

Town and County of Nantucket Select Board • County Commissioners

Dawn E. Hill Holdgate, Chair
Jason Bridges
Matt Fee
Kristie L. Ferrantella
Rita Higgins



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C. Elizabeth Gibson
Town & County Manager

***AGENDA FOR THE MEETING OF THE
SELECT BOARD
APRIL 1, 2020 - 6:00 PM
REMOTE PARTICIPATION VIA ZOOM AND YOU TUBE
PURSUANT TO GOVERNOR BAKER'S MARCH 12, 2020
ORDER REGARDING OPEN MEETING LAW
NANTUCKET, MASSACHUSETTS***

I. CALL TO ORDER

II. SELECT BOARD ACCEPTANCE OF AGENDA

III. ANNOUNCEMENTS

1. The Select Board Meeting is Being Audio/Video Recorded.
2. COVID-19 Weekly Update:
 - a. Local Emergency Orders - Status
 - #1 - Temporary Moratorium on Construction (Emergency Mgt Dir)
Potential Action Item: Discussion/Vote to Extend Moratorium
 - #2 - Personal Care Services (Temporary Shutdown) (Health Dir)
 - #3 - Stay at Home Order (Emergency Mgt Dir)
Action Item: Ratification of Allowance for Package Stores to Provide Curbside Service
 - b. State Emergency Order(s) - Status
 - c. Report from Nantucket Cottage Hospital (NCH President/CEO; Medical Director)
 - d. Public Information (Asst Town Manager/Tivnan)
 - Outreach update
 - Dedicated email covid19@police.nantucket-ma.gov
 - Dedicated phone line 508-325-4111

- e. Economic Impact Work Group (C&T Director)
- f. Town Services Status (Town Manager)
 - Offices remain closed through April 6/7 (local vs state orders)
 - Essential services only in place; some occurring remotely
 - Daily call with Emergency Response Team
 - Daily communication with employees
 - Daily SITREP to Select Board
 - Town budget/staffing update
- g. Public Comments Related to COVID-19

IV. PUBLIC COMMENT FOR ITEMS NOT RELATED TO COVID-19 OR OTHER AGENDA ITEMS

V. NEW BUSINESS*

VI. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

1. Approval of Minutes of October 2, 2019 at 6:00 PM; March 25, 2020 at 6:00 PM.
2. Approval of Treasury Warrants for April 1, 2020.
3. Approval of Pending Contracts from April 1, 2020 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

VII. TOWN MANAGER'S REPORT

1. Review of 2020 Committee/Board/Commission Openings.

VIII. SELECT BOARD'S REPORTS/COMMENT

1. Moderator Consultation with Select Board Regarding Rescheduling 2020 Annual Town Meeting.
2. Discussion Regarding Rescheduling April 14, 2020 Annual Town Election.
3. Committee Reports.

IX. PUBLIC HEARINGS

1. Public Hearing to Consider the Appeal of Lydia Denney Palmer LLC of Historic District Commission Approval of Certificate of Appropriateness No. 72738 for an Addition, Regarding Property Located at 112 Wauwinet Road, Map 11, Parcel 20 (Continued from January 15, 2020; February 5, 2020; REQUEST TO CONTINUE TO MAY 13, 2020).

X. ADJOURNMENT

****Identified on Agenda Protocol Sheet***

Select Board Agenda Protocol:

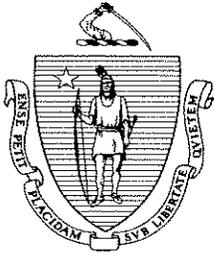
- **Roberts Rules:** *The Select Board follows Roberts Rules of Order to govern its meetings as per the Town Code and Charter.*
- **Public Comment:** *For bringing matters of public interest to the attention of the Board. The Board welcomes concise statements on matters that are within the purview of the Select Board. At the Board's discretion, matters raised under Public Comment may be directed to Town Administration or may be placed on a future agenda, allowing all viewpoints to be represented before the Board takes action. Except in emergencies, the Board will not normally take any other action on Public Comment. Any personal remarks or interrogation or any matter that appears on the regular agenda are not appropriate for Public Comment.*

Public Comment is not to be used to present charges or complaints against any specifically named individual, public or private; instead, all such charges or complaints should be presented in writing to the Town Manager who can then give notice and an opportunity to be heard to the named individual as per MGL Ch. 39, s 23B.

