

Town of Nahant, MA
Board of Selectmen - Town Administrator Search Committee
Joint Meeting

Minutes
Thursday, May 17, 2018 7:00 PM

Chesley R. Taylor Jr., Chairman
Richard J. Lombard, Vice Chairman
Frank Barile, Recording Secretary
Gerry Perry, Acting Town Administrator

1. Meeting Opening 7:00 pm

Pledge of Allegiance - Led by Mr. Taylor.

- a. Opening Comments - None
- b. Approve minutes of 5/3/18 -Mr. Barile made a motion that the Board of Selectmen vote to approve the minutes of 5/3/18. Mr. Lombard seconded the motion. Unanimous vote.

2. New Business - Town Administrator Search Committee - Public Input - Mr. Manning, Chair introduced committee members: Jim Ward, Colleen O'Leary, Jen McCarthy, Deb Murphy, Laurie Giardella, Dan Fiore, Gordie Hall, and Joe Donovan. He discussed their actions to date, the Town Administrator Act and asked for input on desired characteristics for the new town administrator.

Mr. Lombard desired a multitasker with management skills, financial administration experience and communication skills. He cited the need to rewrite the TA contract to reconcile differences between TA act and town charter.

Mr. Barile wanted someone who would work with the Board, have municipal finance experience but didn't mind someone green - young and energetic.

Mr. Taylor is looking for human skills and technical skills- budgeting with the emphasis on the human skills. He too acknowledged the need to reconcile the TA act with the charter and stated that the TA act supersedes any contract written. He then asked for input from the audience.

Mr. Jenkins asked how the Board could convince a good candidate that there would be job security.

Mr. Cullinan, former TA, said important qualities were to listen without pre-judgement; keep an open mind; understand governance; support department heads and committees; be a good communicator; be transparent and fiscally conservative. With all the projects facing the town, an engineer or project manager would also be a benefit.

Ms. Puleo wanted someone who was familiar with the Town.

Mr. Manning thanked all and said the committee will review all the resumes and have a short list of recommended candidates in June for the Board.

3. Ongoing Business

- a. Citizen's Forum - None

4. Town Administrator Report

a. **Northeastern Liaison Committee** - Mr. Taylor read a "Gift Agreement Pursuant to G.L.C44,§53A" (attached #1) Mark Cullinan, Chairman of the Committee said that committee, consisting of Paula Devereaux, Bobbi Jo Blair, Jeff Musman and Nancy Cantelmo are recommending the gift agreement - a donation from Nahant Preservation Trust to the town to retain Attorney Masterman and Mr. Foster, an appraiser, to assess the Northeastern property. Mr. Perry recommended acceptance of the agreement - Chapter 44§53A allows for municipalities to accept gifts. The current agreement has been amended and reviewed by Attorney Quirk. Mr. Lombard made a motion that the Board of Selectmen vote to approve the agreement. Mr. Barile seconded for discussion. Mr. Barile questioned why the original agreement called for \$100,000 and this amended agreement was for \$67,500. Ms. Devereaux explained that the \$100,000 was an estimated placeholder and after further investigation, \$67,500 should be sufficient to cover legal and appraisal fees. Mr. Perry assured the Board that they would control the funds and that no additional liabilities would be incurred by the town. Mr. Barile had not seen this new agreement. Mr. Taylor stated he and Mr. Perry had amended it right up to the meeting and would not violate open meeting laws by discussing ahead of time - must be in public session. Mr. Lombard supports the generosity of the gift. Northeastern expansion must be stopped. Mr. Taylor called the vote. Mr. Lombard - Yes, Mr. Barile - yes with reservation. Mr. Taylor - Yes. Unanimous vote. Mr. Cullinan presented the Board with the check for \$67,500 to much applause.

b. **Appointment List Review** - Mr. Perry presented the proposed appointment list for FY19 based on FY18 appointments. The Board will review and make their recommendations, and it will be voted at a later meeting in June. Fire Chief Feinberg stated he had made some corrections.

c. **BOS Vote to Authorize Borrowing** Mr. Barile made a motion that the Board of Selectmen vote that the maximum useful life of the of the temporary fire truck housing structure to be financed with the proceeds of the \$75,000 borrowing authorized by the vote of the Town passed April 28, 2018 (Article 21) is **5 years**. Mr. Lombard seconded the motion. Unanimous vote.

