

Town of Nahant
Annual Town Meeting Warrant
May 15, 2021

GREETINGS: In the name of the Commonwealth of Massachusetts, you are hereby required forthwith to warn the inhabitants of the Town of Nahant, qualified as the law directs, to assemble at the Flash Road Park, 67 Flash Rd, Nahant Massachusetts for the Annual Town Meeting on Saturday the 15th day of May, 2021, for to act on the Articles in this warrant at 12:00 p.m. that same day.

ANNUAL RESOLUTION JUDY ZAHORA 12:21pm 5/15/2021

I move that the Town adopt the following resolution:

Resolved, that the Town adopt the following rule governing motions and amendments made during the 2021 Annual Town Meeting:

Whereas, without an override, the amount to be raised by taxation, as recommended by the Advisory and Finance Committee, is expected to be \$11,121,209 for fiscal year 2022, and

Whereas, Proposition 2 ½ makes it unlawful for the Town to levy taxes in excess of \$11,121,209 for the fiscal year 2022, without a vote to override the limit,

Therefore, in order to insure compliance with the levy limit imposed by Proposition 2½, the participants of the 2022 Annual Town Meeting shall require that anyone introducing a motion at this meeting, which would result in increasing an appropriation above the amount permissible under the levy limit imposed by Proposition 2 ½, be obliged to specify the alternative means of funding, by giving names of other articles or accounts, excluding the Reserve Fund, and the amount by which the appropriated or recommended amount for such account or articles must be reduced, in order to fund the requested increase.

VOTED: Upon motion and duly seconded by Mr. Vanderslice unanimous vote in favor at 12:23pm 5/15/2021.

ARTICLE 1. (FY 2021 Transfers) To see if the Town will vote to raise and appropriate, and/or appropriate from available funds in the treasury, and/or transfer the following sums, or take any other action relative thereto.

MOTION 1: JOHN FULGHUM (FY 2021 Transfers) Majority vote

I move that the following sums are hereby appropriated for the Fiscal Year 2021 expenses as follows: \$1,074.50 for Community Preservation Administrative Expenses to be funded by available funds in the treasury (undesignated fund balance in the Community Preservation fund).

VOTED: Upon motion and duly seconded by Ms. Beatty vote 357 in favor 33 opposed at 12:24pm on 5/15/2021.

ARTICLE 2. (FY2021 Snow & Ice) To see if the Town will vote to raise and appropriate and/or appropriate from available funds in the treasury, and/or transfer from available funds, a sum of money for the FY2021 snow and ice account, or take any other action relative thereto.

MOTION 2: JOHN FULGHUM (FY2021 Snow & Ice) *Majority vote*

I move that the sum of \$153,487 is hereby appropriated for the Fiscal Year 2021 Snow and Ice Account; to meet this appropriation transfer from the following Fiscal Year 2021 accounts: \$70,000 from Health Insurance, \$41,487 from the Reserve Fund and \$42,000 from Water & Sewer Retained Earnings.

VOTED: Upon motion and duly seconded by Mr. Lewis vote 380 in favor 38 opposed at 12:26pm on 5/15/2021

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.

MOTION 3: DANA SHEEHAN (Prior Year Bills) *4/5^{ths} majority*

I move that the sum of \$4,103.72 is hereby appropriated for Previous Fiscal Years' Bills in the Fire Expense budget and the Selectmen's Expense budget; to meet this appropriation transfer from the following Fiscal Year 2021 accounts: \$600.00 from the Fire Expense budget and \$3,503.72 from the Reserve Fund

VOTED: Upon motion and duly seconded by Mr. Brown 4/5ths vote required 415 in favor and 18 opposed at 12:28pm on 5/15/2021.

ARTICLE 4. (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, 2021, or take any other action relative thereto.

MOTION 4: BOB VANDERSLICE (Salary & Classification Plan) *Majority vote*

I move that Article XIII, Section 5, Subsection B of the by-laws is amended for the Fiscal Year beginning July 1, 2021 by replacing the existing section with the section under part one as shown in the Report and Recommendations of the Advisory and Finance Committee as amended and presented by the Advisory and Finance Committee at Town Meeting.

MOTION 4a: CHRISTINE STEVENS, 78C Lennox Rd.; Chairman of the NAHANT Public Library's Board of Trustees:

I would like to amend the library's budget to add \$14,238 and I would like propose that it come from the "Unemployment Compensation, Life Insurance, Health Insurance, Medicare Tax, Essex Retirement Pension and Annuity." And I would ask that the town vote on a bottom line budget for the library as it has in the past (plan B & C; The Stabilization Fund, which has upwards of \$400,00 or minus it from the \$117,000.00 earmarked for a new Health Department)

VOTED: After a brief explanation and a discussion and clarification for both in favor and against this amendment to the original MOTION 4 a vote to amend the motion was duly seconded by a registered voter the vote was 310 in favor and 185 opposed at 12:43pm on 5/15/2021

VOTED: On the Amended Motion by Ms. Christine Stevens and duly seconded by Sharon Hawkes vote 383 in favor 103 opposed at 12:45pm on 5/15/2021

ARTICLE 5. (Compensation For Elected Positions) To see if the Town will vote to fix the salary and compensation of all elected officers of the Town, as provided by Section 108, Chapter 41 of the General Laws, as amended, and raise the money therefore, or to take any other action thereto.

MOTION 5: BOB VANDERSLICE (Compensation For Elected Positions) *Majority vote*

I move that the salaries of the following elected officials are fixed for the Fiscal Year beginning July 1, 2021:

Selectmen at the annual salary of	\$1.00
Constable at the annual salary of	\$50.00
Assessors at the Annual Salary of	\$1.00
Town Clerk at the annual salary of	\$61,851.00

VOTED: Upon motion and duly seconded by Mr. Tarmy vote 451 in favor and 26 opposed at 12:46 pm on 5/15/2021.

ARTICLE 6. (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, 2021, or take any other action relative thereto.

MOTION 6: JOHN FULGHUM (Omnibus) *Majority vote*

I move that the Town transfer the sum of \$555,111 from Free Cash, \$60,000 from Overlay Surplus and raise and appropriate the following sums of money for the fiscal year beginning July 1, 2021: **12:46PM 5/15/21**

Moderator	
General Expenses	\$60

Selectmen	
Salaries/Wages	3
General Expenses	142,400

Public Health	
Salaries/Wages	97,500
General Expenses	20,000

Town Administrator	
Salaries/Wages	231,767
ADA Coordinator	500
General Expenses	30,650
Capital Outlay	2,900

Of which \$2,900 is funded from Free Cash

Finance Committee

General Expenses	9,960
Town Accountant	
Salaries/Wages	172,659
General Expenses	9,217
Assessors	
Salaries/Wages	99,751
General Expenses	64,000
Treasurer/Collector	
Salaries/Wages	129,285
General Expenses	63,400
Capital Outlay	1,400
<u>Of which \$1,400 is funded from Free Cash</u>	
Town Counsel	
Annual Fee	55,000
Town Hall	
Salaries/Wages	31,580
General Expenses	47,500
Capital Outlay	10,000
<u>Of which \$10,000 is funded from Free Cash</u>	
Data Processing	
Salaries/Wages and General Expenses	199,836
Town Clerk	
Salaries/Wages	70,778
General Expenses	15,800
Capital Outlay	1,400
<u>Of which \$1,400 is funded from Free Cash</u>	
Election/Registration	
Salaries/Wages/General Expenses	15,559
Conservation Commission	
General Expenses	1,260
Planning Board	
General Expenses	2,650
Zoning/Board of Appeals	
General Expenses	2,900

Police Department

Salaries/Wages		1,369,268
General Expenses	PASS	151,564
Capital Outlay		65,875

Of which \$65,875 is funded from Free Cash

Fire Department

Salaries/Wages		1,023,785
General Expenses		177,300
Capital Outlay		25,000

Of which \$25,000 is funded from Free Cash

Inspectional Services Department

Salaries/Wages and General Expenses		18,165
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Building Inspection

Salaries/Wages		18,446
General Expenses		7,000

Plumbing/Gas Inspection

Salaries/Wages		7,064
General Expenses		950

Wiring Inspection

Salaries/Wages		7,064
General Expenses		950

Emergency Management

Salaries/Wages		9,372
General Expenses		6,376

Animal Control

Salaries/Wages		10,183
General Expenses		3,990

Parking Clerk

Salaries/Wages		6,750
General Expenses		14,240

Harbormaster

Salaries/Wages		3,391
General Expenses		7,280

Wharfinger

Salaries/Wages		1,982
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General Expenses		1,752
Capital Outlay		8,000
<u>Of which \$8,000 is funded from Free Cash</u>		
School Department		
Salaries/Wages and General Expenses		3,838,794
Transportation		218,948
Debt Service		353,600
Essex North Shore Agricultural & Technical School Assessment		188,428
Public Works Department, includes Public Works administration, highways & streets, beaches & parks, cemetery, and overhead		
Salaries/Wages		223,852
General Expenses	PASS	225,183
Capital		37,500
Debt Service		80,619
<u>Of which \$37,500 is funded from Free Cash</u>		
Public Works, Snow & Ice		30,000
Council on Aging		
Salaries/Wages		42,652
General Expenses		15,950
Veteran's Agent		
Salaries/Wages		8,405
General Expenses		38,575
Library		
Salaries/Wages	PASS	171,689
General Expenses		70,734
Recreation, General		
Salaries/Wages/General Expenses		3,152
Recreation, Sailing		
Salaries/Wages/General Expenses		5,650
Recreation, Tennis		
Salaries/Wages/General Expenses		2,880
Memorial Day Committee		
General Expenses		7,500

