



TOWN OF NAHANT
Advisory and Finance Committee

Members

Robert Vanderslice, Co-Chair
John Fulghum, Co-Chair
Barbara Beatty
DeWitt Brown
Jeff Lewis
Dana Sheehan
Julie Tarmy
Judy Zahora

Saturday August 29, 2020 Combined FinCom and BOS meeting

FinCom Members Present: Zahora, Sheehan, Brown, Fulghum, Beatty, Vanderslice, Tarmy (late), Lewis (late)

FinCom Members Absent: none

BOS Members Present: Cullinan, Canty, Antrim

Other Present: A. Cort, C.Cahill, E. Lonergan, K. Marden, D. Monteith, phone call-ins. M. Capano, P. Barba, E. Berman, K. Carangelo

FinCom Meeting called to order at 11:05

BOS Meeting called to order at 11:16

Motion made by BOS to adopt changes to Annual Meeting and re-order numbers of FY2021 Warrant. Accepted.

Motion to close Warrant by Canty, seconded by Antrim. Unanimous.

Warrant was then reopened to make changes to Budget to strike the amount of \$48K in PT cemetery wages line and replace it with \$30K and strike the \$0 in the highway and streets capital line and replace it with \$18k and share the Omnibus with FinCom. This was a clerical error that needed to be corrected.

Fulghum clarified why he asked Barletta about the amount in P-T Cemetery. It was a large jump that he caught while going through the Omnibus. There has been concern in the past about increases in salary amounts. DPW budget is difficult to read due to shifting.

Zahora expressed her thanks to Fulghum for being able to go through the numbers so thoroughly in a short period of time, which is why FinCom requests these numbers earlier in the process.

Motion was made by Antrim, second by Canty and accepted by BOS.

No updated match for State CPC funds yet. Cullinan stated DOR has not released 2nd and 3rd rounds of funding yet. We will get these numbers once State completes their budget.

Motion passed by BOS to correct budget numbers.

Fulghum requested that new budget be forwarded to FinCom.

At about 11:30 Vanderslice noted that Beatty and Tarmy had joined the meeting.



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Cullinan asked what the deadline was for the warrant being done. FinCom agreed that was an excellent question.

Tarmy asked the BOS what objections were to having a smaller warrant to be mailed and then followed up with a booklet containing the supporting documentation. Barletta added that law requires that warrant with recommendations be delivered to every household 7 days prior to Town Meeting. Printer needs 15 working days to print and deliver. Making the deadline for getting the completed PDF of the complete warrant to the printer by Monday August 31st, less than 48 hours from this moment, without FinCom being in possession of all information.

Option would be to print the warrant with recommendations ONLY, followed by the rest of the documentation getting to the printer by September 9th.

Fulghum has been reviewing the process of putting the book together and believes that if he had ALL of the necessary documentation at this time, completed, the book could conceivably be completed by the 31st. It would be a lot of work, but it could be done. Not sure how realistic this is considering how much information is not complete. Tarmy stated that she had also been working on how to format the warrant. Fulghum and Tarmy will talk after the meeting.

Cullinan will defer to the FinCom and work to get all documents that we need.

Vanderslice asked Jeff Blake if he was available this weekend to review what FinCom produces. Fulghum shared his screen to show all the list of documents for the warrant, their order in the warrant and their current status of completion. 130 pages total. All the logistics of putting the warrant together – excel to pdf, etc. FinCom's objectives for today's meeting is to get everything completed and 'closed'. Still need the table of school grants and sources, and the wetlands by-law study report. We could include placeholders for these with an explanation of why they are missing.

Still have 4 articles to vote: Omnibus, CPC Eminent Domain, New eminent domain authorizing, and Tree by-law.

Article 29: Tree By-law: Motion made by Vanderslice for a no recommendation, seconded by Brown. Beatty, Brown, Vanderslice, Fulghum, Zahora, Tarmy and Lewis Ayes. Sheehan no. Passes 7 to 1.



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Town Meeting set-up. We get the set-up part, but don't understand how this can be done with close to 600 – 700 people. Barletta and Capano stated that it is in-line with Governor's guidelines. Discussion about having full town meeting, outdoors at baseball field. Enough space for up to 2,000 people. Logistically, this can be done. Barletta shared the layout of Town Meeting setting. Other towns have done it. Fulghum gave an example of town of Bedford doing this, but they had trimmed down the articles, changed the rules of debate and had no contentious or significant articles. Cost to Town of Nahant will be in the neighborhood of \$30,000 +, at least 75% to be reimbursed by State as COVID-related expense.

