

ANNUAL RESOLUTION JULIE TARMEY

I move that the Town adopt the following resolution:

Resolved, that the Town adopt the following rule governing motions and amendments made during the 2023 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 \$12,358,920 for fiscal year 2024, and

Whereas, Proposition 2 ½ makes it unlawful for the Town to levy taxes in excess of \$12,358,920 for the fiscal year 2024, 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 2023 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, Employee Benefits, Debt Service, OPEB Trust Fund, and Stabilization 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 Ms. Warren voted 93 in favor and 4 opposed at 12:55pm 5/20/2023_

ARTICLE 1. (FY 2023 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: PETER BARBA (FY 2023 Transfers) *Majority vote*

I move that the following sums are hereby appropriated for the Fiscal Year 2023 expenses as follows: \$4,000 for Treasurer Salaries to be transferred from Treasurer Expenses.

VOTED: Upon motion and duly seconded by Mr. Vanderslice voted 95 in favor and 3 opposed at 12:56pm 5/20/2023.

ARTICLE 2. (FY2023 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 FY2023 snow and ice account, or take any other action relative thereto.

MOTION 2: PETER BARBA (FY2023 Snow & Ice) *Majority vote*

I move that the sum of \$91,461.60 is hereby appropriated for the Fiscal Year 2023 Snow and Ice Account; to meet this appropriation transfer from the following Fiscal Year 2023 accounts: \$70,000 from the Reserve Fund and \$21,461.60 from the Insurance Committee Expense account.

VOTED: Upon motion and duly seconded by Mr. McMakin voted 100 in favor and 5 opposed at 12:58pm on 5/20/2023.

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: PETER BARBA (Prior Year Bills) *Majority vote for IP. 4/5^{ths} majority if a bill is presented*
I move that this article be indefinitely postponed as there are currently no prior year bills.

VOTED: Upon motion and duly seconded by Mr. Vanderslice voted 8 in favor and 1 opposed at 1:00pm on 5/20/2023.

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, 2023, 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, 2023 by replacing the existing section as shown in the Report and Recommendations of the Advisory and Finance Committee on pages 8-10.

VOTED: Upon motion and duly seconded by Ms. Zahora voted 97 in favor and 3 opposed at 1:02pm on 5/20/2023.

ARTICLE 5. (Compensation for Elected Positions) To see if the Town will vote to fix the salary and compensation of all elective officers of the Town, as provided by Chapter 41, Section 108, as amended, or take any other action relative 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, 2023:

<i>Selectmen at the annual salary of</i>	<i>\$1.00</i>
<i>Constable at the annual salary of</i>	<i>\$50.00</i>
<i>Assessors at the Annual Salary of</i>	<i>\$1.00</i>
<i>Town Clerk at the annual salary of</i>	<i>\$64,417.00</i>

VOTED: Upon motion and duly seconded by Mr. Barba voted 105 in favor and 3 opposed at 1:03pm on 5/20/2023.

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, 2023, or take any other action relative thereto.

MOTION 6: JUDY ZAHORA (Omnibus) Majority vote

I move that the Town transfer the sum of \$717,935 from Free Cash, ~~\$60,000~~ \$48,547.91 from Overlay Surplus and raise and appropriate the following sums of money for the fiscal year beginning July 1, 2023:

Moderator

General Expenses \$60

Selectmen

Salaries/Wages 3
General Expenses 169,400

Public Health

Salaries/Wages 98,046
General Expenses 20,000

Town Administrator

Salaries/Wages 247,705
ADA Coordinator 500
General Expenses 42,650
Capital Outlay 2,000

Of which \$2,000 is funded from Free Cash

Finance Committee

General Expenses 10,175

Town Accountant

Salaries/Wages 182,338
General Expenses 9,717

Assessors

Salaries/Wages 111,516
General Expenses 61,575

Treasurer/Collector

Salaries/Wages 134,924
General Expenses 64,573
Capital Outlay 1,400

Of which \$1,400 is funded from Free Cash

Town Counsel

Annual Fee 75,000

Town Hall	
Salaries/Wages	33,254
General Expenses	59,410
Capital Outlay	15,000
<u>Of which \$15,000 is funded from Free Cash</u>	
Data Processing	
Salaries/Wages and General Expenses	213,000
Town Clerk	
Salaries/Wages	73,705
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	17,060
Conservation Commission	
General Expenses	1,260
Planning Board	
General Expenses	2,650
Zoning/Board of Appeals	
General Expenses	2,900
Police Department	
Salaries/Wages	1,468,966
General Expenses	200,104
Capital Outlay	80,000
<u>Of which \$80,000 is funded from Free Cash</u>	
Fire Department	
Salaries/Wages	1,090,163
General Expenses	202,137
Capital Outlay	25,000
<u>Of which \$25,000 is funded from Free Cash</u>	
Inspectional Services Department	
Salaries/Wages and General Expenses	56,492
Building Inspection	
Salaries/Wages	19,242
General Expenses	7,700

