

**Town of Nahant**  
**CONTINUANCE of Annual Town Meeting Warrant**  
**May 16, 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 Sunday 16th day of May, 2021, for to act on the Articles in this warrant at 1:00 p.m. that same day.

**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) 2/3<sup>rd</sup>s 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.**

**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) *2/3<sup>rd</sup>s 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) 2/3<sup>rd</sup>s 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

**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) 2/3<sup>rd</sup>s 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) 2/3<sup>rd</sup>s 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 2/3<sup>rd</sup>s 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 2/3<sup>rd</sup> 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.

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

**AMENDED MOTION:** PETER BARBA

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:**