Back to Articles: Omnibus – Motion made by Beatty, seconded by Zahora to recommend budget as amended today. Unanimous Ayes.

Article 12: Authorize BOS to acquire East Point by Eminent Domain – in-depth discussion. Motion made by Zahora for No Recommendation (as it gives the BOS sole authority to proceed), Seconded by Brown. Beatty, Lewis, Sheehan – No. Brown, Fulghum, Tarmy, Vanderslice, and Zahora Ayes. Passed 5 to 3. We will back this up with the back story of how we came to this decision of 'No Recommendation' on both 11N and 12. We do not have all of the information that we requested and feel we need. We hope to have the study by Town Meeting. We would feel comfortable making a 'recommend' or 'no recommendation' once we have this study.

Discussion on documents to back-up our votes of 'No Recommendation'. Talked about the verbiage in the Article, re: total acreage. This is a legal description of the parcel as it is recorded on the Assessor's 'card'. The Article that appears in the warrant makes people aware of the vote that is to be taken but it is the motion made on the floor that will essentially be voted on. Land is being taken for Conservation Restriction, not to own. Motion cannot differ much from the Article, but it may be more specific as to how much will be taken and for what money. Discussion of Sheehan's Risk Analysis and Vanderslice's Financial Impact statement on NEU. Beatty suggest we include the verbiage 'inherent uncertainty'. Barletta asked for a clear explanation of the figures in the BOS NEU tables and graphics. FinCom did ask and commission a professional study of the financial impact of the expansion. We are aware that there is risk and uncertainty in Eminent Domain, final cost including legal fees could be more or less. The numbers that have been provided are estimates.

CPC Article 11N: Eminent Domain – Motion made by Brown for No Recommendation, seconded by Zahora. Tarmy, Sheehan, Brown, Fulghum, Zahora, Vanderslice (reluctantly), Lewis Ayes; Beatty No with a great deal of uncertainty (uncomfortable not recommending the receipt of this gift of \$3 million to the town).



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Complete warrant has now been voted.

Talk on cover letter. Sent to committee, we will respond ONLY to the sender, not reply all. In our responses, we should talk about what we definitely know. Shared screen and discussed Eminent Domain part of cover letter. Be sure to mention that it does not deplete CPC funds. Mention that Town of Nahant is grateful for the gift of \$3 million. Include that we requested professional financial impact statement back in May. Put it 'best estimates' on cost to Nahant. The threat of Eminent Domain could be looked at as a strategic 'flexing of muscles' to get NEU back to the negotiating table. NEU does not appear at this point to be willing to negotiate. They have not responded in months. BOS cannot comment on any conversations that have taken place, per advice of counsel. The Town has asked NEU to look at other sites on which to build.

Going forward: Lewis, Sheehan, and Vanderslice will work on Eminent Domain back-up documentation for both article 11N and article 12, as well as for the cover letter. All will look at the cover letter for content and mechanics. Make sure all responses are in and proofed. FinCom members should try to have all of their responses, etc. done today. A lot of focus has been on Art 11N and Art 12, but there are several other areas where money is being spent.

Zahora has asked Coast Guard Committee for their backup document. CGHC is having a ZOOM public meeting on Tuesday Sept. 1st. Beatty made a comment that while she did vote for it, she is uncomfortable with evicting Section 8 residents, in light of COVID and its financial impact. Also mentioned that some kind of affordable housing is a goal, but this is not a discussion for now. Sheehan pointed out that part of CPC funds is for affordable housing.

We will post a meeting for Wednesday Sept 2nd meeting and include Executive Session for our next meeting.

Beatty, as a newcomer to the FinCom, has been very impressed with how the FinCom has functioned throughout this process, very thoughtful and careful discussions.

Public Comment: Question from Ken Carangelo - has there been a FinCom conversation on conflict of interest with member's spouse on NPT suit against NEU? FinCom response was no. Has FinCom considered risk of NEU suing Town for damages over and above any pro tanto difference and legal fees? Cullinan said this has been considered, we certainly expect NEU to challenge. We understand the risk. We don't think the risk is significant, and are working on a backstop. Will appraisals be made public?



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Cullinan stated that this type of information would be admissible in court, so it's proprietary. Fulghum, we will discuss this in Executive Session on Wednesday. Has the BOS considered the cost of damages over and above? Cullinan, understanding from counsel is that this would not be allowed.

Peter Barba stated that he will be sending the CGHC slide presentation to FinCom.

Motion made by Tarmy to adjourn, seconded by Zahora. Unanimous Ayes.
FinCom Meeting adjourned at 2:52 p.m.