

Nahant Planning Board Meeting on June 18, 2024

Chairman noted that notice was duly given and called the meeting to order at 7:00 pm. He then called the roll:

Attending: Rob Steinberg (Chairman) Shannon Bianchi (Vice Chair), Shelia Hambleton, and Michelle Capano. Joining after start of meeting were Steve Viviano (at 7:02pm) and Casey Carey (at 7:05pm)

Absent: John Stabile (resigned prior to meeting)

Alternate Members: Rebecca Flacke and James Dolan (resigned prior to meeting)

Town Counsel: Dan Skrip attended

Town Administrator Tony Barletta attended

1. Approval of meeting minutes of June 4, 2024. Michelle moved to approve the meeting minutes and Rob seconded the motion. Discussion ensued. Shannon said the minutes are inaccurate. The Chairman postponed approval until a later date per request by Shannon Bianchi
2. Chairman first turned to issue of what did the Board decide on May 21. However, the Chairman allowed the topic to shift to a point raised by Shannon Bianchi with respect to the June 4 meeting.
3. Shannon moved to rescind the Board's vote from June 4th, item 6, Casey seconded. Motion approved by Bianchi, Steinberg, Hambleton and Carey, with Capano no and Viviano abstaining. Shannon then stated that, due to that motion passing, the PB had to determine the next Chair and Vice Chair by Roberts Rules. The Chair stated that we had until June 18, i.e. today, to vote on the Chair and Vice Chair. However, the Chair said we can change the agenda to move that item up. Casey moved to nominate Rob as Vice Chair. Rob declined.
4. Casey then moved to nominate Shannon as Chairman, seconded by Sheila. Yes - Casey, Shannon, Sheila. No – Michelle, Rob. Steve abstained. Motion didn't pass according to Town Counsel.
5. Dan Skrip says if there is a failure to elect, it goes to the Selectmen to choose an interim Chair. This meeting can continue until the Selectmen appoint an interim Chair and arguable the PB can't set an agenda and meet until that occurrence.
6. Shannon moved to reconsider the vote on his nomination, seconded by Casey.

Steve asked can we suspend the two year term limit on the current chairman service. Skrip noted that the Board has set precedent ignoring that rule and the two year limitation can't all of sudden be enforced. Shannon agrees that we can amend our rules.

The Chairman took the vote: yes, Casey, Shannon, Sheila, and no Michelle and Rob, and Steve abstained. Motion to reconsider failed.

7. Steve moved to suspend the two year term limit, seconded by Michelle. Discussion ensued. Michelle asked if we can suspend a rule not on the agenda. Dan said that rule has been de facto suspended and motion might be illegitimate. Skrip recommended that the item could be put on the agenda for next meeting. Steve then rescinded his motion.
8. OML violations discussed next. Shannon asked if the discussion should have occurred in executive session and Skrip said there is no carve out for executive session for discussion of open meeting law violations. Michelle noted the substance of her complaint. Shannon responded that he thought he was writing to Tony and Tony's assistant, and said his emails were about scheduling and agenda items. Shannon said he saw PB group email later. Shannon noted that Michelle sent an email to all PB members directing them to send emails to a certain address and indicated that was improper and a violation of OML. Shannon asked if Michelle wanted to retract her complaint.
9. Michelle was then given an opportunity to respond. She said she appreciates Shannon work on the Board but should have called out her alleged OML violation at the time.
10. The Chair then entertained motion for him to send a response on behalf of the PB to the AG saying that we did not believe Shannon's violation was intentional, he told us he thought he was talking to a few people including Town employees and not the entire Board, while opinions were expressed there was no deliberation, and we don't accept penalties suggested by Michelle. Casey so moved, Steve seconded. Yes, Casey, Rob; abstained Shannon Michelle, Steve and Sheila.
11. Chairman asked for motion to reconsider. Casey moved to reconsider, and was no second.
12. Chairman then said he would write a letter to Michelle, copying the AG, that the PB couldn't agree on an appropriate letter in response. Dan recommended that the Chair send around a draft letter and then meet to discuss and vote whether to send.
13. Chairman asked Michelle whether she wants to retract her OML complaint but there was no response.
14. The Chair asked for said motion to send a letter to Michelle and copy to AG that Shannon expressed positions and views to the entire Board for purposes of noting issues for setting an agenda, that we do not believe that Shannon intended to violate open meeting law, a violation did not occur, and we do not agree there should be a remedy other than a warning to Shannon to use care to comply with open meeting laws. Steve so moved, Casey seconded. Yes – Casey, Steve, Rob, and Sheila, No – Michelle, Shannon abstaining.
15. Michelle said she changed her vote to yes but only for purposes of facilitating a PB response as required by law. The prior motion was made again by Steve and Casey seconded. The vote was as follows: Yes – Casey, Steve, Rob, Sheila, Michelle - Shannon not present.
16. A motion was then made to give authority to the Chair to send the letter/email set forth in the preceding motion. Casey so moved, Sheila seconded. Yes- Casey, Sheila, Michelle, Steve, and Rob, and Shannon abstains.
17. Casey then moved all action by the PB on the housing plan (3A and 40B), including a joint meeting with the BOS on this issue, cease until the FOIA request is resolved with respect to the HPP and all pertinent documents are reasonably made available by the Town and the public has

a reasonable opportunity to respond. Sheila seconded. It was stated that 30% of questions made by Town resident were not answered and people are upset due to lack of transparency. Casey continued that residents are awaiting Town officials to produce documents. Steve said the action should be limited by the HPP. Motion amended in that regard. Michelle noted that there were 4 unfilled requests. 30 inquiries came from one resident. Suzanne Macarelli stated that her request has not been answered and that she asked the Town to let her know whether they could respond to her request by the 18th and the Town did not timely respond to her. Ken Carangelo noted his questions from October were addressed in the Spring of the next year. Michelle said she is looking into 4th comments which are requests for numerous emails. Tony noted that there are record requests outstanding and a complaint was not filed. He said the Town received recent requests and some of them are quite extensive so the requester will have to determine if they want to narrow the request to avoid expense. Tony said that responding to the email request could take time. Michelle said what purpose is achieved by delaying work on the housing plan and noted that there have been no specifics about what needs to be improved in the plan. Michelle said public was highly engaged in meetings. Rebecca said we are running around in circle and that the plan has been worked on for 18 months. Casey said she has talked to many people about HPP and not received any positives response and said the community thinks there is a lack of transparency.

The Chair read the motion as amended with the amended parts in yellow highlight. Casey made a motion with respect to the amended motion, seconded by Sheila. Michelle said the statement that the subcommittee has not been transparent is inflammatory and not true. Tony said Town responded promptly and it is not fair to say that the Town not transparent. He noted it is a different matter to allow more opportunity to comment. Casey apologized and said she takes this very seriously. Suzzanne Macarelli then noted that she just asked whether the Town could respond by a certain date. Ken Carangelo said it wasn't a timing issue about getting the documents he requested. Rob said the PB can work on revising the plan while the Town receives more comments. Steve said he has gotten feedback but noted that the Town can say no to having a HPP.

Vote on the motion was as follows: yes- Shannon, Casey, Sheila, Steve, no- Michelle and Rob. Motion passes.

18. The Shannon asked for a motion to adjourn and Casey seconded. A roll-call vote taken: Yes – Shannon Bianchi, Shelia Hambleton, Michelle Capano, Rob Steinberg, Steve Viviano, and Casey Carey.

Adjourned at 9:15 pm

Respectfully submitted,

Rob Steinberg

Approved on July 16, 2024