- **New Business:** *For topics not reasonably anticipated 48 hours in advance of the meeting.*
- **Public Participation:** *The Board welcomes valuable input from the public at appropriate times during the meeting with recognition by the Chair. For appropriate agenda items, the Chair will introduce the item and take public input. Individual Board Members may have questions on the clarity of information presented. The Board will hear any staff input and then deliberate on a course of action.*
- **Select Board Report and Comment:** *Individual Board Members may have matters to bring to the attention of the Board. If the matter contemplates action by the Board, Board Members will consult with the Chair and/or Town Manager in advance and provide any needed information by the Thursday before the meeting. Otherwise, except in emergencies, the Board will not normally take action on Select Board Comment.*

EXHIBIT 1
AGREEMENTS TO BE EXECUTED BY TOWN MANAGER
UNLESS RESOLUTION OF DISAPPROVAL BY THE SELECT BOARD
April 1, 2020

Type of Agreement/Description	Department	With	Amount	Other Information	Source of Funding
Amendment to Professional Services Agreement	Police/Public Works-Facilities	Tom Hanlon Landscaping, Inc.	Amend current contract amount of \$227,251.12 to add \$26,588.50 for new contract value of \$253,839.62	Add 4 Fairgrounds Rd Public Safety Complex to existing Town-wide landscaping contract	Public Buildings Budget



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

**ORDER SUSPENDING CERTAIN PROVISIONS
OF THE OPEN MEETING LAW, G. L. c. 30A, § 20**

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”); and

WHEREAS, many important functions of State and Local Government are executed by “public bodies,” as that term is defined in G. L. c. 30A, § 18, in meetings that are open to the public, consistent with the requirements of law and sound public policy and in order to ensure active public engagement with, contribution to, and oversight of the functions of government; and

WHEREAS, both the Federal Centers for Disease Control and Prevention (“CDC”) and the Massachusetts Department of Public Health (“DPH”) have advised residents to take extra measures to put distance between themselves and other people to further reduce the risk of being exposed to COVID-19. Additionally, the CDC and DPH have advised high-risk individuals, including people over the age of 60, anyone with underlying health conditions or a weakened immune system, and pregnant women, to avoid large gatherings.

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise authority over public assemblages as necessary to protect the health and safety of persons; and

WHEREAS, low-cost telephone, social media, and other internet-based technologies are currently available that will permit the convening of a public body through virtual means and allow real-time public access to the activities of the public body; and

WHEREAS section 20 of chapter 30A and implementing regulations issued by the Attorney General currently authorize remote participation by members of a public body, subject to certain limitations;

NOW THEREFORE, I hereby order the following:

(1) A public body, as defined in section 18 of chapter 30A of the General Laws, is hereby relieved from the requirement of section 20 of chapter 30A that it conduct its meetings in a public place that is open and physically accessible to the public, provided that the public body makes provision to ensure public access to the deliberations of the public body for interested members of the public through adequate, alternative means.

Adequate, alternative means of public access shall mean measures that provide transparency and permit timely and effective public access to the deliberations of the public body. Such means may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body while those activities are occurring. Where allowance for active, real-time participation by members of the public is a specific requirement of a general or special law or regulation, or a local ordinance or by-law, pursuant to which the proceeding is conducted, any alternative means of public access must provide for such participation.

A municipal public body that for reasons of economic hardship and despite best efforts is unable to provide alternative means of public access that will enable the public to follow the proceedings of the municipal public body as those activities are occurring in real time may instead post on its municipal website a full and complete transcript, recording, or other comprehensive record of the proceedings as soon as practicable upon conclusion of the proceedings. This paragraph shall not apply to proceedings that are conducted pursuant to a general or special law or regulation, or a local ordinance or by-law, that requires allowance for active participation by members of the public.

A public body must offer its selected alternative means of access to its proceedings without subscription, toll, or similar charge to the public.

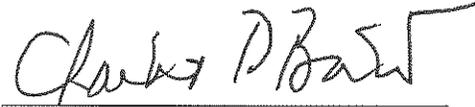
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby suspended.

(3) A public body that elects to conduct its proceedings under the relief provided in sections (1) or (2) above shall ensure that any party entitled or required to appear before it shall be able to do so through remote means, as if the party were a member of the public body and participating remotely as provided in section (2).

(4) All other provisions of sections 18 to 25 of chapter 30A and the Attorney General's implementing regulations shall otherwise remain unchanged and fully applicable to the activities of public bodies.

This Order is effective immediately and shall remain in effect until rescinded or until the State of Emergency is terminated, whichever happens first.

Given in Boston at 8:40 PM this 12th day of
March, two thousand and twenty.

A handwritten signature in cursive script, reading "Charles D. Baker". The signature is written in dark ink and is positioned above a horizontal line.

