

Town of Nahant, MA  
Board of Selectmen

Meeting Minutes  
Wednesday, June 5, 2019 7:00 PM

Richard J. Lombard, Chairman  
Francis J. Barile, Vice Chairman  
Joshua A. Antrim, Recording Secretary  
Antonio Barletta, Town Administrator

Attendance: Richard J. Lombard, Francis J. Barile, Joshua A. Antrim & Antonio Barletta (TA)

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

Pledge of Allegiance- Led by Chairman, Richard J. Lombard

a. Opening Comments-

Mr. Barile: Thanks TA and Mr. Zachary Taylor for fixing the sewer break as fast and efficiently as they did.

Mr. Lombard: Thanks to the Memorial Day Committee for an outstanding parade.

**2. Citizen's Forum**

Michael Manning- Presents a small petition requesting a warrant article- the petition does request it goes under the same supervision as the other material that goes through to the Planning Board. Mr. Manning gives TA and the three Board of Selectmen (BoS) a copy of the petition signed by nineteen citizens of Nahant.

Sharon Hawks- Nahant Public Library- the 200th celebration is on Saturday, June 1, 2019. She would like to thank everyone who participated, donated, came from the senator and the state legislator.

Peter Rogal- 391 Nahant Road- Mr. Rogal emphasizes that he wants to know the truth about Northeastern. He asks the question of “why would any Town official support Northeastern?”

Mr. Lombard- Explains that the T.A and the BoS have been talking to Northeastern and hearing what they have to say. Nothing has been done and it is all a communication thing.

Bill Mahoney- 179 Willow Road- Talks about Northeastern's ENF. He mentions the seventeen commercial lobstermen, who are against Northeastern. He states that the lobstermen "cannot be bought by a promise".

Michelle Capano- 29 Ocean Street- She asks if the BoS would read aloud, for the record, the petition that Mr. Manning presented. She brings up the meeting minutes that have not been posted yet and she would like them to be. She states that the minutes haven't been posted on Town website since October 2018.

Richie: Very surprised that not all of the minutes have been posted yet and he agrees to read the petition out loud.

Tony: Says that the minutes have to get typed up and approved by the board and makes it clear that it wasn't intended as disinformation the residents.

Paul Sperrn- 36 Maolis Road- brings up the sewage break in Lynn. He is hoping that the TA would address these following points. 1. What is the status of the sewage line? 2. Who owns it? 3. Who maintains it? 4. Who is responsible for repairs? 5. What's the Town's relationship to the city of Lynn? 6. Does Lynn have responsibilities regarding contractors who may be doing construction in that area? His concern is the critical issue to clarify in terms of limiting the Town's liability and seeing who else is responsible for the proper maintenance of this line. He also brings up that the town got a telephone notification for the break but no updates after on how it went.

TA: Explains that they didn't finish the repair until 3:00 am and around 5:00-6:00 am he posted on the Facebook page and the Town's website, but did not put out a phone call that morning. He states that code red is the best and fastest way to keep people informed on what is happening.

Mr. Barile: Answers by telling the residents that the town of Nahant owns the pipeline from lowlands all the way to Lynn. The break was very close to where the last break was.

TA: Explains step by step what happened from the beginning of that Monday morning starting around 7:00 am. He lists all of the companies involved in fixing this break. He states that they broke ground around 2:00 pm. And it wasn't until around midnight when everyone started fixing and working on the pipe. He explains that the pipe is right next to an electrical conduit. Thankfully because of the last break the Town had extra materials from the last break that were used to help fix this break. TA explains that he has detailed notes of what happened, when crews started showing up, when agencies were notified; and he explains the next step is an after action meeting to discuss if there are any improvements to make. He makes a point that Mr. Zachary Taylor, the new DPW superintendent, started that Monday and he was there until 3:00 am. The next step was

hiring Wright Pierce, to help provide the Town on recommendations with a cost estimate, different approaches on how to solve an issue like this, if it happens again. He explains from the Lowlands to the Rotary; the pipe is a straight line pretty much, from the Rotary through Lynn, the pipe goes up down and side to side and there is a lot of utilities which caused the corrosion issue. The most critical segment of the sewer main is from the Rotary to Lynn Water Sewer and between those two points, there are electrical conduit.