Plumbing/Gas Inspection

Salaries/Wages	7,363
General Expenses	950

Wiring Inspection

Salaries/Wages	7,363
General Expenses	950

Emergency Management

Salaries/Wages	17,600
General Expenses	7,000
Capital Outlay	15,000

Of which \$15,000 is funded from Free Cash

Animal Control

Salaries/Wages	10,646
General Expenses	4,003

Parking Clerk

Salaries/Wages	6,750
General Expenses	14,985

Harbormaster

Salaries/Wages	3,546
General Expenses	9,843

Wharfinger

Salaries/Wages	2,073
General Expenses	3,127

School Department

Salaries/Wages and General Expenses	4,072,461
Transportation	285,488
Debt Service	329,600
Essex North Shore Agricultural & Technical School Assessment	194,226

Of which \$55,149 is funded from Free Cash

Public Works Department, includes Public Works administration, highways & streets, beaches & parks, cemetery, and overhead

Salaries/Wages	248,741
General Expenses	254,823
Capital Outlay	97,750
Debt Service	71,312

Of which \$169,062 is funded from Free Cash

Public Works, Snow & Ice	30,000
Council on Aging	
Salaries/Wages	52,795
General Expenses	16,756
Veteran's Agent	
Salaries/Wages	8,789
General Expenses	33,550
Library	
Salaries/Wages	191,297
General Expenses	71,316
Recreation, General	
Salaries/Wages/General Expenses	3,296
Recreation, Sailing	
Salaries/Wages/General Expenses	6,099
Recreation, Tennis	
Salaries/Wages/General Expenses	3,011
Memorial Day Committee	
General Expenses	8,000
Fourth of July Committee	
General Expenses	10,000
Beautification Committee	
General Expenses	2,150
General Debt Service	
Principal and Interest	277,744
<u>Of which \$353,924 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	2,144,305
Insurance Committee	
General Expenses	331,277

Retirement Account	50,000
Reserve Fund	
General Reserve	200,000
Utility Reserve	25,000

(NOT TO BE READ) – The above totals \$13,947,810.

The Advisory & Finance Committee book total appropriation of \$15,894,837 also includes the following:

- Cherry sheet assessments of \$356,529 (does not have to be appropriated)
- Transfers of:
 - \$25,000 to OPEB stabilization fund (appropriated through Article 13)
 - \$200,000 to Stabilization fund (appropriated through Article 14)

\$1,365,498 Water and Sewer debt shift (appropriated through Article 7)

Pass: By: Sheila Hambleton Line: 6 -Not \$60,000. – \$48,547.91

Tony Barletta said total shall be \$ 277,744.00

VOTED: Upon motion and duly seconded by Ms. Tarmy voted 116 in favor and 7 opposed at 1:18pm on 5/20/2023.

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, 2023, or take any other action relative thereto.

MOTION 7: DAN MCMACKIN (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, 2023:

<i>Salaries</i>	<i>\$447,084</i>
<i>Expenses</i>	<i>\$1,235,017</i>
<i>Capital Outlay</i>	<i>\$70,000</i>
<i>Debt</i>	<i>\$1,645,498</i>
<i><u>Emergency Reserve-uncollectible</u></i>	<i><u>\$40,350</u></i>
<i>TOTAL</i>	<i>\$3,437,949</i>

And that \$1,994,803 is to be funded from Water and Sewer Department Receipts for said purposes, \$320,000 is to be appropriated from Water and Sewer Retained Earnings, and \$1,365,498 in Water and Sewer Debt costs is to be raised through property taxes, less \$242,352 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.Barba voted 111 in favor and 5 opposed at 1:20pm on 5/20/2023.

ARTICLE 8. (Water/Sewer Paving) 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 Water and Sewer Enterprise, the sum of \$50,000 for paving throughout Town, including all costs incidental to or related thereto, or take any other action relative thereto.

MOTION 8: DEBORAH WARREN (Water/Sewer – Equipment and Paving) Majority vote

I move that the sum of \$50,000 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 Ms. Zahora voted 116 in favor and 2 opposed at 1:21 pm on 5/20/2023.

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, 2023, or take any other action relative thereto.

MOTION 9: DAN MCMACKIN (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, 2023:

<i>Salaries</i>	<i>\$64,621</i>
<i><u>Expenses</u></i>	<i><u>\$545,030</u></i>
<i>TOTAL</i>	<i>\$609,651</i>

And that \$609,651 is to be funded from Rubbish Department Receipts for said purposes.

VOTED: Upon motion and duly seconded by Mr. Vanderslice voted 120 in favor and 1 opposed at 1:22 pm on 5/20/2023.

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 \$30,000 for the costs associated with the maintenance of the compost area, or take any other action relative thereto.

MOTION 10: JUDY ZAHORA (Compost Area) Majority vote

I move that the sum of \$30,000 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. McMakin voted 117 in favor and 2 opposed at 1:23 pm on 5/20/2023.**VOTED:**

ARTICLE 11. (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 and to raise and appropriate a sum of money to fund said account, or take any other action relative thereto.

MOTION 11: 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 the Youth Commission.

VOTED: Upon motion and duly seconded by Ms. Barba voted 123 in favor and 1 opposed at 1:24 pm on 5/20/2023.

ARTICLE 12. (Revolving Funds) To see if the Town will vote to fix the maximum amount that may be spent during FY 2024 beginning July 1, 2023 for the revolving funds established in the town By-laws for certain departments, boards, committees, agencies or officers in accordance with G.L. c. 44 § 53E 1/2, or take any other action relative thereto.