Fourth of July Committee	
General Expenses	2,300
Beautification Committee	
General Expenses	2,150
Military Houses	
General Expenses	86,320
General Debt Service	
Principal and Interest	381,641
<u>Of which \$225,036 is funded from Free Cash and \$60,000 is</u>	
<u>funded from Overlay Surplus</u>	
Unemployment Compensation, Life Insurance, Health Insurance, Medicare Tax, Essex Regional Retirement Board, Pension and Annuity expenses	2,056,760
Insurance Committee	
General Expenses	303,528
Retirement Account	50,000
Reserve Fund	250,000
<u>Of which \$178,000 is funded from Free Cash</u>	
Moderator	
General Expenses	\$60
Selectmen	
Salaries/Wages	3
General Expenses	142,400
Public Health	
Salaries/Wages	97,500
General Expenses	20,000
Town Administrator	
Salaries/Wages	231,767
ADA Coordinator	500
General Expenses	30,650
Capital Outlay-Copier	2,900
Finance Committee	
General Expenses	9,960
Town Accountant	
Salaries/Wages	172,659
General Expenses	9,217
Assessors	
Salaries/Wages	99,751

General Expenses	64,000
Treasurer/Collector	
Salaries/Wages	129,285
General Expenses	63,400
Capital Outlay-Copier	1,400
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Town Hall	
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General Expenses	47,500
Capital Outlay	10,000
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Salaries/Wages and General Expenses	199,836
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Salaries/Wages/General Expenses	15,559
Conservation Commission	
General Expenses	1,260
Planning Board	
General Expenses	2,650
Zoning/Board of Appeals	
General Expenses	2,900
Police Department	
Salaries/Wages	1,369,268
General Expenses	151,564
Capital Outlay	65,875
Fire Department	
Salaries/Wages	1,023,785
General Expenses	177,300
Capital Outlay	25,000
Inspectional Services Department	
Salaries/Wages and General Expenses	18,165
Building Inspection	
Salaries/Wages	18,446
General Expenses	7,000
Plumbing/Gas Inspection	
Salaries/Wages	7,064
General Expenses	950
Wiring Inspection	
Salaries/Wages	7,064
General Expenses	950
Emergency Management	

Salaries/Wages	9,372
General Expenses	6,376
Animal Control	
Salaries/Wages	10,183
General Expenses	3,990
Parking Clerk	
Salaries/Wages	6,750
General Expenses	14,240
Harbormaster	
Salaries/Wages	3,391
General Expenses	7,280
Wharfinger	
Salaries/Wages	1,982
General Expenses	1,752
Capital Outlay	8,000
School Department	
Salaries/Wages and General Expenses	3,838,794
Transportation	218,948
Debt Service	353,600
Essex North Shore Agricultural & Technical School Assessment	188,428
Public Works Department, includes Public Works administration, highways & streets, beaches & parks, cemetery, and overhead	
Salaries/Wages	223,852
General Expenses	225,183
Capital	37,500
Debt Service	80,619
Public Works, Snow & Ice	30,000
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Recreation, General	
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Memorial Day Committee	

General Expenses	7,500
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General Expenses	2,300
Beautification Committee	
General Expenses	2,150
Military Houses	
General Expenses	86,320
General Debt Service	
Principal and Interest	381,641
Unemployment Compensation, Life Insurance, Health Insurance, Medicare Tax, Essex Regional Retirement Board, Pension and Annuity expenses	2,056,760
Insurance Committee	
General Expenses	303,528
Retirement Account	50,000
Reserve Fund	250,000
TOTAL	13,172,272

(NOT TO BE READ) – The above totals \$13,172,272.

The Advisory & Finance Committee book total appropriation \$14,375,518 also includes the following:

- Cherry sheet assessments of \$259,439 (does not have to be appropriated)
- Transfers of:
 - \$25,000 to OPEB stabilization fund (appropriated through Article 14)
 - \$125,000 to Stabilization fund (appropriated through Article 15)
 - \$793,807 Water and Sewer debt shift (appropriated through Article 7)

MOTION 6a: CHRISTINE STEVENS (NPL Chair of Board of TRUSTEES) I would like to amend the Library's Budget to add \$14,238.00 and I would propose it come from the "Unemployment Compensation, Life Insurance, Health Insurance, Medicare Tax Essex retirement Pension and Annuity. And I would like to ask that the town vote a bottom line budget for the Libraray as it has always been done in the past. (plan B & C; The Stabilization Fund, which has upwards of \$400,00 or minus it from the \$117,000.00 earmarked for a new Health Department)

VOTED: MOTION to Call the Vote by Mr Carangelo seconded by Mr. Manning vote 531 in favor 51 opposed at 1:29 pm on 5/15/21.

VOTED: Upon Motion to amend Article 6 by Christine Stevens and duly seconded by registered voter vote 427 in favor 148 opposed at 1:32pm on 5/15/2021

VOTED: After a brief discussion and addressing "PASSES " on the POLICE DEPT- General Expenses, PUBLIC WORKS DEPT. – General Expenses and a passed Amendment to the LIBRARY – Salaries/Wages - Upon motion and duly seconded by Ms. Zahora vote 491 in favor and 61 opposed at 1:37pm on 5/15/2021.

ARTICLE 7. (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, 2021, or take any other action relative thereto.

MOTION 7: DeWITT BROWN (Water & Sewer Enterprise) *Majority vote*

I move that the following sums are appropriated for the operation of the Water and Sewer Enterprise Fund for the fiscal year beginning July 1, 2021:

Salaries	\$423,103
Expenses	\$1,366,586
Capital Outlay	\$30,000
Debt	\$793,807
<u>Emergency Reserve-uncollectible</u>	<u>\$40,350</u>
TOTAL	\$2,653,846

And that \$2,090,418 is to be funded from Water and Sewer Department Receipts for said purposes, with \$793,807 in Water and Sewer Debt costs raised through property taxes, less \$230,370 in Indirect Costs funded from Water and Sewer Department Receipts to be transferred to the General Fund.

VOTED: Upon motion and duly seconded by Mr. Sheehan vote 478 in favor 31 opposed at 1:41pm on 5/15/2021.

ARTICLE 8. (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.

MOTION 8: DeWITT BROWN (Water/Sewer – Equipment and Paving) *Majority vote*

I move that the sum of \$30,000 is hereby appropriated from retained earnings in the Water and Sewer Enterprise Fund for paving, including all costs incidental or related thereto.

VOTED: Upon motion and duly seconded by Mr. Lewis vote 452 in favor and 8 opposed at 1:42pm on 5/15/2021

ARTICLE 9. (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, 2021, or take any other action relative thereto.

MOTION 9: DANA SHEEHAN (Rubbish Enterprise) *Majority vote*

I move that the following sums are appropriated for the operation of the Rubbish Enterprise Fund for the fiscal year beginning July 1, 2021:

Salaries	\$60,577
<u>Expenses</u>	<u>\$506,550</u>
TOTAL	\$567,127

And that \$567,127 is to be funded from Rubbish Department Receipts for said purposes.

VOTED: Upon motion and duly seconded by Ms. Barbara Beatty vote 476 in favor 23 opposed at 1:44pm on 5/15/2021.

ARTICLE 10. (Compost Area) 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, the sum of \$50,000 for the costs associated with the maintenance of the compost area, or take any other action relative thereto.

MOTION 10: JULIE TARMY (Compost Area) *Majority vote*

I move that the sum of \$50,000 is hereby appropriated from retained earnings in the Rubbish Enterprise Fund for the costs associated with the maintenance of the compost area, including all costs incidental or related thereto.

VOTED: Upon motion and duly seconded by Mr. Fulghum vote 544 in favor 43 opposed at 1:48pm on 5/15/2021.

ARTICLE 11. (Recycling Carts) 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, the sum of \$75,000 for the costs associated with the purchase of recycling carts, or take any other action relative thereto.

MOTION 11: JULIE TARMY (Recycling Carts) *Majority vote*

I move that the sum of \$75,000 is hereby appropriated from retained earnings in the Rubbish Enterprise Fund for the costs associated with the purchase of recycling carts, including all costs incidental or related thereto.

VOTED: Upon motion and duly seconded by Mr. Lewis vote 476 in favor 93 opposed at 1:54pm on 5/15/2021.

ARTICLE 12. (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.

MOTION 12: JULIE TARMY (Recreation Revolving) *Majority vote*

I move that the Town 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 for the Youth Commission.

VOTED: Upon motion and duly seconded by Mr. Vanderslice vote 540 in favor 24 opposed at 1:55pm on 5/15/2021.

ARTICLE 13. (Amend Article IV of the General By-Laws and Establish Fiscal Year Spending Limits) To see if the Town will vote pursuant to Massachusetts General Laws Chapter 44, §53E½ to: (1) amend Section 8 of Article IV of the General By-Laws of the Town by establishing and authorizing two new revolving funds for use separately by the Board of Appeals and the Conservation Commission; and (2) establish fiscal year spending limits for such funds, all as set forth below; or take any other action relative thereto.

(1) Amend Section 8 of Article IV of the General By-Laws by adding:

C. Authorized Revolving Funds.

<u>FUND</u>	<u>REVENUE SOURCE</u>	<u>AUTHORITY TO SPEND FUNDS</u>	<u>USE OF FUNDS</u>
Board of Appeals Revolving Fund	Fees paid pursuant to the Zoning Act or Zoning By-Laws	Board of Appeals	To pay for the expenses required for training, processing applications, holding hearings, etc.
Conservation Commission Revolving Fund	Filing fees paid pursuant to the Wetlands Protection Act	Conservation Commission	To pay for consultant fees, expenses, etc. for administration and enforcement of the Wetlands Protection Act

(2) Vote to Establish Fiscal Year Expenditure Limits. (Note: This action is not a by-law amendment.)