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts

EMERGENCY ORDER No. 1 Temporary Moratorium on all construction projects on Nantucket.

In consideration of the State of Emergency declared in the Town of Nantucket, upon the recommendation of Emergency Management and Public Health Officials, and the need to protect the health of the inhabitants of the Town of Nantucket, the following order shall be implemented until such time as the state of emergency has been lifted.

Effective Friday, March 20, 2020 the Town is suspending all regular activity at construction sites on Nantucket, including but not limited-to all work authorized by building permits and street opening permits. Upon issuance of this order, all active construction sites shall be secured to prevent unauthorized entry, damage to equipment and/or work-in-progress and to protect public safety. Operators shall employ the necessary crews and labor to complete the work necessary to secure their sites by 5:00 p.m. on Friday, March 20, 2020. After that time, only skeleton crews will be permitted to enter construction sites for the remainder of the moratorium and such entry shall be limited to what is necessary to ensure safety and security.

The only work that will be permitted after March 20, 2020 will be emergency work, which will need to be approved by the Town of Nantucket Planning and Land Use Services Department.

For purposes of this Order, Emergency Work Includes only the minimum work necessary to prevent damage to persons or property and/or to ensure the habitability of existing residential structures until such time as this order is lifted, including the following:

- Emergency Utility, road or building work, such as to repair water leaks and sinkholes.
- New Utility connections to occupied buildings where prior connections are no longer functioning.
- Mandated building or utility work to protect public health and safety.
- Work at health care facilities, shelters, including temporary shelters and other facilities that support vulnerable populations or that provide emergency services.
- Work which ensures the reliability of the transportation network.
- Other work necessary to render occupied residential building fully habitable.

In addition to the list of emergency construction projects, the Town will, on a case-by-case basis, review requests for exceptions to the temporary construction moratorium. These may be granted by the Building Commissioner for building related work or the Public Works Director for street-related work. These will be granted only if they support increased public health and safety.

This order is effective Friday, March 20 through Monday, April 6 and will be reviewed at regular intervals by the Select Board, the Town's Incident Management Team and Public Health Officials. New projects cannot be started at this time, and no new permits will be issued unless they meet the criteria above.

Any currently permitted and/or active construction project/work must be in a secure situation by 5:00 p.m. on Friday, March 20, 2020.

Any person who violates this Order will be subject to issuance of an immediate Stop Work Order and an assessment of the maximum penalty authorized by law.

So Ordered by the Nantucket Select Board;

Dawn Hill-Holdgate, Chair

Rita Higgins, Vice-Chair

Matt Fee, Member

Jason Bridges, Member

Kristie Ferrantella, Member

In Concurrence with;

Libby Gibson, Town Manager

William Pittman, Director, Office of Emergency Management

Roberto Santamaria, Director, Department of Public Health

Paul Murphy, Nantucket Building Commissioner

Gary A. Shaw, President, Nantucket Cottage Hospital



March 25, 2020

BY HAND

His Excellency Charlie Baker
Governor of the Commonwealth
State House, Rm. 360
Boston, MA 02133

Her Excellency Karyn Polito
Lieutenant Governor of the Commonwealth
State House, Rm. 360
Boston, MA 02133

Dear Governor Baker and Lieutenant Governor Polito,

This letter, signed by the chairs of the select boards of the towns of Nantucket, Aquinnah, Chilmark, Oak Bluffs, Tisbury and West Tisbury, is first to thank you for your leadership at the state and local level to help slow the transmission of the COVID-19 virus and to ensure that our medical systems are capable of assisting those who have and will need medical treatment.

This letter is also to acknowledge receipt of the March 25, 2020 correspondence from the Chief Legal Counsel to the Governor, and to ask for your immediate intervention with respect to the towns, collectively, the "Islands".

In the March 25 letter from Chief Legal Counsel, he states that all local orders concerning construction operations be withdrawn as inconsistent with the Governor's March 23, 2020 order concerning closure of non-essential businesses. We seek your immediate assistance in protecting the residents of the Islands from additional exposure to the virus and the limited ability of the two island hospitals to provide appropriate levels of care to those already on the Islands, by exempting the Islands from the provisions of the Order designating construction and landscaping services as essential services.

Construction bans have been issued in Nantucket and all six of the Towns that comprise Martha's Vineyard, Aquinnah, Chilmark, Edgartown, Oak Bluffs, Tisbury and West Tisbury. Additionally, the Town of Nantucket and all of the towns on the Vineyard have adopted (Aquinnah is poised to adopt) orders that excludes construction and professional landscaping from those businesses deemed essential. These local orders were enacted only after significant analysis and contemplation of the particular Islands-specific issues that make the Islands highly

susceptible to an uncontrollable COVID-19 outbreak and how to best protect the residents of each of the Islands.