MOTION 12: JUDY ZAHORA (Revolving Funds) Majority vote

I move that the Town fix the maximum amount that may be spent during FY 2024 for the revolving funds established in the town bylaws for certain departments, boards, committees, agencies or officers in accordance with G.L.c. 44 § 53E 1/2 as follows:

<u>Revolving Fund</u>	<u>FY24 Spending Limit</u>
Council on Aging	\$ 20,000.00
Cemetery	\$ 20,000.00
Board of Appeals	\$ 10,000.00
Conservation Commission	\$ 20,000.00

VOTED: Upon motion and duly seconded by Ms. Tarmy voted 126 in favor and 1 opposed at 1:25 pm on 5/20/2023.

ARTICLE 13. (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 13: 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 Ms. Warren voted 120 in favor and 0 opposed at 1:25 pm on 5/20/2023.

ARTICLE 14. (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 \$200,000 to the Stabilization Fund, or take any other action relative thereto.

MOTION 14: PETER BARBA (Stabilization) *Majority vote*

I move that the sum of \$200,000 is hereby appropriated to the Stabilization Fund and that this appropriation is funded from free cash.

VOTED: Upon motion and duly seconded by Ms. Zahora voted 125 in favor and 5 opposed at 1:26 pm on 5/20/2023.

ARTICLE 15. (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, or any other sum, for paving throughout Town, including the payment of all incidental or related costs, or take any other action relative thereto.

MOTION 15: DAN MCMACKIN (Paving) *2/3rds 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 to meet this appropriation, the Town Treasurer, with the approval of the Selectmen, is authorized to borrow the sum of \$100,000 under M.G.L. c. 44, §7, 8, or any other enabling authority, and to issue bonds or notes of the Town therefor.

VOTED: Upon motion and duly seconded by Ms. Warren voted 124 in favor and 6 opposed at 1:27 pm on 5/20/2023.

ARTICLE 16. (COA Kitchen) 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 \$50,000, or any other sum, for the renovation of the Council on Aging kitchen, including the payment of all incidental or related costs, or take any other action relative thereto.

MOTION 16: PETER BARBA (COA Kitchen) *Majority vote*

I move that the sum of \$50,000 is hereby appropriated for the renovation of the Council on Aging kitchen, including the payment of all costs incidental or related thereto, and that this appropriation is funded from free cash.

VOTED: Upon motion and duly seconded by Mr. Vanderslice voted 128 in favor and 3 opposed at 1:29 pm on 5/20/2023.

ARTICLE 17. (Release Funds from Transportation Network)

To see if the Town will vote to appropriate or transfer \$724.50 from the reserve for appropriation for the purpose of implementing Transportation Infrastructure Enhancement Fund, or take any other action relative thereto.

MOTION 17: BOB VANDERSLICE (Release Funds from Transportation Network) Majority vote

I move that the sum of \$724.50 is hereby appropriated for the purpose of implementing the Transportation Infrastructure Enhancement Fund and that this appropriation is funded from the revenue transferred by the Commonwealth's Transportation Network Company Division to the Town in fiscal year 2023.

VOTED: Upon motion and duly seconded by Ms. Tarmy voted 130 in favor and 2 opposed at 1:30 pm on 5/20/2023.

ARTICLE 18. (Sewer/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 \$150,000, or any other sum of money to purchase two dump trucks, including the payment of all costs incidental or related thereto, or to take any other action relative thereto.

MOTION 18: DEBORAH WARREN (Sewer/DPW Capital) Majority vote

I move that the sum of \$150,000 is hereby appropriated to purchase two dump trucks, 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. Barba voted 125 in favor and 6 opposed at 1:32 pm on 5/20/2023.

ARTICLE 19. (MWRA Water Capital) To see if the Town will vote to raise by borrowing, \$500,000 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 19: DAN MCMACKIN (MWRA Borrowing) 2/3rds vote

I move that the sum of \$500,000 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; and that 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.

VOTED: Upon motion and duly seconded by Ms. Zahora voted 125 in favor and 3 opposed at 1:33 pm on 5/20/2023.

ARTICLE 20. (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 20: BOB VANDERSLICE (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 2024, 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 Ms. Tarmy voted 122 in favor and 5 opposed at 1:34 pm on 5/20/2023.

Recommendation by CPC- V.C. Paul Spirn – CPC unanimously approved all of Articles under Article 21

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.

21A. To appropriate the sum of \$10,000 from Fiscal Year 2024 Community Preservation Fund estimated revenues for administrative and operating expenses of the Community Preservation Committee.

MOTION 21A: JULIE TARMY (Administrative Costs) Majority vote

I move that the sum of \$10,000 is hereby appropriated from Fiscal Year 2024 Community Preservation Fund estimated revenues for administrative and operating expenses of the Community Preservation Committee

VOTED: Upon motion and duly seconded by Mr. McMakin voted 137 in favor and 7 opposed at 1:43 pm on 5/20/2023.

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.

- B. To appropriate the sum of \$71,720 from the FY 2024 Community Preservation estimated revenues to upgrade the existing Flash Road public tennis courts with improvements of lighting, wind and sun screens to enhance the multi-uses of the courts for tennis playing as well providing improvements for the playing of pickleball for the purpose of promoting recreation in the Town of Nahant. The request for CPA funding, including all incidental and related costs, is based upon an application submitted by a group of volunteers but all upgrades to the facilities and their use are subject to approval by the Town of Nahant and administration by the Town Administrator and Board of Selectmen.