And, further, to establish FY2022 fiscal year spending limits for such funds in the amounts indicated, with such limits to be applicable from fiscal year to fiscal year unless adjusted by Town Meeting prior to July 1 for the ensuing fiscal year, as follows:

<u>FUND</u>	<u>SPENDING LIMIT</u>
Board of Appeals Revolving Fund	\$10,000

Conservation Commission Revolving Fund	\$20,000
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MOTION 13: BARBARA BEATTY (Amend Article IV of the General By-Laws and Establish Fiscal Year Spending Limits) *Majority vote*

I move that the Town amend Section 8 of Article IV of the General By-Laws authorizing two new revolving funds and establish spending limits therefor as printed in the warrant.

**VOTED: Upon motion and duly seconded by Mr. Brown vote 501 in favor 75 opposed at 2:00pm
On 5/15/2021**

ARTICLE 14. (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.

MOTION 14: JUDY ZAHORA (OPEB) *Majority vote*

I move that the sum of \$25,000 is hereby appropriated to the Other Post-Employment Benefits Liability Trust Fund and that this appropriation is funded from free cash.

**VOTED: Upon motion and duly seconded by Mr. Sheehan vote 486 in favor 54 opposed at 2:01pm
on 5/15/2021.**

ARTICLE 15. (Stabilization) 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 \$125,000 to the Stabilization Fund, or take any other action relative thereto.

MOTION 15: JEFF LEWIS (Stabilization) *Majority vote*

I move that the sum of \$125,000 is hereby appropriated to the Stabilization Fund and that this appropriation is funded from free cash.

**VOTED: Upon motion and duly seconded by Ms. Tarmy vote 488 in favor 43 opposed at 2:02pm on
5/15/202.**

ARTICLE 16. (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.

MOTION 16: JUDY ZAHORA (Paving) *Majority vote*

I move that the sum of \$100,000 is hereby appropriated for paving throughout Town, including the payment of all incidental and related costs, and that this appropriation is funded from free cash.

VOTED: Upon motion and duly seconded by Mr. Fulghum vote 529 in favor 29 Opposed at 2:04pm

On 5/15/2021.

ARTICLE 17. (Town Hall Capital – Municipal Finance Software) 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 the sum of \$350,000, or any other sum of money, to purchase and install a Municipal Finance Software and applications, including the payment of all incidental or related costs, or to take any other action relative thereto.

MOTION 17: JEFF LEWIS (Town Hall Capital – Municipal Finance Software) 2/3rd vote

I move that the sum of \$350,000 is hereby appropriated to purchase and install Municipal Finance Software and applications, including the payment of all incidental or related costs, and that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(9) or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

VOTED: Upon motion and duly seconded by Ms. Zahora required 2/3rds vote 494 in favor 101 opposed at 2:07pm on 5/15/2021.

ARTICLE 18. (Police Department Capital – 2-Way Radio Communications) 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 the sum of \$190,000, or any other sum of money, to purchase and install 2-Way Radio Communications equipment and software, including the payment of all incidental or related costs, or to take any other action relative thereto.

MOTION 18: JULIE TARMY (Police Department Capital – 2-Way Radio Communications) 2/3rd vote

I move that the sum of \$190,000 is hereby appropriated to purchase and install 2-Way Radio Communications equipment and software, and that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §§7(1) and (9) or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

VOTED: Upon motion and after a brief explanation of the 2-Way Radio System and duly seconded by Mr. Sheehan required 2/3rds vote 595 in favor 35 opposed at 2:16pm on 5/15/2021.

ARTICLE 19. (DPW Capital) 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 the sum of \$112,000, or any other sum of money to purchase a Backhoe Loader and a Water Sewer Utility Truck and appurtenant fixtures, including the payment of all costs incidental or related thereto, and to determine whether this appropriation shall be raised by borrowing or otherwise, or to take any other action relative thereto.

MOTION 19: BARBARA BEATTY (DPW Capital) *Majority vote*

I move that the sum of \$112,000 is hereby appropriated to purchase a Backhoe Loader and a Water Sewer Utility Truck and appurtenant fixtures, including the payment of all costs incidental or related thereto, and that this appropriation is funded from Water and Sewer retained earnings.

VOTED: Upon motion and duly seconded by Mr. Lewis vote 603 in favor 25 opposed at 2:21pm on 5/15/2021.

ARTICLE 20. (Coast Guard Design and Development Advisory Committee) To see if the Town will vote to authorize the Board of Selectmen to dispose of the property on Castle Road and Goddard Drive (known as the Coast Guard Housing)(Assessors Map 12D-0-41 and being premises being described in a deed recorded in the Essex County Registry of Deeds in Book 24011, page 401), and apply the proceeds of such sale to the payment of any outstanding debt issued by the Town to acquire the property in accordance with Chapter 44, Section 63 of the General Laws, under the following conditions:

That the existing houses are demolished, the in-ground oil storage tanks are removed, the land is leveled, the land is subdivided, and subject to any title issues being resolved, 12 individual lots be sold with deed restriction that no single individual/entity/group can purchase more than 1 lot, and lots cannot be combined, while retaining [permanent easements in, on and under] the following areas of said property

- An approximate 15-foot-wide path to connect the Heritage Trail to Bailey's Hill;
- An approximate 30 -foot-wide easement abutting the golf course to clear encroachment of the first tee;
- An approximate 10-to-20-foot-wide easement abutting Bailey's Hill to eliminate any encroachment to the dirt road access to the Bunker;
- And to prevent overdevelopment, deed restrictions be placed on each deed to limit the maximum Floor Area Ratio for these lots to 25%, and, to reduce construction congestion, sell alternating lots in 2 offerings over 2 years
- And all costs associated with the preparation of the lots and sale of the properties be paid off first with profits from the sale

and to see if the Town will vote to raise and appropriate, transfer from available funds or borrow, a sum of money to pay all costs of completing the conditions outlined above, including the payment of costs related or incidental thereto, or take any other action relative thereto.

[Moderator acting on his discretion will divide the question]

MOTION 20: JUDY ZAHORA (Coast Guard Design and Development Advisory Committee)

(Authorize the Sale) *Majority vote*

I move that the Board of Selectmen is authorized to dispose of the Town-owned property on Castle Road and Goddard Drive, known as the Coast Guard Housing, identified by the Assessors as Parcel 12D-0-41 and

described in a deed recorded in the Essex County Registry of Deeds in Book 24011, page 401, and apply the proceeds of such sale in accordance with G.L. c. 44, §63 of the General Laws, under the following conditions:

That the existing houses are demolished, the in-ground oil storage tanks are removed, the land is leveled, the land is subdivided, and subject to any title issues being resolved, 12 individual lots are sold with deed restriction prohibiting any single individual/entity/group from purchasing more than 1 lot, prohibiting any lot from being combined with any other lot, and limiting the maximum Floor Area Ratio of said lots to 25%, and, further, to reduce construction congestion, to authorize the Board of Selectmen to sell alternating lots in 2 offerings over 2 years

Presentation to be made by Mr. Peter Barba Chair of the Coast Guard Design and Development Advisory Committee;

MOTION: by Mr. Manning on Article 20 – Pursuant to Nahant Town By-Laws Article II Section 9, I move to refer the matter under discussion to the Planning Board until the next Annual Town Meeting to determine whether the recommended approach is in the best interests of the Town Advantageously meeting its objectives for affordable housing under MGL Chapter 40B on Regional Planning.

VOTED: Upon motion by Mr. Manning and duly seconded by a registered voter vote 301 in favor 536 opposed at 2:43pm on 5/15/2021.

VOTED: After lengthy discussion both for and against Article 20 along with a friendly Amendment by Ms. Devereaux, 4 Intervale Road, and duly seconded by Mr. Barba to retain:

- An approximate 15-foot-wide path to connect the Heritage Trail to Bailey's Hill;
- An approximate 30 -foot-wide easement abutting the golf course to clear encroachment of the first tee;
- An approximate 10-to-20-foot-wide easement abutting Bailey's Hill to eliminate any encroachment to the dirt road access to the Bunker;

And a 2nd Friendly Amendment by Mr. Grohl, 65 Bass Point Road; and duly seconded by a registered voter to allow the BOS to add reasonable restrictions to the deed upon motion by Ms. Zahora and duly seconded by Mr. Vanderslice vote 528 in favor 366 opposed at 3:34pm on 5/15/2021.

(Authorize the Borrowing) 2/3rds vote

I move that the sum of \$300,000 is hereby appropriated for the purpose of demolishing the houses, removing the in-ground oil storage tanks and levelling the land located on Castle Road and Goddard Drive, known as the Coast Guard Housing, and all costs related or incidental thereto, and, to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to G.L. c. 44, §§7, 8 or to any other enabling authority, and to issue bonds or notes of the Town therefor, and premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by

this vote in accordance with G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

VOTED: Upon motion and duly seconded by Mr. Brown vote requiring a 2/3rds vote: 535 in favor 270 opposed at 3:37pm on 5/15/2021. Did Not Pass 2/3rds Vote

MOTION to reconsider the vote by Mr. Peter Barba

VOTED: Upon motion and duly seconded by registered voter Majority vote 522 in favor 331 opposed at 3:39pm on 5/15/2021.

VOTED: On reconsideration of Article 20 upon Motion of Mr. Barba and seconded by a registered voter vote 590 in favor 296 opposed at 3:44pm on 5/15/2021. Passed 2/3rds vote required.

MOTION: KEN CARANGELLO, Willow Road – Motion to take Article 22 out of order.