The decision to implement the bans and orders was undertaken collaboratively, in each municipality, between boards, managers and administrators, police and fire departments and boards of health and health agencies. The following facts, and how they impact the Islands, were particularly relevant to such discussions.

Limited or No Mutual Aid:

Nantucket - No mutual aid: The island is comprised of a single town. Thus, there are no mutual aid options available to the Town of Nantucket if there are public health and safety issues that exceed the island's capacity.

Martha's Vineyard – Limited mutual aid: The island is comprised of six towns. Although any town on the island has the ability to call on another for mutual aid, if all communities are in crisis, mutual aid options may well be limited.

Population growth recently due to COVID 19:

During the winter months such as these, there are far fewer people on the Islands than in the summer months. However, many summer residents returned to the Islands when the COVID-19 outbreak intensified in various areas of the country. Similarly, many students and other permanent residents of the Islands have returned. It is estimated that there are hundreds more people on each of the Islands now than there were 30 days ago.

Police and Fire Department Staffing:

Police and fire department capacity in Nantucket and on Martha's Vineyard is calculated to address public health and safety needs of a winter population. The Islands are very concerned about potential exposure of our first responders. Nantucket already has at least three self-quarantines of public safety personnel and that number could easily rise as more people need to be transported. There are also three public safety personnel on Martha's Vineyard in self-quarantine.

Hospital Bed Capabilities:

Nantucket – There is only one hospital on the island, the Nantucket Cottage Hospital. It has 14 licensed beds, none of which are ICU beds. There are only three ventilators on the island.

Martha's Vineyard – There is only one hospital on the island, the Martha's Vineyard Hospital. It has 25 licensed beds, only three of which are ICU beds. There are only seven ventilators on the island.

Should the orders and social distancing efforts made by the Islands to date fall short, or be relaxed, we will have community spread of COVID-19 on the Islands and a significant percentage of the population affected. On Nantucket, assuming 15 percent of those infected will require hospitalization, and 5 percent will need ICU-level care, we could be looking at more than 300 island residents needing a hospital bed, and more than 100 requiring an ICU. On Martha's Vineyard, more than 600 island residents may need a hospital bed, and more than 200 may require an ICU. The Islands simply will not have the resources to respond to this level of need. The Islands are also aware that there is a possibility that the hospitals' partners in Boston could be at capacity when the Islands need them most, leaving the Nantucket Cottage Hospital and the Martha's Vineyard Hospital with severely limited or even no ability to transfer patients needing ICU-level care. Moreover, the need for COVID-19 treatment will make acute the need for other types of hospital care acute, and further stress an already stressed system.

The Nantucket Cottage Hospital President Gary Shaw and the Martha's Vineyard Hospital CEO Denise Schepici have said time and again that given the small size and the geographic isolation of the Islands and limited access to PPE and other emergency equipment, failure to limit exposure will necessarily result in the overburdening of each hospital's resources and lead to a further health crisis emergency. Both hospital leaders have further indicated that their ethics teams are now analyzing how the hospitals will make decisions as to who should receive treatment and who should not, or cannot. This is our reality today.

We are even more concerned about our reality tomorrow. The Select Board, Board of Health, Town Manager and Director of Health and Emergency Management Director of the Town of Nantucket, and Select Boards, Town Administrators, Boards of Health and Health Agents across the six towns on Martha's Vineyard, took decisive action to implement what they have determined to be essential to the health and well-being of those already on the islands. Each of these towns adopted a construction ban to ensure that persons who would typically come to the island to work would understand that the Islands are not "open for business". This ban effectively limits the risk of persons coming to the Islands each day who are infected with the virus and exposing others. In addition, all of the towns on the Islands implemented a stay-at-home order to limit the activity on the island further, and determined that only essential business should be conducted, defining the same to limit the potential for interactions. The local bans and orders do not limit the ability of any person to provide essential services or to undertake essential activities, including traveling. The bans and orders do, however, restrict construction and landscaping services from operating on the island for the time period necessary to protect our vulnerable communities. Emergency work would, of course, be allowed to occur as necessary.