MOTION 21B: PETER BARBA (Pickleball Courts) *Majority vote*

I move that the sum of \$71,720 is hereby appropriated from Fiscal Year 2024 Community Preservation estimated revenues to upgrade the existing Flash Road public tennis courts with improvements of lighting, wind and sun screens to enhance the multi-uses of the courts, consistent with the application for CPA funding, including all incidental and related costs.

VOTED: Upon motion and duly seconded by Ms. Warren voted 132 in favor and 4 opposed at 1:46 pm on 5/20/2023.

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.

- C. To appropriate the sum of \$23,775 from the FY 2024 Community Preservation estimated revenues for the purpose of completing a half-way completed project of restoring and digitizing badly degraded historical records--Nahant School registers, 1963-1968.

MOTION 21C: JULIE TARMEY (Digitize Nahant School Registers) *Majority vote*

I move that the sum of \$23,775 is hereby appropriated from Fiscal Year 2024 Community Preservation estimated revenues for restoring and digitizing badly degraded historical records, Nahant School registers from 1963-1968, consistent with the application for CPA funding by the Nahant Historical Society, including all incidental and related costs.

VOTED: Upon motion and duly seconded by Mr. Vanderslice voted 129 in favor and 17 opposed at 1:48 pm on 5/20/2023.

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.

- D. Do appropriate the sum of \$46,500 from FY 2024 Community Preservation estimated revenues to continue restoration work at the Fort Ruckman section of the east slope of the Bailey's Hill.

MOTION 21D: JULIE TARMEY (Fort Ruckman Restoration) *Majority vote*

I move that the sum of \$46,500 is hereby appropriated from Fiscal Year 2024 Community Preservation estimated revenues for continued restoration work at the Fort Ruckman section of the east slope of Bailey's Hill, including all incidental and related costs

CITIZEN'S Motion: Ken Carrangelo - 81 Willow Rd. Vote to Indefinitely Postpone Article 21D –

VOTED: Upon motion and duly seconded by Ms. Patricia Magna – Breezy Hill Terrace voted 34 in favor and 126 opposed at 2:00pm 5/20/2023.

VOTED: Upon 21D motion and duly seconded by Mr. Vanderslice voted 141 in favor and 28 opposed at 2:01 pm on 5/20/2023.

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.

- E. To appropriate the sum of \$29,000 from FY 2024 Community Preservation estimated revenues to carry out restoration projects at Lodge Park on East Point. This proposal involves trail redesign and natural restoration to improve safety as well as the introduction of new signage.

MOTION 21E: PETER BARBA (Lodge Park Restoration Projects) *Majority vote*

I move that the sum of \$29,000 is hereby appropriated from Fiscal Year 2024 Community Preservation estimated revenues for restoration projects at Lodge Park on East point, consistent with the application for CPA funding by the Nahant Open Space & Recreation Committee, including all incidental and related costs.

VOTED: Upon motion and duly seconded by Mr. McMakin voted 136 in favor and 21 opposed at 2:02 pm on 5/20/2023.

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.

F. To appropriate the sum of \$50,000 from FY 2024 Community Preservation estimated revenue for the planting of trees at the Kelly Green and restoration of three pedestrian bridges.

MOTION 21F: PETER BARBA (Kelley Greens' Trees & Pedestrian Bridges) *Majority vote*

I move that the sum of \$50,000 is hereby appropriated from Fiscal Year 2024 Community Preservation estimated revenues for the planting of trees and the restoration of three pedestrian bridges at Kelley Greens, consistent with the application for CPA funding by the Town of Nahant, including all incidental and related costs.

VOTED: Upon motion and duly seconded by Ms. Tarmy voted 137 in favor and 21 opposed at 2:03 pm on 5/20/2023.

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.

G. To appropriate the sum of \$20,000 from FY 2024 Community Preservation estimated revenue for the planning and implementation of the Town's rights of way.

MOTION 21G: PETER BARBA (Rights of Way) *Majority vote*

I move that the sum of \$20,000 is hereby appropriated from Fiscal Year 2024 Community Preservation estimated revenues for the planning and implementation of the Town's rights of way, consistent with the application for CPA funding by the Town of Nahant, including all incidental and related costs.

VOTED: Upon motion and duly seconded by Ms. Zahora voted 157 in favor and 11 opposed at 2:06 pm on 5/20/2023.

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.

- H. To appropriate the sum of \$25,000 from the FY 2024 Community Preservation estimated revenues for the purpose of transforming currently vulnerable Town of Nahant vital records, 1980 - present, into a format that will ensure their preservation for all mandated, as well as historical purposes.

MOTION 21H: JULIE TARMY (Preservation of Town Vital Records) *Majority vote*

I move that the sum of \$25,000 is hereby appropriated from Fiscal Year 2024 Community Preservation estimated revenues for transforming Town of Nahant vital records from 1980 to present into a format that will ensure their preservation, consistent with the application for CPA funding by the Town of Nahant, including all incidental and related costs.

VOTED: Upon motion and duly seconded by Ms. Warren voted 155 in favor and 9 opposed at 2:07 pm on 5/20/2023.

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.

- I. To appropriate for the payment of debt service on the \$350,000 Town Hall and Greenlawn Cemetery Entrance Archway Bonding authorized by the 2022 Annual Town Meeting (Article 22H), the sum of \$52,850 from FY 2024 Community Preservation estimated revenue for the first year of the bond payments.