VOTED: Upon Motion and duly seconded by a registered voter vote 686 in favor 156 opposed at 3:48pm on 5/15/2021

MOTION – MICHELLE CAPANO – Motion to take Article 21V before Article 21 A

VOTED: Upon Motion and duly seconded by a registered voter vote 635 in favor 62 opposed at 5:21pm on 5/15/2021

ARTICLE 21. (Community Preservation) To see if the Town will vote to spend, or set aside for later spending, not less than 10 per cent of the annual revenues in the Community Preservation Fund for open space, not less than 10 per cent of the annual revenues for historic resources, and not less than 10 per cent of the annual revenues for community housing or to take any other action as may be allowed under the Community Preservation Act as requested by the Community Preservation Committee.

[Moderator acting on his discretion will divide the question]

FY2022 Grant Recommendations:

- A. To appropriate the sum of \$10,000 from Fiscal Year 2022 Community Preservation Fund estimated revenues for administrative and operating expenses of the Community Preservation Committee.

MOTION 21A: BARBARA BEATTY (Administrative Costs) *Majority vote*

I move that the sum of \$10,000 is hereby appropriated from Fiscal Year 2022 Community Preservation Fund revenues for administrative and operating expenses of the Community Preservation Committee.

VOTED: Upon motion and duly seconded by Ms Tarmy vote 177 in favor 10 opposed at 1:15pm on 5/16/2021.

- B. To appropriate the sum of \$32,375 from the FY 2022 Community Preservation estimated revenues to make improvements to the Nahant Little League Flash Road baseball fields fencing for the purpose of promoting recreation in the Town of Nahant, consistent with the application for CPA funding by the Nahant Little League, including all incidental and related costs.

MOTION 21B: DANA SHEEHAN (Nahant Little League) *Majority vote*

I move that the sum of \$32,375 is hereby appropriated from Fiscal Year 2022 Community Preservation Fund revenues to make improvements to the Nahant Little League Flash Road baseball fields fencing for the purpose of promoting recreation in the Town of Nahant, in accordance with the application for funding from the Nahant Little League, including all costs incidental or related thereto.

VOTED: Upon motion and duly seconded by Ms. Zahora vote 194 in favor 8 opposed at 1:20pm on 5/16/2021.

- C. To appropriate the sum of \$4,000 from the FY 2022 Community Preservation estimated revenues to purchase and install an exterior sign for the Nahant American Legion Post 215, consistent with the application for CPA funding by the Nahant American Legion Post 215's, including all incidental and related costs

MOTION 21C: JOHN FULGHUM (American Legion Sign) *Majority vote*

I move that the sum of \$4,000 is hereby appropriated from Fiscal Year 2022 Community Preservation Fund revenues to purchase and install an exterior sign for the Nahant American Legion Post 215, in accordance with the application for funding from the Nahant American Legion Post 215, including all costs incidental or related thereto.

VOTED: Upon motion and duly seconded by Mr. Vanderslice vote 190 in favor 21 opposed at 1:21pm on 5/16/2021.

- D. To appropriate the sum of \$120,000 from the FY 2022 Community Preservation estimated revenues to make improvements to the Basketball & Tennis Courts located at Flash Road for the purpose of promoting recreation in the Town of Nahant, consistent with the Town of Nahant's request for CPA funding including all incidental and related costs.

MOTION 21D: BARBARA BEATTY (Flash Rd Basketball and Tennis Court) **Majority vote**

I move that the sum of \$120,000 is hereby appropriated from Fiscal Year 2022 Community Preservation Fund revenues to make improvements to the basketball and tennis courts located at Flash Road for the purpose of promoting recreation in the Town of Nahant, in accordance with the application for funding from the Town of Nahant, including all costs incidental or related thereto.

VOTED: Upon motion and duly seconded by Mr. Brown vote 198 in favor 19 opposed at 1:29pm on 5/16/2021.

- E. To authorize the Treasurer, with the approval of Board of Selectmen, to borrow the sum of \$500,000 pursuant to G.L. c.44B, §11, G.L. c.44, §§7 or 8, the State Public Library Bond program, or any other enabling authority, for the preservation of the three historic town-owned structures: the Nahant Public Library, located at 15 Pleasant Street; the Town Hall, located at 334 Nahant Road; and Greenlawn Cemetery, located at 195 Nahant Road consistent with the Town's application for CPA funding, including all incidental and related costs, and, as appropriate, to issue bonds and notes of the Town therefor, and further, that any premium received upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c.44, §20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs; and/or to authorize the Board of Selectmen to apply for, accept and expend any monies that may be made available to the Town for such purposes from any public or private source; and further, to appropriate from CPA FY2022 estimated annual revenues the sum of \$61,250 to pay debt service (principal and interest) on the first year of such borrowing.

MOTION 21E: JUDY ZAHORA (Library Town Hall Greenlawn Cemetery) **2/3rd vote**

I move that the Town appropriate the sum of \$500,000 to pay the costs for the preservation of the three historic town-owned structures: the Nahant Public Library, located at 15 Pleasant Street; the Town Hall, located at 334 Nahant Road; and Greenlawn Cemetery, located at 195 Nahant Road and including the payment of all incidental and related costs; that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow the sum of \$500,000 under G.L. c. 44B, G.L. c. 44, §7, 8, or any other enabling authority, and to issue bonds or notes of the Town therefor, and any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; that the Board of Selectmen is authorized to apply for, accept and expend any monies that may be available to the Town for such

purposes from any public or private source; and further, that \$61,250 is appropriated from Community Preservation Act revenue to pay debt service (principal and interest) on the first year of the borrowing.

VOTED: Upon motion and brief clarification motion was duly seconded by Mr. Fulghum requires 2/3rds vote 208 in favor 23 opposed at 1:32pm on 5/16/2021.

- F. To appropriate for the payment of debt service of principal and borrowing on the \$400,000 Public Library Bonding authorized by the 2019 Annual Town Meeting (Article 16C), the sum of \$55,200 from Community Preservation Fund General Reserves for the first and second years of the bond payments.

MOTION 21F: JOHN FULGHUM (Library Bond Payment) *Majority vote*

I move that the sum of \$55,200 is hereby appropriated from the Fiscal Year 2022 Community Preservation Fund revenues for the payment of debt service on the \$400,000 Public Library Bonding authorized by the 2019 Annual Town Meeting through Article 16C.

VOTED: Upon motion and duly seconded by Mr. Sheehan vote 210 in favor 10 opposed at 1:34pm on 5/16/2021.

FY2021 Grant Recommendations:

- G. To appropriate the sum of \$50,000 for the preservation of Ellingwood Chapel from the FY2021 Community Preservation Fund estimated revenues to fund priority building envelope repairs identified in the 2018 conditions assessment and interior plaster repair and painting consistent with the application for CPA funding by the Nahant Cultural Council and Town of Nahant and including all incidental and related costs.

MOTION 21G: BARBARA BEATTY (Ellingwood Chapel) *Majority vote*

I move that the sum of \$50,000 is hereby appropriated from Fiscal Year 2021 Community Preservation Fund revenues for preservation of the Ellingwood Chapel to include priority building envelope repairs identified in the 2018 conditions assessment and interior plaster repair and painting, in accordance with the application for CPA funding by the Nahant Cultural Council and the Town of Nahant, including all costs incidental or related thereto

VOTED: After brief discussion and upon motion and duly seconded by Mr. Lewis vote 225 in favor 16 opposed at 1:40pm on 5/16/2021.

- H. To appropriate the sum of \$17,000 from FY 2021 Community Preservation estimated revenues to cover 20% of the cost of the Nahant Dory Club in procuring and installing a new gangway and davit apparatus from Town Wharf and two new floating docks for the purpose of promoting recreation in the Town of Nahant. The majority of the total cost of the project, \$83,830, will be borne by the Dory Club and will be

no less than \$66,830. The Dory Club will provide a professional engineering plan for the project, and the release of CPC funds will be contingent upon approval of the Town Administrator based on any independent engineering review of the plans he elects to engage, especially with regard to the impact of the new davit and gangway on the structural integrity of Town Wharf.

MOTION 21H: DANA SHEEHAN (Nahant Dory Club) *Majority vote*

I move that the sum of \$17,000 is hereby appropriated from Fiscal Year 2021 Community Preservation Fund revenues to cover 20% of the cost for the Nahant Dory Club to procure and install a new gangway and davit apparatus from Town Wharf and two new floating docks, including all costs incidental or related thereto, for the purpose of promoting recreation in the town of Nahant. Furthermore, that the Dory Club provide a professional engineering plan for the project and the release of the aforementioned funding will be contingent upon approval of the Town Administrator based on any independent engineering review of the plans he elects to engage.

VOTED: Upon motion and duly seconded by Mr. Vanderslice vote 216 in favor 42 opposed at 1:44pm on 5/16/2021.

- I. To appropriate the sum of \$45,000 consisting of \$33,240 FY 2021 Community Preservation fund estimated revenues and \$11,760 from the CPC Community Housing Reserve to address window-related building envelope issues at the Nahant Housing Authority's buildings located at 41-53 & 75-77 Spring Road & 7-9 Emerald Road including all incidental and related costs, and in effect repair deteriorated wood material surrounding the windows to preserve the building envelope structure and remove the current windows in 12 low income family units, remove the deteriorated materials, replace the materials with new material, and then re-install/re-use the same windows.

MOTION 21I: JOHN FULGHUM (Nahant Housing Authority) *Majority vote*

I move that the sum of \$45,000 is hereby appropriated to address window-related building envelope issues at the Nahant Housing Authority's buildings located at 41-53 & 75-77 Spring Road and 7-9 Emerald Road, including all costs incidental or related thereto, and to fund this appropriation the sum of \$33,240 shall come from Fiscal Year 2021 Community Preservation Fund revenues and the sum of \$11,760 shall come from the Community Preservation Fund Housing Reserve.

