but they aren't supposed to be doing any clearing until they complete that study.

**Alice Court 7 Valley Road-** I'm addressing Julie's question; the Northeastern lawyer claimed that what they would be doing (clearing wise) was so minimal that the archaeological study could wait, since the clearing wouldn't impact it. Once again, my feeling is that lawyer was minimizing what they would be doing and no one is checking what they are actually doing.

**Mark Patek 172 Willow Road-** I was also at that hearing, they said that they need 2,000 sq ft. Total amount of disruption in order to do their tests.

Mr. Antrim- we need to get up there tomorrow and measure and see if we are close to that once acre. To your points Michelle, we do need to do a better job communicating. To your point Peter, I am opposed to expansion of Northeastern.

**Peter Rogal 391 Nahant Road-** We have some evidence that they may have dug out more than an acre. Why not go up there and say, you can't do anything because of Selectmen, TA and lawyers believe that you are in violation.

TA The Building Inspector has been advised not to make any action until notifying us if he receives any sort of application.

Mr. Lombard- to your point Peter, the Board is completely against the expansion.

Town Council- Dan Skrip-(with regards to what the court issued and what Northeastern is allegedly actually doing) If the court issued an order and they are violating that order, we would go right back to that court with an emergency motion for a preliminary injunction, but we would need hard evidence that previous orders are being violated.

**Donna Steinberg 33 Winter St-** on the first motion that Mr. Cullinan made about Northeastern notifying Town Hall about any work; I think we use the word "extensive". I just want to look at that one word and for us to be clear that they don't take that beyond what we really mean. Maybe use "any work".

**6. Adjourn to Executive Session- Pursuant to G.L. c. 30A, §21(a)(6) to discuss the lease and valuation of real property – Kelley Greens Golf Club, 1 Willow Road, Nahant.**

Mr. Lombard- We will be adjourning from regular session and going into executive session pursuant to G.L. c. 30A, §21(a)(6) to discuss the lease and valuation of real property – at Kelley Greens Golf Club at 1 Willow Road. While I am in open session and after the chair declares an executive session is necessary to protect the Board of Selectmen, negotiating position this motion should be made to enter into executive session.

Mr. Lombard made a motion; I move to go into executive session to consider the lease and valuation of real property- Kelley Greens Golf Club 1 Willow Road Nahant, MA and to not reconvene into regular session.

Seconded by Mr. Antrim

Unanimous vote in favor

Meeting adjourned 9:15 pm

Meeting Minutes prepared by Bobbie-Jo Blair, Administrative Assistant

Minutes approved by the Board of Selectmen on the \_\_\_\_\_ day of \_\_\_\_\_ 2020.

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Board of Selectmen