MOTION 21I: DEBORAH WARREN (Town Hall/Greenlawn Cemetery Debt Service) *Majority vote*

I move that the sum of \$52,850 is hereby appropriated from Fiscal Year 2024 Community Preservation estimated revenues for the payment of the debt service for the Town Hall and Greenlawn Cemetery Bonding authorized by the 2022 Annual Town Meeting (Article 22H).

VOTED: Upon motion and duly seconded by Mr. Barba voted 152 in favor and 5 opposed at 2:08 pm on 5/20/2023.

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.

- J. To appropriate for the payment of debt service on the \$500,000 Public Library Bonding authorized by the 2021 Annual Town Meeting (Article 21E), the sum of \$68,000 from FY 2024 Community Preservation estimated revenue for the second year of the bond payments.

MOTION 21J: DEBORAH WARREN (Public Library Debt Service) *Majority vote*

I move that the sum of \$68,000 is hereby appropriated from Fiscal Year 2024 Community Preservation estimated revenues for the payment of the debt service for the Public Library Bonding authorized by the 2021 Annual Town Meeting (Article 21E).

VOTED: Upon motion and duly seconded by Ms. Zahora voted 157 in favor and 6 opposed at 2:09 pm on 5/20/2023.

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.

- K. To appropriate for the payment of debt service on the \$400,000 Public Library Bonding authorized by the 2019 Annual Town Meeting (Article 16C), the sum of \$50,152 from FY 2024 Community Preservation estimated revenues for the fourth year of the bond payments.

MOTION 21K: DEBORAH WARREN (Public Library Debt Service) *Majority vote*

I move that the sum of \$50,152 is hereby appropriated from Fiscal Year 2024 Community Preservation estimated revenues for the payment of the debt service for the Public Library Bonding authorized by the 2019 Annual Town Meeting (Article 16C).

VOTED: Upon motion and duly seconded by Mr. McMakin voted 154 in favor and 4 opposed at 2:10 pm on 5/20/2023.

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.

- L. To recommend the Town set aside from Fiscal Year 2024 Community Preservation Fund estimated 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 21L: DAN MCMACKIN (Revenue Set-Aside) *Majority vote*

I move that the Town set aside revenues from Fiscal Year 2024 estimated 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.

VOTED: Upon motion and duly seconded by Ms. Zahora voted 151 in favor and 12 opposed at 2:11 pm on 5/20/2023.

ARTICLE 22. (Open Space Committee) To see if the Town will vote to amend Article VI of the General By-Laws to add a new section forming a seven (7) member Open Space Committee to be appointed by the Moderator to, among other things, replace the annually continued Open Space and Recreation Plan Committee and to implement the Nahant Open Space and Recreation Plan, which new section is available for inspection in the town clerk's office, or take any other action relative thereto.

MOTION 22: JUDY ZAHORA (Open Space Committee) *Majority vote*

I move that Article VI of the Town's General By-Laws are amended by adding a new section, as shown in Appendix 6 of the Report and Recommendation of the Advisory and Finance Committee on pages 75 to 76 and for review in the Town Clerk's Office, to form a seven member Open Space Committee to be appointed by the Moderator to replace the annually continued Open Space and Recreation Plan Committee and to implement the Nahant Open Space and Recreation Plan.

VOTED: Upon motion and duly seconded by Mr. Barba voted 143 in favor and 15 opposed at 2:12 pm on 5/20/2023.

ARTICLE 23. (Police By-Laws - Feeding Wildlife Amendment) To see if the Town will vote to amend the Police By-Laws by adding Article XIV - Wildlife Feeding (a copy of which is available for review in the Town Clerk's office) to increase the protection of the health, safety and welfare of the community by restricting the feeding of wild animals, or take any other action relative thereto.

MOTION 23: DEBORAH WARREN (Police By-Laws – Feeding Wildlife Amendment) Majority vote

I move that the Town's Police By-Laws are amended by adding Article XIV – Wildlife Feeding, as shown in Appendix 5 of the Report and Recommendations of the Advisory and Finance Committee on pages 71 to 73 and for review in the Town Clerk's Office, to increase the protection of the health, safety and welfare of the community by restricting the feeding of wild animals.

VOTED: Upon motion and duly seconded by Mr. Barba voted 165 in favor and 15 opposed at 2:18 pm on 5/20/2023.

Recommendation by Planning Board Chair – Rob Steinberg – Planning Board met several times to review all of the documentation and criteria for Short Term Rentals and they recommend passing Article 24

ARTICLE 24. (Short-Term Rental Control By-Laws) To see if the Town will vote to amend the General By-Laws by adding a new Article (XIX) to regulate Short-Term Rentals, and to amend the Zoning By-Laws to address the use of Short-Term Rentals, as promulgated by the Short-Term Rental By-law Advisory Committee and available for inspection in the town clerk's office, or take any other action relative thereto.

MOTION 24: BOB VANDERSLICE (Short-Term Rental Control By-Laws) Seven (7) Voters to Approve

I move that the question be divided to separate the vote to adopt the General by-law amendments found in Appendix 7, and the vote to amend the zoning by-law as found in Appendix 9.