VOTED: Upon motion and duly seconded by Ms. Beatty vote 222 in favor 23 opposed at 1:46pm on 5/16/2021.

- J. To appropriate the sum of \$155,000 from CPC Community Housing Reserve for the purposes of preserving the building envelope of the Nahant Housing Authority buildings located on Spring and Greystone Roads including all incidental and related costs, but if and only if NHA has first reported the exact and detailed nature of any preservation efforts it intends to, and receives approval to proceed from, the CPC and the Town Administrator before the CPC releases any such funds for the purposes stated herein.

MOTION 21J: BARBARA BEATTY (Nahant Housing Authority) *Majority vote*

I move that the sum of \$155,000 is hereby appropriated from the Community Preservation Fund Housing Reserve for the purpose of preserving the building envelope of the Nahant Housing Authority buildings located on Spring and Greystone Roads, including all costs incidental or related thereto, and furthermore, that the release

of the aforementioned funding is contingent upon the Nahant Housing Authority providing a detailed report of its intended preservation efforts and approval to proceed is issued by the Community Preservation Committee and the Town Administrator.

VOTED: Upon motion and duly seconded by Mr. Fulghum vote 231 in favor 22 opposed at 1:48pm on 5/16/2021.

- K. To appropriate the sum of \$41,000 from FY 2021 Community Preservation estimated revenues for Bailey's Hill Park - Fort Ruckman East Slope Restoration, consistent with the Town's request for CPA funding, including all incidental and related costs.

MOTION 21K: DANA SHEEHAN (Bailey's Hill Park and Fort Ruckman) *Majority vote*

I move that the sum of \$41,000 is hereby appropriated from Fiscal Year 2021 Community Preservation Fund revenues for Bailey's Hill Park – Fort Ruckman East Slope restoration, in accordance with the application for funding from the Town of Nahant, including all costs incidental or related thereto.

VOTED: Upon motion and duly seconded by Ms. Tarmy vote 250 in favor 10 opposed at 1:50pm on 5/16/2021.

- L. To appropriate the sum of \$27,000 from the FY 2021 Community Preservation estimated revenues to make improvements to the Lowlands Softball Fields for the purpose of promoting recreation in the Town of Nahant, consistent with the Town of Nahant's request for CPA funding including all incidental and related costs.

MOTION 21L: JOHN FULGHUM (Lowlands Softball Fields) *Majority vote*

I move that the sum of \$27,000 is hereby appropriated from Fiscal Year 2021 Community Preservation Fund revenues to make improvements to the Lowlands Softball Fields for the purpose of promoting recreation in the Town of Nahant in accordance with the application for funding from the Town, including all costs incidental or related thereto.

VOTED: Upon motion and duly seconded by Mr. Brown vote 240 in favor 20 opposed at 1:51pm on 5/16/2021.

- M. To appropriate the sum of \$165,000 consisting of \$128,165 from FY 2021 Community Preservation estimated revenues and \$36,835 from CPC General Reserves for preservation of the Town Hall to fund priority handicapped access work consistent with the request by the Town of Nahant, including all incidental and related costs.

MOTION 21M: BARBARA BEATTY (Town Hall ADA Improvements) *Majority vote*

I move that the sum of \$165,000 is hereby appropriated for the preservation of Town Hall to fund priority handicapped access work in accordance with the application for funding from the Town of Nahant, including all costs incidental or related thereto, and to fund this appropriation; the sum of \$128,165 shall come from Fiscal Year 2021 Community Preservation Fund revenues and the sum of \$36,835 shall come from Community Preservation Fund General Reserves.

VOTED: Upon motion and duly seconded by Ms. Zahora vote 247 in favor 22 opposed at 1:54pm on 5/16/2021.

- N. To appropriate the sum of \$24,000 Community Preservation Fund General Reserves for the use of the Town of Nahant to make improvements to Little Nahant Playground for the purpose of promoting recreation and the use of open space in the Town of Nahant consistent with the request by the Town of Nahant, including all incidental and related costs.

MOTION 21N: DANA SHEEHAN (Little Nahant Playground) Majority vote

I move that the sum of \$24,000 is hereby appropriated from Community Preservation Fund General Reserves for the Town of Nahant to make improvements to the Little Nahant Playground for the purpose of promoting recreation and the use of open space in the Town of Nahant and in accordance with the application for funding from the Town, including all costs incidental or related thereto.

VOTED: Upon motion and duly seconded by Mr. Lewis vote 240 in favor 21 opposed at 1:55pm on 5/16/2021.

- O. To appropriate the sum of \$12,000 from Community Preservation Fund General Reserves for the use of the Town of Nahant to restore the basketball court on Spring Road for the purpose of promoting recreation in the Town of Nahant consistent with the request by the Town of Nahant including all incidental and related expenses.

MOTION 21O: JOHN FULGHUM (Spring Road Basketball Court) Majority vote

I move that the sum of \$12,000 is hereby appropriated from Community Preservation Fund General Reserves for the Town of Nahant to restore the basketball court on Spring Road for the purpose of promoting recreation in the Town of Nahant in accordance with the application for funding from the Town, including all costs incidental or related thereto.

I move that Items 21P through 21T be taken under a single motion, and that the transfers of unexpended Community Preservation Act Funds referenced therein and appropriated by prior Town Meetings for various purposes be transferred to the Community Preservation General Reserves Account, as written in the warrant.

VOTED: Upon motion and duly seconded by Mr. Sheehan 229 in favor 27 opposed at 1:57pm on 5/16/2021.

MOTION : JOHN FULGHUM – I move that items 21P through 21T be taken under a single motion , and that the transfers f unexpended Community Preservation Act Funds referenced threrein and appropriate by prior Town Meetings for various purposes be transferred to the Community Preservation General Reserves Account, as written in the warrant.

VOTED: Upon motion and duly seconded by Mr. Vanderslice vote 236 in favor 5 opposed at 1:59pm on 5/16/2021.

- P. To recommend that the Town transfer \$3,809.93 from the unexpended funds appropriated to the Town of Nahant by the Annual Town Meeting from FY2014 Community Preservation funds for the Recreation Feasibility Study for the Flash Road recreation area to the Community Preservation General Reserve.

MOTION 21P: BARBARA BEATTY (Unexpended Funds) Majority vote

I move that the Town close \$3,809.93, which is the unexpended fund balance in the Recreation Feasibility Study for the Flash Road recreation area authorized in Article 21C of the 2013 Town Meeting and to transfer the \$3,809.93 to the Community Preservation General Reserves.

- Q. To recommend that the Town transfer \$159.72 from the unexpended funds appropriated to the Town of Nahant by the Annual Town Meeting from FY2014 Community Preservation funds for the Wharf Sea Walls project to the Community Preservation General Reserve.

MOTION 21Q: DANA SHEEHAN (Unexpended Funds) Majority vote

I move that the Town close \$159.72, which is the unexpended fund balance in the Wharf Seawalls project authorized in Article 21D of the 2013 Town Meeting and to transfer the \$159.72 to the Community Preservation General Reserves.

- R. To recommend that the Town transfer \$12,830.06 from the unexpended funds appropriated to the Town of Nahant by the Annual Town Meeting from FY2016 Community Preservation funds for the Wharf Boat Ramp project to the Community Preservation General Reserve.

MOTION 21R: JOHN FULGHUM (Unexpended Funds) Majority vote

I move that the Town close \$12,830.06, which is the unexpended fund balance in the Wharf Boat Ramp project authorized in Article 27I of the 2016 Town Meeting and to transfer the \$12,830.06 to the Community Preservation General Reserves.

- S. To recommend that the Town transfer \$29.45 from the unexpended funds appropriated to the Town of Nahant by the Annual Town Meeting from FY2018 Community Preservation funds for the Town Hall, Library, Ellingwood Chapel building envelope assessment study to the Community Preservation General Reserve.

MOTION 21S: BARBARA BEATTY (Unexpended Funds) Majority vote

I move that the Town close \$29.45, which is the unexpended fund balance in the Town Hall, Library, Ellingwood Chapel building envelop assessment study authorized in Article 33P of the 2017 Town Meeting and to transfer the \$29.45 to the Community Preservation General Reserves.

- T. To recommend that the Town transfer \$ 0.41 from the unexpended funds appropriated to the Town of Nahant by the Annual Town Meeting from FY2018 Community Preservation funds from the 10-year Wharf bond to the Community Preservation General Reserve.

MOTION 21T: DANA SHEEHAN (Unexpended Funds) Majority vote

I move that the Town close \$0.41, which is the unexpended fund balance in the 10-year Wharf bond authorized in Article 25A of the 2018 Town Meeting and to transfer the \$0.41 to the Community Preservation General Reserves.

VOTED: Upon motion and duly seconded by Mr. Vanderslice vote 236 in favor 5 opposed at 1:59pm on 5/16/2021.

- U. To recommend the Town set aside from Fiscal Year 2020 Community Preservation Fund revenues for later appropriation any other amount not otherwise set aside or appropriated as aforesaid to be maintained in the Community Preservation Fund General Reserves Account for later appropriation.

MOTION 21U: JOHN FULGHUM (Revenue set-aside) *Majority vote*

I move that the Town set aside revenues from Fiscal Year 2020 and 2021 Community Preservation Fund revenues for later appropriation in the amount of \$121,351, to be maintained in the Community Preservation Fund General Reserves Account.

VOTED: Upon motion and duly seconded by Mr. Sheehan vote 249 in favor 14 opposed at 2:02pm on 5/16/2021.