Mr. Barile: Asks the question about the direction of the pipe

T.A.: Talks about Wright Pierce and how they are going to have a sit down meeting with them and the DPW Superintendent to talk about the assessment the Town is supposed to be receiving by September. This is also including the cross harbor option which is an assessment of feasibility. It holds a significant amount of money to it. A lot of the assessment process is expensive because they are going down in the manholes. Wright Pierce is going to look at the pipe and are testing the thickness but the question is, at what point? Spending a bunch of money on assessment, to make a decision best for the Town or do you just get right into the design? There could be a scenario where the cheaper option is to just fix the most critical areas along the Lynnway or does the Town go right into a design phase of putting a brand new plastic pipe from the rotary to Lynn Water Sewer where we might end up being anyways? Best management practices approach is to get the assessment done first or make an educated decision? TA declares he's going to schedule a meeting in the coming weeks. TA confirms with Paul Sperrn- 36 Maolis Road it answered all of his questions.

Paul Sperrn- 36 Maolis Road- speaks from crowd (inaudible).

TA explains that the development on the Lynnway haven't begun the process yet of running utilities to the site and how he doesn't know where it is going to be placed, how close it will be or if the pipe is at risk of anything. But if Lynn breaks the pipe they are responsible to fix it. TA admits it is hard to prove electrolysis and because it is hard he doesn't know if the Town could go after the electrical company for that liability.

Mr. Barile explains how the pipe was put in during the 70's, they did not have all the electrical conduits it has now, which is a major problem with any sewer line. Mr. Barile suggests that the TA talk to the people doing the utilities and see if they can deal.

TA States that part of the process with Wright Pierce is looking at different alternatives of financing, grants, regional approaches.

Mr. Barile states when they put the utilities in from the new condos there is going to be a huge hole on the Lynnway.

TA agrees with Mr. Barile and explains they are considering all options.

Thomas Costin- 54 Maolis Road- wants to talk about history of the Town of Nahant and the history of Northeastern. Do not put a price on something that is priceless.

Jennifer McCarthy- 19 Range Road- wants to say Northeastern cannot be trusted. They came to the Town at first saying 60,000 square foot building, last week (before this meeting) they put out literature saying they are going to reduce it to 55,000 sq ft., now they have filed paperwork this week that says 61,664 sq ft will be put at East Point.

T.A explains he reached out to Northeastern with the same confusion about the 61, 664 sq ft and Northeastern explained that the total square footage is a combination of the 55,000 sq ft building and the pump house that they are moving off the beach which is around 6,000 sq ft.

Alice Court- 7 Valley Road- wants to remind people in December 2018 Ralph Martin invited the residents to ask questions and Susan Solomon and herself, 10 days later, wrote to Northeastern. Alice Court gave copies of this letter to the BoS and TA. One of their questions was “what is Northeastern University’s history of support from Nahant and the plan of the future?” It is our understanding four half scholarships may be awarded to Nahant residents annually, provided they are qualified students enrolled at it and Northeastern is this correct and how many years have these scholarships actually been paid out? Would the students have been eligible to receive other scholarships and if enrolled otherwise and what other instance does Northeastern provide to the Town schools, organizations, etc. and what is perceived to be the monetary value of that assistance?” She states Northeastern’s response which they gave to the numerous questions 6 weeks later but they chose not to answer any of those questions about their history of support and what she has heard from history of living in Nahant was that although they promised scholarships when they first started 50 years ago, it took 30 years before they got started on them at all. After watching meeting 2 weeks ago she now knows they are only acknowledging having given 2 half scholarships per year. Also they have been giving \$25,000 to Johnson School per year. She claims Northeastern owes Nahant money they should have been paying for the last 50 years.

Ron Petrucci- 52 Nahant Road- put a sign on his property, neighbor called police on him, told him to take it down, he did and he moved it, it was a love Nahant sign. He signed the petition. “As a resident especially after the sewer break, the tax hike that the Town is in a deficit; who plans to pay for this lawsuit that Northeastern will bring with both guns blazing?” He needs, along with other residents, clarity on the situation and the money.

Mr. Lombard: Explains they have to go into executive session after this open session and they'll discuss some personnel issues with the labor attorney who is from KP Law; which is part of their Town's current law firm and Town council.

Ron Petrucci- 52 Nahant Road- Explains he just wants clarity.

Mr. Lombard explains that the T.A and BoS aren't there yet with Northeastern about lawsuits and things along those lines.

Bill Mahoney- 179 Willow Road- speaks from crowd (inaudible).

Christian Bauta- 3 Swallow Cave Road- Responding and agreeing with Ron Petrucci- 52 Nahant Road and Peter Rogal- 391 Nahant Road: if money is an issue for the Town, come to the residents, he explains to the T.A and BoS. So all of the community can come up with a solution.