Per General By-Laws Section II Article 8. If a motion is susceptible of division, it shall be divided and the question shall be put separately upon each part thereof, if seven (7) voters so request.

Seven (7) person vote required to Split the Article into two (2) parts: General Bylaws and Zoning Bylaws.

VOTED: Upon motion and duly seconded by Mr. Barba the Town Moderator asked for a raise of hands to pass this vote. There were more than seven hands raised. Motion passed

MOTION 24-1: BOB VANDERSLICE (Short-Term Rental Control General By-Laws)

I move that the Town's General By-Laws are amended by adding Article XIX, as shown in Appendix 7 of the Report and Recommendations of the Advisory and Finance Committee on pages 77 to 81. To regulate Short Term Rentals.

VOTED: Upon motion and duly seconded by Ms. Tarmy voted 156 in favor and 28 opposed at 2:52pm on 5/20/2023.

MOTION 24-2: BOB VANDERSLICE (Short-Term Rental Control Zoning By-Laws)

I move that the Town Zoning By-Laws are amended, as shown in Appendix 9 of the of the Report and Recommendations of the Advisory and Finance Committee on pages 87 to 94, to address the use of Short Term Rentals as promulgated by the Short Term Rental By- Law Advisory Committee.

Citizen's Motion – GEORGE MIHOVAN – 66 Lennox Rd. *I would like to make a motion to amend the current proposed Zoning By-Law Change as follows:*

Article 24 Zoning By-Law Amendment: Section 4.13 Table of Use Regulations Description of Use

Short Term Rentals- Non Owner Occupied – in Residential R-1 and R-2 Districts change “S.P”(special permit) to N (Not permitted)

This should confirm that non-owner occupied short term rentals are not allowed in residential districts. The subsequent vote to approve or disapprove this amendment should show what the voters want in this town.

3:25pm Dr. DeWitt Brown Called the Question

VOTED: Upon motion and duly seconded by Ms. Michelle Capano voted 122 in favor and 53 opposed at 3:27pm on 5/20/2023.

3:37 pm Ms. Soloman- 5 Wendall Rd. Ext. Called the Question on Motion 24-2.

Town Moderator David Conlin took a verbal vote and the “Aye’s” won. Next Vote on the Question.

MODERATOR asked to have Motion Reread

MOTION 24-2: BOB VANDERSLICE (Short-Term Rental Control Zoning By-Laws)

I move that the Town Zoning By-Laws are amended, as shown in Appendix 9 of the of the Report and Recommendations of the Advisory and Finance Committee on pages 87 to 94, to address the use of Short Term Rentals as promulgated by the Short Term Rental By- Law Advisory Committee.

VOTED: Upon motion and duly seconded by Mr. Barba voted 143 in favor and 31 opposed at 3:38 pm on 5/20/2023.

ARTICLE 25. (Citizen Petition – Short-Term Rental By-Law)

Short Term Rental Dwelling Units: To see if the Town will vote to adopt the following By-law to address Short Term Rental Dwelling Units:

I. Preface

In recognition that short term housing rentals provide both benefits and costs to the community, the Town wishes to create by-laws and regulations to balance the right of property owners to make reasonable use of their property while establishing rules that mitigate the risk of negative impact on neighborhoods. The rules should not be unreasonably restrictive that people who may want or need to rent their homes (and can benefit from short term housing rentals because difficulties with long term rentals and fluctuations in the housing markets) would be unable to pay property taxes or other expenses, yet also simultaneously must address (1) real health, safety, and nuisance concerns and (2) zoning restraints so that we minimize the risk of disruptions that can be caused by short term housing rentals.

II. Definitions

(a) **Short Term Housing Rental:** A rental reserved in advance to one guest party of at least one (1) bedroom in a residential dwelling or one complete residential dwelling for a minimum of two (2) consecutive nights but no more than thirty-one (31) days. Such dwelling unit does not require occupation by the owner-operator as a primary residence or otherwise. The maximum occupancy should be set at one (1) more than twice the number of bedrooms (e.g., five (5) for a two (2) bedroom unit) based on the bedroom count registered in the assessors' records (legal bedrooms) and shall include accessory units. Occupants aged two (2) years or older shall be counted in this limit. Daily visitors in addition to registered guests (e.g., nonregistered guest visitors for a meal) in the dwelling unit is limited to five (5) persons.

(b) **Residential Dwelling:** A one-family or two-family dwelling as defined by the Zoning By-Laws but excluding: congregate living complex; elderly housing; group residence; homeless shelter; orphanage; temporary dwelling structure; transitional housing; hotel; motel; executive suite; lodging house; rooming house.

III. Location of Short Term Housing Rentals

Short term housing rentals are permitted in residential and business areas to the extent the use does not impinge on Protected Areas. Furthermore, short term housing rentals should be added to the Table of Uses in the Zoning By-Laws.

IV. Class and Number of Permits

(a) At no point shall the total number of short term housing rentals exceed 4% of the total dwelling unit stock in the Town. Property owners may only operate one (1) property as a short term housing rental unless already operating multiple properties as short term housing rentals prior to the effective date of this By-Law, in which case the properties may be allowed to continue to operate as short term housing rentals. Additionally, if the total number of short term housing rentals has not exceeded 5% of the total dwelling unit stock in the Town, then a property owner may apply for additional permits up to a maximum of three (3) total permits.