MOTION: MICHELLE CAPANO - Motion to take Article 41 out of order @ 2:03pm on 5/16/21

VOTED: Upon motion and duly seconded by Mr. Rauworth 2/3rds vote required vote 181 in favor 97 opposed at 2:06pm on 5/16/2021.

- V. To appropriate through borrowing the sum of \$1,500,000 to pay a portion of the costs to acquire the fee simple or a lesser interest in all or a portion of the land located at 430 Nahant Road, Nahant, [shown on Assessors Map/Lot as 1B-0-1,] and described in a deed recorded with the Essex South District Registry of Deeds in Book 5344, Page 142, and in Certificate #47172, for open space, recreation, conservation and/or historic preservation purposes and an easement to use certain portions for beach purposes as shown on a plan on file with the Town Clerk, including the payment of all costs incidental or related thereto, [the expenditure of which is] subject to:

- (i) a vote of the Town to acquire the above-described property, and
- (ii) the receipt by the Town of grants or gifts in the amount of at least \$3,000,000 or such larger amount as shall be required, together with the amount appropriated at this Town Meeting, to pay the purchase price or pro tanto amount, as the case may be, of acquiring such interest in the above-described property,

and, further, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow the sum of \$1,500,000 under G.L. c. 44B, G.L. c. 44, §7, 8, or any other enabling authority, and to issue bonds or notes of the Town therefor, and any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, as amended, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, and to take any other action relative thereto.

MOTION 21V: BARBARA BEATTY (Eminent Domain Borrowing) 2/3rds vote

I move that the Town appropriate the sum of \$1,500,000 to pay a portion of the costs to acquire , a restriction and easement interest in an approximately 12.5 acre portion of the land located at 430 Nahant Road, Nahant, shown on Assessors Map/Lot as 1B-0-1, and described in a deed recorded with the Essex South District Registry of Deeds in Book 5344, Page 142, and in Certificate #47172, for open space, recreation, conservation and/or historic preservation purposes and an easement to use certain portions for beach purposes, including the right to

install certain public improvement to facilitate the public use of the area as shown on a plan drafted by Coughlin Environmental Services dated April 2021, on file in the Town Clerk's office and as printed in Appendix 17 of the Report and Recommendations of the Advisory and Finance Committee subject to:

- (i) a vote of the Town to acquire the above-described property, and
- (ii) the receipt by the Town of grants or gifts in the amount of at least \$3,000,000, together with the amount appropriated at this Town Meeting, to pay the purchase price or pro tanto amount, as the case may be, of acquiring such interest in the above-described property,

and, further, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow the sum of \$1,500,000 under G.L. c. 44B, G.L. c. 44, §7, 8, or any other enabling authority, and to issue bonds or notes of the Town therefor, and any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

MOTION – **MICHELLE CAPANO** – CALL THE QUESTION

VOTED: Upon motion and duly seconded by vote 655 in favor 14 opposed at 5:31pm on 5/15/2021

VOTED: Upon motion and duly seconded by Mr. Lewis vote 575 in favor 98 opposed at 5:32pm on 5/15/2021.

MEETING ADJOURNED until 5/16/2021 at 1:00pm by Town Moderator at 5:34pm on 5/15/2021.

ARTICLE 22. (Authorize Acquisition) To see if the Town will vote to authorize the Board of Selectmen to acquire, by gift, negotiated purchase, eminent domain taking (pursuant to c.80A exclusively), or otherwise, the fee simple interest or any lesser interest in all or a portion of the land located at 430 Nahant Road, Nahant, *[shown on Assessors Map/Lot as 1B-0-1,]* and described in a deed recorded with the Essex South District Registry of Deeds in Book 5344, Page 142, and in Certificate #47172, for open space, recreation, conservation and/or historic preservation purposes and an easement to use certain portions for beach purposes as shown on a plan on file with the Town Clerk, subject to the receipt by the Town of grants or gifts in the amount of at least \$3,000,000, or such larger amount as shall be required, together with the amount appropriated as described below, to pay the purchase price or *pro tanto* amount, as the case may be, and all costs incidental or related thereto, and to take any other action relative thereto.

MOTION 22: **BOB VANDERSLICE (Authorization Acquisition) 2/3rd vote**

I move that the Board of Selectmen is authorized to acquire, by gift, negotiated purchase, eminent domain taking (pursuant to c.80A exclusively), or otherwise, a restriction and easement interest in an approximately 12.5 acre portion of the land located at 430 Nahant Road, Nahant, shown on Assessors Map/Lot as 1B-0-1, and described in a deed recorded with the Essex South District Registry of Deeds in Book 5344, Page 142, and in Certificate #47172, for open space, recreation, conservation and/or historic preservation purposes and an easement to use certain portions for beach purposes, including the right to install certain public improvement to facilitate the public use of the area as shown on a plan drafted by Coughlin Environmental Services dated April 2021, on file in the Town Clerk's office and as printed in Appendix 17 of the Report and Recommendations of the Advisory and Finance Committee, subject to the receipt by the Town of grants or gifts in the amount of at

least \$3,000,000, together with the amount appropriated as described above, to pay the purchase price or pro tanto amount, as the case may be, and all costs incidental or related thereto.

MOTION – **EMILY POTTS** Call the question 5:17pm on 5/15/2021

VOTED: Upon Motion and duly seconded by REGISTERED VOTER vote 862 in favor and 33 opposed at 5:17pm on 5/15/2021.

VOTED: After lengthy discussion both in favor and opposed to Article 22 and upon motion and duly seconded by Mr. Lewis vote 647 in favor and 271 opposed at 5:19pm on 5/15/2021

MOTION: **MICHELLE CAPANO** - Motion to take Article 41 out of order @ 2:03pm on 5/16/21

VOTED: Upon motion and duly seconded by Mr. Rauworth 2/3rds vote required vote 181 in favor 97 opposed at 2:06pm on 5/16/2021.

ARTICLE 23. (MWRA Borrowing) To see if the Town will vote to raise by borrowing, a sum not to exceed \$200,000 from the Massachusetts Water Resource Authority, to repair and/or replace water distribution lines and appurtenant structures, and in connection therewith, to enter into a loan agreement and/or security agreement with the MWRA relative to such loan, or take any other action relative thereto.

MOTION 23: **BARBARA BEATTY** (MWRA Borrowing) *2/3rds vote*

I move that the sum of \$200,000 is hereby appropriated to pay costs of repairing and/or replacing water distribution lines and appurtenant structures, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen, is authorized to borrow said amount through the Massachusetts Water Resources Authority (“MWRA”), or any other source, under and pursuant to M.G.L. c. 44, §8(5) or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. In connection with any borrowing through the MWRA, the Town is authorized to enter into a loan agreement and/or security agreement with the MWRA relative to such borrowing. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

VOTED: Upon motion and duly seconded by Mr. Fulghum vote 222 in favor 5 opposed at 2:51pm on 5/16/2021

ARTICLE 24. (Wastewater By-law Amendment) To see if the Town will vote to amend Article XIV of Nahant's by-laws - Discharge of Wastewater, Drainage, Substances or Wastes - (1) to add definitions for 'Infiltration', 'Infiltration/Inflow' and 'Inflow'; (2) to add the following language to Section 6.5 - "This section includes, but is not limited to, inflow. Inflow is strictly prohibited."; (3) to rename Section 9.11 and add language clarifying the process to inspect for infiltration and inflow; (4) to add Section 10.7 to clarify the Town's ability to enforce these by-laws; and (5) to add Section 5.14 requiring the implementation of a 4:1 I/I removal plan for large (re)development projects; a copy of these amendments is available for review in the Town Clerk's office, or take any other action relative thereto.

MOTION 24: JUDY ZAHORA (Wastewater By-law Amendment) *Majority vote*

I move that the Town approve Article 24 as printed in Appendix 15 of the Report and Recommendations of the Advisory and Finance Committee

VOTED: Upon motion and duly seconded by Mr. Lewis vote in 197 in favor 10 opposed at 2:55pm on 5/16/2021

ARTICLE 25. (Police By-law Amendment – Firearm Discharge) To see if the Town will vote to amend Police By-law Article XI Section 1 - Firearms - by deleting the words "a minimum of 300 yards off the shore" and replacing it with "a minimum of six-hundred (600) yards from the mean low water line", or take any other action relative thereto.

MOTION 25: DeWITT BROWN (Police By-law Amendment) *Majority vote*

I move that the Town amend Police By-law Article XI Section 1 - Firearms as printed in the warrant.

VOTED: After brief discussion a motion was made by Mr. Manning and duly seconded by member of the audience to refer the matter to the Police Chief and to confer with the state police, it was voted 148 in favor 111 opposed 3:01pm on 5/16/2021.

ARTICLE 26. (By-law – Snow Removal - Sidewalks) To see if the Town will vote, pursuant to Massachusetts General Laws, Chapter 85, Section 5, to amend Article VIII of the Police By-Laws - Streets, Sidewalks and Public Ways - to add the following section:

Section 15. (a) The owner or any other person having the care of any building or lot of land abutting upon any street or public place within the Town where there is a sidewalk, shall clear sidewalks and any abutting curb cuts or ramps of snow and ice a minimum of three (3) feet in width within twenty-four (24) hours after the snow ceases to fall for residential properties and within twelve (12) hours after the snow ceases to fall for non-residential properties. If the sidewalk becomes covered with ice that cannot be readily removed, the owner shall place sand, salt or similar material on the sidewalk so as to render it safe for pedestrians. (b) This bylaw shall be enforceable through the Non-Criminal Disposition Procedures provided in Article XIII of the Police By-Laws, but the penalty for violation shall be:

1st offense: Warning

2nd offense and subsequent offenses, absent any mitigating circumstances: \$10.00

Each day on which a violation exists shall be deemed to be a separate offense.