James Walsh- 33 High Street- He hopes the Town will hire a professional person who can assess the cost of the impact on the infrastructure down Nahant Road around 40 Steps getting down to East Point. Mr. Walsh thinks there is going to be a million tons of material that will come down that street, around the corner, into Northeastern. If we have big trucks coming through that area the wear and tear on that infrastructure. He thinks the potential cost of repairing the damage that would be done, would far exceed anything about the legal costs. He thinks it would be millions of dollars.

Mr. Lombard: Reads the petition, Michael Manning presented with the signatures of the (underground citizens) for the record.

### 3. **New Business**

- a. To submit to the Planning Board an article:

Mr. Antrim made a motion: I move that the Board of Selectmen vote to amend the Zoning Bylaw pursuant to M.G.L c. 40A, Section 5. Sections to be amended under the Proposed Article include the definition of Nonprofit Religious or Educational purposes and the Table of Use Regulations in one or more respects.

Seconded by Mr. Barile for further discussion

Mr. Barile: The Planning Board presented this last night and he wants to make it clear that Mr. Chairman of the Planning Board was mentioning that the T.A & BoS "dead end this and killed it." Mr. Barile explains that they can't kill it because they have to send it back to the Planning Board by right for them to have a public hearing and people to vote it and they have to vote on it and then it goes to a Town meeting. So with a formality for the BoS and TA to send it back to the Planning Board.

Mr. Antrim- Adds words for clarity as to what the BoS and TA do, send back to Planning Board then the Planning Board holds open hearings on the proposed by-law change. Only one public

hearing. If it gets voted to be put forward by the Planning Board then it goes to the Town at a Town meeting and it would have to be passed by a 2/3 vote to make the change.

Mr. Barile- Adds that it has to be a special Town meeting because the Town only has a certain amount of time once they have the public hearing.

Mr. Lombard- Expresses to take a vote on the motion and make a motion to send it back to the Planning Board.

Motion passes in favor 2-1

TA explains about how the motion has to go back to the Planning Board.

Mr. Lombard- Brings up petition brought up by Mike Manning.

Mr. Barile- suggests that the BoS presents the petition to the Planning Board

TA Disagrees with Mr. Barile and states that citizens can submit to the BoS then the BoS have to send it to the Planning Board.

Mr. Barile argues that the petition was not on the agenda so he doesn't know how the BoS and TA can do anything about it.

Mr. Lombard Wants to make a motion on Mike Manning's petition

Mr. Antrim: Wants to check and make sure because it is not on the agenda.

Mr. Lombard: States it was given away at the open meeting.

TA States the law that says the Board of Selectmen have to submit it within 14 days and the next meeting is 14 days from now (June 5<sup>th</sup>) and he suggests to see if they can put it on the next Board of Selectmen meeting agenda

Mr. Barile agrees with TA and the best way to do it is to put it on the next Board of Selectmen meeting (June 19<sup>th</sup>) agenda.

Mr. Lombard: Emphasizes that they should do it tonight.

TA Emphasizes that it wasn't on the agenda for tonight's Board of Selectmen agenda and it was just submitted to them tonight.

Mr. Lombard: States that it was petitioned by a citizen that night

TA States he thinks Mr. Lombard can do it but it's a formality of sending it to the Planning Board first.

Peter Rogal: 391 Nahant Road- wants to know what specifically Mike Manning's petition is asking to do.

Mr. Antrim: States that Mr. Lombard just read the petition out loud for record, but he would be more than happy to read the part, section that Mr. Manning was trying to propose.

Peter Rogal- 391 Nahant Road- Talks from crowd (inaudible).

Mr. Antrim: Answers Peter Rogal's question.

Mr. Lombard: agrees with Mr. Antrim and states this is the first time they've all read it.

Peter Rogal: 391 Nahant Road- Explains what he is understanding about the situation

Mr. Lombard: Explains it in detail to him what the situation is.

Mr. Barile- States that this meeting is not the place to discuss this matter

Mr. Lombard- Disagrees and he just wants to clarify.

b. Accept a gift of beach boardwalk material

Mr. Barile- Made a motion; I move that the Board of Selectmen vote to accept the gift of a beach boardwalk material.

Mr. Antrim Second

Mr. Lombard States that the motion has been seconded for discussion, "hearing all of those in favor say so by saying aye".

Mr. Antrim: because they didn't discuss the motion

Mr. Barile: Agrees with Mr. Antrim because he had some words about it as well.