Mr. Barile made a motion that the Board of Selectmen vote that the water/sewer debt shift in the amount of \$862,033 be raised on the FY19 tax levy. Mr. Lombard seconded the motion. Unanimous vote.

d. **Update on Activities** - Mr. Perry gave update as follows:

- Tudor Wharf - Met with Childs Engineering and Vicky Masone to develop a punch list for Tudor Wharf for Unified, the contractor.
- 40 Steps Revetment - Meeting with DEP in early September.
- Memorial Day - on target to be ready
- DPW summer employment - 4 starting soon - 2 more on July 1.
- Golf Course - up to date on rent. Damage to irrigation system electricity. DPW working with EZ to run a new line. Mr. Lombard wants the Golf Committee to be made aware what their responsibilities are. Mr. Perry meeting with P Fitzpatrick, Chair to discuss.
- 238 Wilson Road - Chief Feinberg and Wayne Wilson have made the fire ravaged building secure.

- Acting - TA - time - Mr. Perry is limited by his pension to the amount of hours he can work and is on target to go way over the limit. He asks for the Board's prioritizing of projects/requests.

- e. **Approve event request Victorian Ball** Mr. Barile made a motion that the Board of Selectmen vote to approve the event 8-11-18 3pm to 11pm Town Hall. Mr. Lombard seconded the motion. Unanimous vote.
- f. **Approve Graduation Party** - Bob Inello - Mr. Barile made a motion that the Board of Selectmen vote to approve the event 6/2/18 10:00AM to 6:00PM Baileys Hill. Mr. Lombard seconded the motion. Unanimous vote.
- g. **Approve Coolidge Middle School Kite Day** - Mr. Barile made a motion that the Board of Selectmen vote to approve the event Short Beach 6/8/18 from Noon to 2:00PM. Mr. Lombard seconded the motion. Unanimous vote.
- h. **Approve Nahant Village Church Blessing of Pets** - Mr. Barile made a motion that the Board of Selectmen vote to approve the event Marjoram Park 6/3/18 9AM. Mr. Lombard seconded the motion. Unanimous vote.
- i. **Approve Fundraiser Nahant Sailing Program** Mr. Barile made a motion that the Board of Selectmen vote to approve the event Town Wharf 7/28/18 5PM to 9PM. Mr. Lombard seconded the motion. Unanimous vote.
- j. **Approve Mens Softball League** Mr. Barile made a motion that the Board of Selectmen vote to approve the event Lowlands 5/7/18 to 9/10/18. Mr. Lombard seconded the motion. Unanimous vote.
- k. **Approve Apollo Club Concert** Mr. Barile made a motion that the Board of Selectmen vote to approve the event 6/3/18 Town Hall 3:00PM to 4:00PM. Mr. Lombard seconded the motion. Unanimous vote.
- l. **Approve Jeb Fisher** - small video shoot 40 Steps - Mr. Barile made a motion that the Board of Selectmen vote to approve the event 5/16 7pm to 8:30pm. Mr. Lombard seconded the motion. Unanimous vote.
- m. **Approve Ellingwood Concert Series** - Historical Society 4/13, 5/13, 6/17, 7/28, 8/25, 9/22 Mr. Barile made a motion that the Board of Selectmen vote to approve the event. Mr. Lombard seconded the motion. Unanimous vote.

5. **Old Business** - Mr. Barile stated Waste Management missed several streets and should have returned on Saturday to pick up the trash but came on Monday. This is unacceptable. In addition they broke a recycle bin. Mr. Perry will contact and arrange a meeting. Mr. Barile also said the MVPP application is submitted and he is waiting to hear about grant money. Also, FEMA insurance will be visiting 6/11/18 and FEMA committee working on community rating system. Mr. Lombard would like an action item list from town meeting last year and this year. He would also like the seawalls heightened/repared.

6. **Closing Announcements - None**

7. **Adjourn** - Mr. Lombard made a motion that the Board of Selectmen vote to adjourn. Mr. Barile seconded the motion. Meeting adjourned at 8:56 pm.

Minutes approved this 13th day of June, 2018



GIFT AGREEMENT PURSUANT TO G.L. c.44, §53A

WHEREAS, The Nahant Preservation Trust, Inc. ("NPT") a Massachusetts nonprofit corporation with a principal office at 41 Valley Road, Nahant, MA 01908 wishes to make a gift to the Town of Nahant, by and through the Nahant Board of Selectmen ("Town"), to assist the Town with the evaluation of land that the Town may seek to acquire located on East Point, so called ("Property"); and

WHEREAS, NPT has agreed to provide the Town with a grant of funds, under G.L. c.44, §53A, in the amount of \$67,500.00 with the said funds to be placed into a gift account under G.L. c.44, §53A; and

NOW, THEREFORE, the Town and NPT agree as follows.