The Nahant Police Department shall be authorized to enforce this by-law.

(c) The Board of Selectmen may promulgate regulations to implement this bylaw. Waivers shall be available for disabled, elderly and others with special needs or circumstances as promulgated by the Board of Selectmen.

MOTION 26: JEFF LEWIS (Snow Removal By-law) *Majority vote*

I move that the Town amend Article VIII of the Police By-Laws - Streets, Sidewalks and Public Ways as printed in the warrant.

VOTED: After brief discussion the motion and duly seconded by Mr. Brown 46 vote in favor 203 opposed at 3:09pm on 5/16/2021

ARTICLE 27. (Short-term Rental Excise Tax) To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 64G, Section 3A authorizing the imposition of a local excise tax upon the transfer of occupancy of a room in a short-term rental at a rate of 6% of the total amount of rent for each such occupancy, or take any other action relative thereto.

MOTION 27: BOB VANDERSLICE (Short-term Rental Excise Tax) *Majority vote*

I move that the Town accept the provisions of Massachusetts General Laws, Chapter 64G, Section 3A authorizing the imposition of a local excise tax upon the transfer of occupancy of a room in a short-term rental at a rate of 6% of the total amount of rent for each such occupancy as printed in the warrant.

VOTED: Upon motion and duly seconded by Ms. Zahora vote 184 in favor 26 opposed at 3:2pm on 5/16/2021

ARTICLE 28. (Short-term Rental By-law Advisory Committee) To see if the Town will form a 5-member Short-term Rental By-law Advisory Committee consisting of the building inspector, the health agent, one member of the planning board and two Nahant citizens appointed by the town administrator 1) to develop draft by-laws regulating short-term rentals pursuant to Massachusetts General Laws, Chapter 64G, Section 14; and 2) to present those draft by-laws at a future Town Meeting, or take any other action relative thereto. Said committee shall dissolve on June 30, 2024 or upon completion of task 1 and 2.

MOTION 28: BOB VANDERSLICE (Short-term Rental By-law Advisory Committee) *Majority vote*

I move that the Town approve the formation of a 5-member Short-term Rental By-law Advisory Committee as printed in the warrant.

VOTED: Upon motion and duly seconded by Mr. Sheehan vote 180 in favor 22 opposed at 3:14pm on 5/16/2021.

ARTICLE 29. (Marijuana - Local Tax) To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 64N, Section 3, authorizing the Town to impose a local sales tax at the statutory rate of not more than 3% on marijuana and marijuana product sales originating within the Town, or take any other action relative thereto.

(Map to be displayed on screen as reference for next motions)

MOTION 29: JUDY ZAHORA (Marijuana – Local Tax) *Majority vote*

I move that the Town accept the provisions of Massachusetts General Laws, Chapter 64N, Section 3, authorizing the Town to impose a local sales tax at the statutory rate of 3% on marijuana and marijuana product sales originating within the Town as printed in the warrant.

VOTED: Upon motion and duly seconded by Mr. Lewis vote 196 in favor 15 opposed at 3:17pm on 5/16/2021

ARTICLE 30. (Zoning By-law Amendments - Marijuana) To see if the Town will vote to amend the Nahant Zoning By-Laws by amending Section 2.02 (Definitions) to add Marijuana-related terms; by adding a new section – Section 14 (Marijuana Establishments [ME] and Medical Marijuana Treatment Centers [MTC]) – in an effort to abate the objectionable operational characteristics and minimize minor exposure to MEs and MTCs; and to amend Section 4.13 (Table of Use Regulations) to account for MEs and MTCs; a copy of these amendments are available for review in the Town Clerk’s office, or take any other action relative thereto.

MOTION 30: JUDY ZAHORA (Zoning By-law Amendments - Marijuana) *2/3rd vote & Planning Board*

I move that the Town approve Article 30 as printed in Appendix 13 of the Report and Recommendations of the Advisory and Finance Committee and to include the amendments provided in the Report and Recommendation of the Planning Board

Planning Board Amendment to the Article:

SECTION 14.01 – Purpose

It is recognized that the nature of the substance cultivated, processed, and/or sold by Medical Marijuana Treatment Centers (MTC) and Marijuana Establishments (ME) may have objectionable operational characteristics and should be located in such a way as to ensure the health, safety, and general well-being of the public, customers as well as patients seeking treatment. The specific and separate regulation of MTCs and MEs is necessary to advance these purposes and ensure that such facilities are not located within close proximity of minors.

SECTION 14.02 – Number and Location of Marijuana Establishments and Medical Marijuana Treatment Centers

A. Number

1. The maximum number of Marijuana Retailers shall be no more than one (1).
2. The maximum number of Marijuana Establishments (exclusive of Marijuana Retailers or MTCs) shall be no more than one (1).
3. The maximum number of MTCs shall be no more than one (1).

B. Location, Uses and Special Permit Granting Authority

1. MEs or MTCs are prohibited in all zoning districts, except as otherwise permitted by these By-laws, following the standards herein:
 - a. The Board of Selectmen shall negotiate and execute a Host community Agreement with the proposed ME or MTC.
 - b. Any ME or MTC must be located within whichever district permissible under Section 4.13, Table of Use Regulations.
 - c. Except during transportation, Marijuana or Marijuana products held at any ME or MTC shall be located within a secure indoor facility.

d. No use covered herein shall be allowed to disseminate or offer to disseminate Marijuana products or product advertising to minors or to allow minors to view displays or linger on the premises, except for MTCs.

2. Notwithstanding Section 9.08.A. of these Zoning By-Laws, the Planning Board shall be the Special Permit Granting Authority regarding MEs and MTCs.

3. The Planning Board is hereby authorized to issue regulations by supermajority (5 members) vote consistent with this by-law and Mass. General Laws Chapter 40A, Section 9, that shall be effective immediately upon such vote until superseded by an amendment to this by-law approved at Town Meeting.

AMENDED TABLE OF USE REGULATIONS, ADDING TWO NEW ROWS AS FOLLOWS:

Section 4.13, Table of Use Regulations

Description of Use	Zoning Districts:					
	R-1	R-2	B-1	B-2	NR	P
Marijuana Establishments	N	N	S	N	N	N
Marijuana Treatment Centers	N	N	S	N	N	N

VOTED: After reading of the Planning Board report by Mr. Dan Berman and upon motion and duly seconded by Mr. Brown requires 2/3rds vote 181 in favor 18 opposed at 3:34pm on 5/16/2021

ARTICLE 31. (Veterans' Tax Work-Off Program) To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 59, Section 5N authorizing the Board of Selectmen to establish a Veterans' Tax Work-Off Program for an amount not to exceed \$1,500 of local property tax, and further that an approved representative for a veteran physically unable to provide such services be permitted, or take any other action relative thereto.

MOTION 31: JOHN FULGHUM (Veterans' Tax Work-Off Program) *Majority vote*

I move that the Town accept the provisions of Massachusetts General Laws, Chapter 59, Section 5N authorizing the Board of Selectmen to establish a Veterans' Tax Work-Off Program as printed in the warrant.

VOTED: Upon motion and duly seconded by Ms. Tarmy vote 165 in favor and 6 opposed at 3:35pm on 5/16/2021

ARTICLE 32. (Senior Deferred Property Tax Interest) To see if the Town will vote to reduce the rate of interest that accrues on property taxes deferred by eligible seniors under General Laws chapter 59, Section 5, Clause 41A from 4% to 2.5%, with such reduced rate to apply to taxes assessed for any fiscal year beginning on or after July 1, 2020.

MOTION 32: JULIE TARMY (Senior Deferred Property Tax Interest) *Majority vote*

I move that the Town vote to indefinitely postpone Article 32.

If motion to indefinitely postpone fails, alternative motion as follows:

I move that the Town reduce the rate of interest that accrues on property taxes deferred by eligible seniors under General Laws chapter 59, Section 5, clause 41A as printed in the warrant.

VOTED: After a brief description by Sheila Hambleton and a recommendation to vote No the motion to indefinitely postpone which was duly seconded by Mr. Fulghum vote 58 in favor and 106 opposed at 3:38pm on 5/16/2021.

MOTION Sheila Hambleton and seconded by Mr. Mike Manning to pass ARTICLE 32 thereby reducing the rate of interest from 4% to 2.5%

VOTED: Upon motion and duly seconded by Mr. Manning vote 155 in favor and 27 opposed at 3:46pm on 5/16/2021

ARTICLE 33. (Sale of Town Owned Land) To see if the Town will vote to authorize the Board of Selectmen to convey, transfer or sell - pursuant to MGL Chapter 30B - a portion of town owned land located on the northwestern portion of Antigo Way and identified on the attached certified plan prepared by Ralph Reid and dated July 16, 2020 and measuring 192 square feet, or take any other action relative thereto.

MOTION 33: JULIE TARMY (Sale of Town Owned Land) *2/3rd vote*

I move that the Town vote to transfer the care, custody and control of the northwestern portion of Antigo Way, as identified on the attached certified plan prepared by Ralph Reid and dated July 16, 2020 and measuring 192 square feet, from the Board of Selectmen for public way or other purposes to the Board of Selectmen for that purpose and the additional purpose of conveyance, and further to authorize the Board of Selectmen to convey all or a portion of said property as printed in the warrant, on such terms and conditions as the Board deems appropriate.