Mr. Antrim: Inquired about the boardwalk; i.e what is the material, where is it going, etc.

TA: States that Mr. Pertucci has donated to the Town a boardwalk that can be used to properly access the beach. Lists the regulations they still have to go through before starting this project.

Asks Mr. Pertucci if he would like to say a few words about it.

Ron Pertucci- 52 Nahant Road- explains where it's going, why it's going there and why he is doing this.

TA States he has talked to Kristin Kent of ConCom and she recommended this boardwalk for this specific end of the beach.

Ron Pertucci- 52 Nahant Road- Gives the measurements and how durable it is.

Mr. Lombard: Asks the question if the walkways have been inspected yet. Also discusses with Mr. Pertucci: he'll want to shut it down completely if people are falling down and getting hurt.

Mr. Pertucci- 52 Nahant Road: States that the goal is to prevent that so building the boardwalk would help out the Town a lot.

Mr. Lombard: Asks how long would it take to put the boardwalk in?

TA Answers and explains that it is not going to take long. 10 ft long pieces, 4 pieces. All they really have to do is decide where it's going to get placed

Mr. Lombard: States he has no problem with this project.

Mr. Barile: Commends him; thanks Mr. Pertucci and Mr. Long  
Mr. Lombard: All of those in favor single so by saying aye  
Unanimous vote in favor

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

Mr. Lombard: Tells residents again what part of the pipelines in the sewer we own and briefly explains what happens.

TA- States the financial side of each break the pipe has had.

Mr. Barile: Thinks it is important that people know what the costs are and that those expenses should be out in the public.

Mr. Antrim: Asks TA if they will have the meeting with the engineering firm in the next couple of weeks.

TA: States that they have to do an after action meeting. To let Wright Pierce analyze it and then the TA will talk to them next week and have them talk to the BoS. But he doesn't want to commit to a timeframe just yet.

Daniel Burmann- Spring Road- Asks if they considered what the impact would be on the sewer line?

Mr. Barile: Answers and states the pipe is a straight shot down the causeway so he doesn't believe there is a problem in that location.

TA explains why he thinks it is that specific spot on the Lynnway.

Daniel Burmann- Spring Road- Restates his first question

TA States "short answer, probably not".

Mr. Barile: DCR are going to do an analysis of going across the causeway from the bath house straight to Lynnway.

Edward Goodrich: 77 Lennox Road- Makes reference to the Town's rights-of-way and how the deeded Town property has been misappropriated built upon over the years. He states that he has mentioned this to the Planning Board on numerous occasions and he has presented packages to the BoS.

Mr. Barile: Has spoken to Edward Goodrich-77 Lennox Road- in the past and understands what he is saying. He states that Zach Taylor should have the summer kids go around to all the right of ways and paint public right away and put sign up. Mr. Barile claims people

can't come into these meetings and start taking rights of ways from the Town. And he wants something done with this right-of-way.

Mr. Lombard: Claims we have to take it back somehow and notify the attorney's to write up a letter.

TA: Also has spent time with Edward Goodrich- 77 Lennox Road- and he completely agrees with him.

Mr. Barile: Putting signs up and painting those right-of-ways is a good idea.

TA Seconds it

Mr. Antrim: Claims the Open Space Committee runs that.

Mr. Barile: Claims it has to be dealt with Edward Goodrich- 77 Lennox Road Claims not all situations require excavation.

TA Says that the Planning Board did a survey mapped out where each rights of ways were; letters were sent to each encroacher, former TA and supervisors had individual meetings with some of those people. Explains situation more.

Mr. Barile: Claims that it just needs to be stopped.

## 5. Ongoing Business

## 6. Closing Announcements

Mr. Lombard: Kipp is going to have a 10K road race at 8am on June 9<sup>th</sup>. Please anticipate a delay in traffic during this timeframe.

Mr. Barile: I hereby move to enter into executive session pursuant to Massachusetts General Laws Chapter 30A, Section 21(a)(3) to discuss strategy with respect to litigation.

Mr. Antrim: Second

Mr. Barile: In my opinion, discussing this matter in open session will have a detrimental impact on the Board's litigation position.

### 1. Adjourn:

Meeting adjourned 8:51pm

Meeting Minutes prepared by Bobbie-Jo Blair, Administrative Assistant

Minutes approved by the Board of Selectmen on the \_\_\_\_\_ day of \_\_\_\_\_ 2019.

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Board of Selectmen