1. NPT hereby provides the Town's Treasurer with the sum of \$67,500.00 under G.L. c.44, §53A to be deposited by the Treasurer in an interest bearing account ("Gift Account") to be expended at the direction of the Board of Selectmen, exclusively, for the following purposes:
 - i. To authorize the Town Administrator, upon and with the approval of the Board of Selectmen, under Nahant Town Administrator Act ("Act") § 9 ([HYPERLINK "http://www.nahant.org" www.nahant.org](http://www.nahant.org)) to hire and engage James Masterman, Esq. of Greenberg Traurig, Boston, MA, to provide the Board of Selectmen and the Town Administrator with independent advice on all matters involving the interests that the Town may seek to acquire in the Property, under the provisions of G.L. c.79 or otherwise, which engagement may include: (a) the hiring of Steven Foster of Lincoln Property Company as an expert appraiser, subject to the vote required below, to provide a confidential appraisal to the Board of Selectmen under G.L.c.79, §7A of the potential value of said Property and the potential interests that may be acquired, with the Town Administrator and the Board of Selectmen to authorize the parameters of the appraisal as to the property interests to be evaluated and to authorize the actual engagement of the appraiser, and (b) the hiring of other independent experts, including, but not limited to, a coastal wetlands expert and a land surveyor to provide reports and plans regarding the Property and such property interests with the Town Administrator and the Board of Selectmen to authorize the actual engagement of such consultants.
 - ii. To authorize the Town Administrator, upon and with the approval of the Board of Selectmen, under Act, §9, to engage other attorneys to review matters associated with this agreement and any work performed under this agreement, with that cost not to exceed \$5,000.
2. The gift funds may be used by the Town, up to \$67,500.00, to pay for the reasonable costs incurred by the Town for the purposes set forth above, but for no other purpose

without NPT's approval. Such payments shall be made by the Town, with the approval of the Board of Selectmen, from the Gift Account pursuant to written invoices received by the Board of Selectmen from the various consultants who are retained in accordance with the terms of this Agreement.

3. Non-attorney contracts shall be in writing and shall be for "not to exceed amounts."

4. NPT may, but shall not be required to, replenish the Gift Account if there is any shortfall, in amounts it deems are appropriate, to provide additional funds to the Town to support its evaluation of the property, in which case this agreement shall be modified by majority vote of the Board of Selectmen to authorize receipt and expenditure of the additional gift funds.

5. Once the Board of Selectman notifies the Treasurer in writing that all outstanding costs and fees detailed above have been fully paid and notifies the Treasurer of the amount of the costs and fees, then the Gift Account shall be closed and any excess funds remaining therein shall be returned to NPT or its written assign. At any time after December 31, 2018, NPT shall have the right to request the return of any funds held in the Gift Account not expended or required for costs properly incurred hereunder prior to the date of such request.

6. Any interest accrued under the Gift Account may be used for any purpose allowed under this agreement.

7. Any report or plan or advice generated shall be for the sole benefit of the Town, by and through the Board of Selectmen, and shall be maintained as confidential by the attorneys and the consultants and shall not be disclosed or shared, except to the Board of Selectmen and to the attorneys specifically engaged under this Agreement and with the determination as to whether to release confidential documents shall be determined as provided for under state law and with any waiver of attorney client privilege to rest solely with the Board of Selectmen.

8. It is hereby acknowledged the Town shall have the right, but not the obligation, to use the funds, including any accrued interest, obtained hereunder for the stated purpose and that the Town shall not be deemed to have waived its right to use the funds or be deemed guilty of laches if the Town delays in using the funds.

9. It is expressly understood and agreed by and between the Town and NPT that by accepting said funds and by executing this agreement, neither the Town nor the Board expressly or impliedly makes a representation or a promise that it has endorsed or will endorse a particular course of action or will recommend a particular course of action to Town Meeting.

Nahant Preservation Trust, Inc.*

Emily R. Patis
By:
Its: *President*

* A corporate vote authorizing the above signature is attached hereto.
Date:

Nahant Board of Selectmen, approved by a vote of 3 to 0 on May 17, 2018.