VOTED: Upon motion and duly seconded by Mr. Fulghum 2/3rds vote required vote 165 in favor and 12 opposed at 3:53pm on 5/16/2021

ARTICLE 34. (Discontinue a Portion Antigo Way) To see if the Town, pursuant to Section 21 of MGL Chapter 82, will vote to discontinue - upon the Board of Selectmen's conveyance, transfer or sale – the portion of Town owned land addressed in the previous Article, as described in the certified plan prepared by Ralph Reid and dated July 16, 2020, or take any other action relative thereto.

MOTION 34: JULIE TARMY (Discontinue a Portion of Antigo Way) *Majority vote*

I move that the Town discontinue as a public way the portion of Antigo Road identified on the plan prepared by Ralph Reid, dated July 16, 2020, and on file with the Town Clerk, as printed in the warrant.

VOTED: Upon motion and duly seconded by Mr. Sheehan vote 153 in favor and 9 opposed at 3:54pm On 5/16/2021

ARTICLE 35. (Tree By-laws) To see if the Town will vote to adopt a new article (“Article XIX – Trees”, a copy of which is on file with the Town Clerk) to the General By-laws aimed at, among other things: 1) the preservation of the tree canopy; 2) the planting of replacement trees; 3) the protection of air quality; and 4) the creation of a Nahant Tree Task Force, or take any other action relative thereto.

MOTION 35: JULIE TARMY (Tree By-laws) *Majority vote*

I move that the Town approve Article 35 as printed in Appendix 11 of the Report and Recommendations of the Advisory and Finance Committee

VOTED: Upon motion and duly seconded by Mr. Sheehan vote 149 in favor and 20 opposed at 3:55pm on 5/16/2021.

ARTICLE 36. (Parking Violations) To see if the Town will vote to rescind the acceptance of MGL Chapter 90, Section 20A, as voted at the 1964 Annual Town Meeting, and vote to accept MGL Chapter 90, Section 20A½, or to take any other action relative thereto.

MOTION 36: JULIE TARMY (Parking Violations) *Majority vote*

I move that the Town vote to rescind the acceptance of MGL Chapter 90, Section 20A, as voted at the 1964 Annual Town Meeting, and vote to accept MGL Chapter 90, Section 20A½.

VOTED: Upon motion and duly seconded by Ms. Beatty vote 145 in favor 12 opposed at 3:57pm on 5/16/2021.

ARTICLE 37. (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.

MOTION 37: BARBARA BEATTY (Chapter 90 Highway) *Majority vote*

I move that the Town raise and appropriate from available funds received from the Commonwealth of Massachusetts in Fiscal Year 2022, in order to accomplish certain highway construction and maintenance under the provisions of the General Laws, Chapter 90 or other state transportation program.

VOTED: Upon motion and duly seconded by Mr. Brown vote 156 in favor and 3 opposed at 3:58pm on 5/16/2021

ARTICLE 38. (General By-law Amendment - Non-Compostable Shopping Bag Reduction) To see if the Town will vote to amend the Nahant General By-Laws by adding a new Article - **ARTICLE XIX: NON-COMPOSTABLE SHOPPING BAG REDUCTION** – in an attempt to abate detrimental environmental impacts by eliminating the usage of thin-film, single-use plastic bags by all Retail Establishments in the Town of Nahant; a copy of this amendment is available for review in the Town Clerk’s office, or take any other action relative thereto.

MOTION 38: BARBARA BEATTY (General By-law Amendment-Non-Compostable Bags) *Majority vote*
I move that the Town amend the General By-Laws by adding new Article - **ARTICLE XIX: NON-COMPOSTABLE SHOPPING BAG REDUCTION** as printed in Appendix 14 of the Report and Recommendations of the Advisory and Finance Committee

VOTED: After a brief discussion by Mr. Maxwell McDonough author of the citizens petition vote on the motion and duly seconded by Mr. Vanderslice vote 162 in favor and 19 opposed at 4:04pm on 5/16/2021

ARTICLE 39. (Lowlands Drainage) - 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 the sum of \$100,000, or any other sum of money, to fund drainage improvements in the Lowlands neighborhood generally consisting of Castle Road, Fox Hill Road, and Ward Road, including but not limited to, improvements to existing infrastructure of storm-water pipes and outfalls to Lynn Harbor, drainage ditches, as well as development of infrastructure to improve drainage, or take any other action relative thereto.

MOTION 39: JOHN FULGHUM (Lowlands Drainage) *2/3rds vote*

I move that the sum of \$100,000 is hereby appropriated to fund drainage improvements in the Lowlands neighborhood generally consisting of Castle Road, Fox Hill Road, and Ward Road, including but not limited to, improvements to existing infrastructure of drainage ditches, Stormwater pipes and outfalls, as well as development of infrastructure to improve drainage, including the payment of all costs incidental or related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1) or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

VOTED: Upon motion and duly seconded by Ms. Zahora 2/3rds vote required vote in 174 favor and 7 opposed at 4:08pm on 5/16/2021

ARTICLE 40. (Citizen Petition – Lowlands Drainage) To see if the Town of Nahant will vote to appropriate up to \$100,000 or any sum of money, to fund plans and permitting to improve drainage in the Lowlands, in order to replace/repair/construct the existing Castle Road storm drain or a install new 36-inch-diameter storm drain, such plans and permitting will include the installation of a permanent fixed pump, and will include the payment of all costs incidental or related thereto, and to determine whether this appropriation shall be raised by borrowing or otherwise, or to take any other action relative thereto.

ARTICLE 40 Withdrawn by Christine Johnson Liscio at 4:09pm 5/16/21

ARTICLE 41. (Citizen Petition - Wetlands Protection By-Law) To see if the Town will vote to repeal, in its entirety, the Wetlands Protection By-law adopted at the August 27, 2018 Special Town Meeting, or take any other action relative thereto. **CALLED OUT OF ORDER**

MOTION 41: Majority vote –Bea Rogers, Pearl Road

MOTION – MICHAEL RAUWORTH – Call the Question @ 2:45pm 5/16/2021

VOTED: Upon motion and duly seconded by Judy Walsh a 2/3rd vote required vote 271 in favor 31 opposed at 2:46pm on 5/16/2021

VOTED: After lengthy discussion both for and against the motion seconded by registered voter vote 69 in favor 238 opposed at 2:47pm 5/16/2021.

ARTICLE 42. (Citizen Petition – Keeping Animals By-Law) We Move to adopt the following into the Nahant General Bylaws General Number of animals per residence shall be limited to 10 (pets or other). This includes all animals, mammals, reptiles, and birds. All animals must be kept as to not create a public nuisance by noise, odors, and/or appearance of property.

Aquarium fish shall be exempt from this bylaw.

Setbacks

All fences, pens, and ancillary buildings must comply with all other by-laws and permitting as required.

Dog houses shall be exempt from this bylaw.

All pens, cages, and enclosures to house animals other than dogs shall require setbacks of 25 feet from all property lines.

Pens/sty's for the purposes of keeping swine and other farm type animals shall require setbacks of 100 feet from all property lines.

Property owners that have ponds and pools used for the purpose of keeping waterfowl, or troughs for watering of animals shall provide insect control to reduce the possibility of Triple E and other insect, bird, and animal Bourne viruses.

For farm type animals, a waste control plan for the elimination/removal of fecal waste must be filed with the town health department. Fecal waste must not be stored or spread on owner's property or disposed of in the Town's composting site.

Enforcement of this bylaw shall be the jurisdiction of the Animal Control Officer and/or Health Inspector.

Whoever is found in violation of this bylaw shall be given a 30-day notice to comply/ and after 30 days, will be subject to a \$10 fine per day per animal over the limit until compliance is met.

AMENDED MOTION 42: Majority vote Peter Barba read Amended Article 42

I move to amend Article XIII (Non-Criminal Disposition of Violations) of the Police Bylaws by adding Section 10 to sub-Article III (Offenses Generally) stating:

The total number of mammals, reptiles, and birds per dwelling unit shall be limited to 10 (pets or other). All such animals shall be kept as to not create a public nuisance by noise, insects, odors, and/or appearance of property. Owners of such animals having ponds and pools for the purposes of keeping waterfowl, or troughs for watering of such animals must provide insect control to reduce the possibility of Triple E and other insect, bird, and animal borne viruses.

A waste control plan shall be filed with the Town Health Inspector for farm type mammals, reptiles, birds (such as pigs, goats, & horses) for the elimination/removal of fecal waste. Fecal waste shall not be stored or spread on owner's property or disposed of in the Town's composting site.

Enforcement of this bylaw shall be the jurisdiction of the Animal Control Officer and/or the Health Inspector. Any person in violation of this section shall be subject to the penalties set forth in Article II, Section 6.

VOTED: After a brief discussion recommending the Bylaws be carefully reviewed an amended motion was made and duly seconded by a registered voter, vote 134 in favor and 26 opposed at 4:18pm on 5/16/21.

ARTICLE 43. (Continue Committees) To see if the Town will vote to continue the following standing committees to June 30, 2022: 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, , Cultural Council, FEMA Flood Insurance Study Committee, Green Community Committee, Municipal Vulnerability Preparedness Committee, Noise Abatement Committee, Nahant Fire Station Architectural Assessment Committee, or take any other action relative thereto.

MOTION 43: DeWITT BROWN (Continued Committees) Majority vote

I move that the Town continue the following standing committees to June 30, 2022: 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, Cultural Council, FEMA Flood Insurance Study Committee, Green Community Committee, Municipal Vulnerability Preparedness Committee, Noise Abatement Committee, Nahant Fire Station Architectural Assessment Committee.

VOTED: Upon motion and duly seconded by Mr. Fulghum a vote 116 in favor and 4 opposed at 4:22pm on 5/16/21.

MEETING dissolved by Town Moderator, David G Conlin at 4:23 pm on May 16, 2021.

True Copy attest:

Town Clerk