(b) An LLC or Trust shall be allowed to hold a permit only if the shareholders or members of the said LLC or Trust are natural persons. Such natural persons shall be listed on the permit application.

(c) A rental tenant shall not offer a rental unit as a short term housing rental. Owners of rental units that are below market rate or have income restrictions or are otherwise subject to housing or rental assistance or deemed affordable housing shall not be allowed to own or operate short term housing rentals.

(d) Permits shall be issued fairly and equitably from applicants who meet the permit requirements or have had more than 14 days of short-term rentals under a permit for the prior year.

V. Requirements of Short Term Housing Rentals

(a) Compliance. No short term housing rental shall be offered except in compliance with the provisions of this By-Law.

(b) Registration. Owners of any short term housing rental located in the Town of Nahant must register with the Town in accordance with Section VI of this By-Law.

(c) Annual Certification. All owners must file annually by January 31 with the Town a sworn certification attesting to continued compliance with the requirements of this article and all applicable public safety codes.

(d) Notice to Abutters. All owners must notify via hand delivery and certified mail all abutters to the residential dwelling of the registration of the residential dwelling as a short term housing rental within thirty (30) days of registration and subsequent annual certification including contact information of the owner, operating manager (if applicable), the owner's state registration number, and a reference to this By-Law.

(e) Outstanding Code Enforcement. Owners are prohibited from offering a short term housing rental if (i) the residential dwelling is subject to any outstanding building, electrical, plumbing, mechanical, fire, health, housing, sanitation, noise, or zoning code enforcement (including notices of violation, notices of cure, orders of abatement, cease and desist orders, and corrective actions), (ii) there exist outstanding building permits allowing work on the property in the unit be rented, or (iii) there are unpaid taxes, fees (including water, sewer, and trash), or assessments related to the property.

(f) Code Violations. Should a residential dwelling receive at least three code violations within any twelve (12) month period then it will be ineligible to be offered as a short term housing rental for a period of six (6) months from reasonable notice of the third violation.

VI. Registration Requirements

Owners must register with the Town prior to occupancy of any short term housing rental that commences after January 1, 2023 the following:

(a) State Certificate. A copy of the certificate of registration issued in accordance with Massachusetts General Laws Chapter 62C, Section 67.

(b) Owner Affidavit. A completed affidavit containing the following information:

- (1) Contact information of Owner and, if applicable, the contact information of the operating manager residing in the Town and appointed by the Owner in accordance with section (f) below;
- (2) Proof of Residence (see (f) below);
- (3) Confirmation that there is no code enforcement or building permits.

(c) Smoke Detector and Carbon Monoxide Certificate of Compliance. All short term housing rentals must comply with the applicable smoke detector and carbon monoxide requirements for residential units set forth in Massachusetts General Laws Chapter 148, Section 26E. Owners must schedule an inspection with the Fire Department and receive a Certificate of Compliance indicating that the property meets the smoke detector and carbon monoxide requirements prior occupancy commencing after January 1, 2023.

(d) House Rules. A copy of the House Rules required to be posted and distributed in accordance with section VIII below.

(e) Registration Filing Fee. At the time of registration, Owners must pay a filing fee of \$500 to the Town.

(f) Appointment of Operating Manager. A non-resident owner must appoint a local operating manager residing in the Town when registering a short term housing rental.

VII. Inspections

The Town may conduct inspections of any short term housing rental as may be required to ensure safety and compliance with all applicable ordinances and local, state, and federal codes, including but limited to the provisions of this article. All inspecting departments shall keep records of inspections and visits to the property throughout each year.

VIII. Responsibilities of Owners

(a) General Responsibility. The Owner shall be responsible for the proper supervision, operation, and maintenance of the short term housing rental in accordance with the requirements of this By-Law and all other pertinent laws, regulations, and codes. The Owner shall also be responsible for the behavior and activity of guests that results in a violation of this ordinance. The appointment of an agent shall in no way relieve the Owner from responsibility for full compliance with the law.

(b) No Nuisance. Short terms housing rentals shall not result in the disruption of the peace, tranquility, or safety of the immediate residential neighborhood through the production of noise, vibration, light, glare, trash, fumes, odors, traffic, parking congestion, or any other nuisance beyond that which normally occurs in the immediate residential area, including no disruptive noise, outdoor activities, or other disturbances between the hours of 10pm to 8am. Owners shall respond no later than two (2) hours of notification of a disruption and failure to respond may lead to immediate termination of the permit.

(c) Compliance with Town By-Laws and State and Local Laws. All short term housing rentals shall comply with all applicable ordinances and local, state, and federal codes applying generally to residential dwellings in the Town.

(d) Commercial Events Prohibited. A short term housing rental property shall not be used for a commercial event during its occupancy as a short term housing rental. Commercial events include luncheons, banquets, parties, weddings, meetings, charitable fundraising, commercial or advertising activities, or other gatherings for direct or indirect compensation.

Signage. No signage is permitted indicating the dwelling unit(s) as a short term housing rental.

(e) Parking. Vehicle parking in excess of one on-site stall per bedroom are required to obtain an on- street parking pass from the Police Department for conspicuous display on the front dashboard. Recreational vehicles, boats, commercial vehicles, and other vehicles that are not regularly used for passenger transportation of small groups are not permitted for off-street or on-street parking.