BY: Chester R. Taylor Jr.
[Signature]
[Signature]

Date: 5-17-2018

Minutes

Annual Nahant Preservation Trust Board Meeting 2016

April 2, 2017

2pm to 4pm

Nahant Life Saving Station

Present: Emily Potts, Dennis Maroney, Jeff Musman, Mia Corinha, Mark Cullinan, John Dineen, Edith Hunnewell, Roz Puleo, Chris Rogers, Ken Turino, Peter Vernam, Judy Walsh

Also in Attendance: Lynne Spencer, Eileen Simons, Christine Kendall

Call to Order:

The Meeting was called to order and members were welcomed by the President.

Election of Board Members and Officers

The Election of Slate of Board Members and Officers was conducted by the Clerk, Jeff Musman. The slate was moved and accepted unanimously. The officers are as follows:

Emily Potts, President

Mark Cullinan, Vice President

Dennis Maroney, Treasurer

We are very happy to have Mark Cullinan join us in his new position as Vice President.

Establishment of Bylaw Review Committee

The NPT was established 20 years ago and, in recognition of that, we agreed that it is time to review our bylaws. A subcommittee was formed for this purpose.

The following individuals volunteered:

Jeff Musman

John Dineen

Judy Walsh

Emily Potts

NPT buildings

Lynne Spencer provided us an update on improvements to the buildings made in the past year.

At Valley Road there were heating and AC unit replacements, replacement of the Serenity Room Floor, reinforcement of the Rotunda floor for the installation of the Buddha, painting of the rotunda and stairwells and the Serenity Room, placement of a railing on the rear entrance to the building.

At the Life Saving Station there was roof repair, along with ceiling and wall repairs and painting.

The Capital Committee, headed by Mark Cullinan and working with Lynne Spencer and Andy Puleo, was recognized for their excellent efforts.

Rental Events and Community Usage

Christine Kendall reported on the events held at the Community Center and at the Life Saving Station over the past year. Her report is attached. The Board expressed gratitude for her work. Her report is attached to these minutes. She also discussed the Tall Ship event planned at the Wharf on June 16. The NPT will host along with the Dory Club. Edie Hunnewell offered to help with this event.

Christine and Mia will work on a marketing brochure for small events publicize the Life Saving Station.

John Dineen discussed the possibility of naming the boat room the Lowell Boat Room. Lynne Spencer reminded us of the historical display which is designed and yet to be installed. Lynne Spencer, Ken Turino, Roz Puleo, Mia Corinha, and Edie Hunnewell volunteered work on the historical displays.

New Open Space Acquisition/ Purchase date: 3/31/2017

Jeff Musman discussed the new land purchase at 25 Furbish. This land has been taken by the Town and was purchased at auction for \$6000. Prior to the auction the Town has put restrictions in place which will prevent building on the land and will require that it be open for public access. This land is located in a wetland area which serves as an important watershed for the eastern portion of Nahant, draining the area from Ocean Street to Cliff Street, and from Nahant Road to Willow. The Trust and Swim working together, will raise \$20,000 and have submitted a grant application to the Conservation Preservation Committee for a matching \$20,000 to cover the costs for the required demolition of the existing house and restoration of the property to its natural state.

During the discussion the possibility that there could be salvageable items of some value in the abandoned house was raised. Some Nahanters have expressed interest in a yard sale of items. Ken Turino, Mark Cullinan, and Lynne Spencer will look through the house to determine further action.

Financial Report:

The financial report was given by Eileen Simons who has volunteered as our accountant for the last 3 years. Eileen has become busy with increased duties at

work and will no longer be able to provide her much valued service with our finances. However, she has expressed an interest in continuing to work with us on projects.

Dennis Maroney presented the Treasurers report which is attached to these minutes.

Closing remarks

The Trust has been fortunate this past year to have worked collaboratively with several groups. In order to raise funds to restore the floor of the Serenity we worked with Sallee Slagle and her Dance Dimensions group. We are presently working with SWIM to obtain, fundraise and to restore the land at 25 Furbush. And the NPT is working with the Dory Club to host the June 16th event to celebrate the Tall Ships which will come into Nahant Harbor.

The NPT is very happy to have opportunities to work with these groups to enrich and improve the buildings and environment of Nahant

Respectfully Submitted

Emily Potts, President