(f) Agreements with Occupants. Owners may not enter into any rental agreements that are inconsistent with the terms of this article.

(g) Minors. No short term housing rental shall be rented to any unemancipated person who is younger than eighteen (18) years of age.

(h) Occupant Registries. The owner of every short term housing rental must maintain, in permanent form, a registry log of occupants. It must include the contact information of the guest reserving the rental and dates of stay. The registry log must be available for inspection by the Town upon request.

(i) Fire Prevention Notice. Owners shall post in a visible place inside the residential dwelling information regarding the location of any fire extinguishers, gas shut off valves, fire exits and fire alarms in the dwelling.

(j) Notice of Registration. The Owners of every short term housing rental shall post in a prominent place within the rental the House Rules below as well as the certificate of registration with the Town. The Owner shall clearly display the Town registration number in all advertisements or notices of the short term housing rental, including online advertisements.

(k) House Rules. Owners shall institute House Rules to prevent the short term housing rental from being a cause of complaint to the Police Department or a cause of nuisance or annoyance to the neighbors or neighborhood.

(1) House Rules must make occupants aware of the Town's By-Laws and the Owner's policies, which shall be in writing. At a minimum, House Rules shall adequately address the following:

- (i) Noise control, including use of audio equipment, excessive noise, or outdoor activities that may disturb the peace especially between the hours of 10pm to 8am;
- (ii) Adherence to laws regarding disorderly behavior;
- (iii) Proper trash disposal;
- (iv) Requiring leashing of dogs and waste disposal bags;
- (v) Location of parking stalls on the property;
- (vi) Neighborhood parking regulations and restrictions;
- (vii) Occupancy limits according to the Town's By-Laws;
- (viii) Any other provisions as may be required by the Town.

(2) Owners shall ensure all occupants are aware of the House Rules by distributing them prior to the date of occupancy and posting them in a visible place.

(l) Egress and Access. Owners of short term housing rentals, classified as one-family or two-family dwellings for the building code, shall be responsible for ensuring that adequate egress is provided in accordance with the the appropriate section of Massachusetts State Building Code, 780 CMR.

(m) Maintenance. The building and all parts thereof shall be kept in good general repair and properly maintained.

(n) Burden of Proof and Cooperation. The burden of proof is placed on the Owner to demonstrate that they are operating within the limits of this By-Law. Owners must cooperate with any enforcement or investigation proceedings under this By-Law.

(o) False Information. Submission of false information shall constitute a violation of this By-Law.

X. Enforcement, Violations, and Penalties.

(a) Enforcement. The Town shall be responsible for enforcement of this By-Law, including any rule or regulation promulgated hereunder, and shall institute all necessary administrative or legal action to assure compliance.

(b) Notice of Violation. The Town shall issue a written notice of any violation of this By-Law to the Owner. Said notice shall describe the prohibited condition and order that it be remedied within thirty (30) days of receipt of the notice.

(c) Penalties. Any Owner who violates any provision of this ordinance shall be subject to suspension or termination of the certificate to operate a short term housing rental and a fine of not more than three hundred dollars (\$300.00) for each violation. Each day a violation occurs shall be a separate offense. The Town shall notify the Massachusetts Commissioner of the Department of Revenue of all such suspensions or terminations.

(d) Violations of building, health, or fire code. Any action by the Town to suspend, terminate or issue fines under this section shall not bar any other separate action by any other violation enforcement.

(e) Failure to Register. Any person who offers or operates a short term housing rental without first registering with the Town shall be fined three hundred dollars (\$300.00) per violation per day. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.

Nontransferable. Short term housing rental permits are not transferable and will terminate upon sale of the property.

(f) Notification to safety authorities. The Police Department and Fire Department shall be provided the contact information of the owner and operating manager (if applicable).

X. Effective Date.

The provisions of this Article IX shall take effect on January 1, 2024.

XI. Severability.

The provisions of this article are severable. If any provision, paragraph, sentence, or clause, of this article or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this article.

MOTION 25: CITIZENS' PETITION (Citizen's Petition – Short-Term Rental By-Law) 2/3rds vote

Motion should be read by petitioner

Example: To see if the Town will adopt article 25 as printed in the warrant which will amend the Town of Nahant General Bylaws to add a new Section and to authorize the Town Clerk to assign the applicable section number.

MOTION by PETER BARBA: I make a motion to indefinitely postpone Article 25 in light of the passing of Article 24

VOTED: Upon motion and duly seconded by Ms Tarmy voted 134 in favor and 30 opposed at 3:40 pm on 5/20/2023.

ARTICLE 26. (Continue Committees) To see if the Town will vote to continue the following standing committees to June 30, 2024: 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 By-law 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, MVP Committee, Noise Abatement Committee, Nahant Fire Station Architectural Assessment Committee, Short Term Rental Committee, or take any other action relative thereto.

MOTION 26: PETER BARBA (Continued Committees) *Majority vote*

I move that the Town continue the following standing committees to June 30, 2024: 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 By-law 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, MVP Committee, Noise Abatement Committee, Nahant Fire Station Architectural Assessment Committee, Short Term Rental Committee.

VOTED: Upon motion and duly seconded by Mr. Vanderslice voted 127 in favor and 8 opposed at 3:42 pm 5/20/2023

Town Moderator declared the 2023 Annual Town Meeting Adjourned – Time: 3:43 pm