Since the issuance of the Governor's March 23, 2020 order, the Town of Nantucket has already begun fielding calls from construction companies and general contractors asking when they can get back to work, suggesting that the Governor's Order supersedes the authority of the Town to keep its residents safe. The Martha's Vineyard Builders Association endorsed the

actions taken by the Martha's Vineyard towns. We received the Chief Legal Counsel's March 25, 2020 letter earlier today, however. While we may, with all due respect, disagree with certain conclusions, we nonetheless seek your immediate assistance to address the situation on the islands of Nantucket and Martha's Vineyard.

It is the sincere and measured concern of the elected and appointed leaders, public safety and public health officials of Nantucket and Martha's Vineyard, and of the President of the Nantucket Cottage Hospital and the CEO of Martha's Vineyard Hospital, the only hospitals on each island, that failure to follow through with the construction bans and stay-at-home orders as approved will put the Islands on an irreversible course, leading to an excessive strain on the medical system, law enforcement, EMTs, and potentially to a humanitarian crisis where doctors are forced to make difficult choices about who can be saved. Unlike hospitals on the mainland, there is nowhere else to send people who need treatment for the virus. There is also no "step-down" facility available to address the needs of other people who have other urgent medical problems. The Town and County of Nantucket, and the Towns of Aquinnah, Chilmark, Edgartown, Oak Bluffs, Tisbury, and West Tisbury are explicitly and fervently requesting your help now by modifying the application of your order to provide that on the islands of Nantucket and Martha's Vineyard, construction and landscaping services are non-essential services and must remain closed.

We again thank you for the leadership you are providing during this crisis, and implore you to provide us with an immediate response modifying the application of your March 23, 2020 Order to the Islands of Nantucket and Martha's Vineyard.

Thank you for your kind consideration of the within request.

Signed this 25th day of March, 2020 on behalf of their respective towns:

Dawn E. Hill Holdgate /s/, Chair, Nantucket Select Board
Juli Vanderhoop /s/, Chair, Aquinnah Board of Selectmen
Warran M. Dotty /s/, Chair, Chilmark Board of Selectmen
Margaret E. Serpa /s/, Chair, Edgartown Board of Selectmen
Brian Packish /s/, Chair, Oak Bluffs Board of Selectmen
Melinda F. Loberg /s/, Chair, Tisbury Board of Selectmen
Skipper Manter /s/, Chair, West Tisbury Board of Selectmen

EMERGENCY ORDER No. 2 Regarding Personal Care Services and Retail Stores

Effective Friday, March 20, 2020 all services offered to the public which cannot be provided at a distance of at least six (6) feet are hereby discontinued. This includes, but is not limited to:

Hairdressers and barbers
Nail salons
Massage services
Body Art
Body Work
Fitness Centers
Houses of Worship

This order does NOT include childcare facilities licensed by the Department of Early Education and Care who have been granted an exemption by the Department, or services provided by a licensed allied health care provider such as, but not limited to, physical therapy, speech therapy, occupational therapy or retail stores. This Emergency Order shall remain in effect until notice is given, pursuant to the Board of Health's judgement, that the Public Health Emergency no longer exists.

Additionally, the Board of Health is encouraging all retail establishments that do not sell essential commodities such as food, medicine or cleaning supplies to consider voluntarily closing until April 6th. The Board of Health is also recommending that all retail establishments that do stay open should only do so if they can assure customers will be able to maintain social distancing practices consistent with CDC guidelines.

This order is issued pursuant to the authority conferred on boards of health pursuant to G.L. c. 111, §§95 through 105.

So Ordered;



Board of Health

In Concurrence with;



Town Manager



Director, Office of Emergency Management

EMERGENCY ORDER #3
EFFECTIVE MONDAY, MARCH 23, 2020 AT 5:00 pm
OF THE NANTUCKET SELECT BOARD
AND DIRECTOR OF HEALTH AND HUMAN SERVICES ON BEHALF
OF THE BOARD OF HEALTH
DIRECTING ALL INDIVIDUALS LIVING IN THE TOWN & COUNTY OF
NANTUCKET TO STAY AT THEIR PLACE OF RESIDENCE
EXCEPT THAT THEY MAY LEAVE TO
PROVIDE OR RECEIVE CERTAIN ESSENTIAL SERVICES OR
ENGAGE IN CERTAIN ESSENTIAL ACTIVITIES AND WORK FOR
ESSENTIAL BUSINESSES AND GOVERNMENTAL SERVICES;
DIRECTING ALL BUSINESSES AND GOVERNMENTAL AGENCIES TO
CEASE NON-ESSENTIAL OPERATIONS AT PHYSICAL LOCATIONS IN
NANTUCKET; PROHIBITING ALL NON-ESSENTIAL GATHERINGS
OF ANY NUMBER OF INDIVIDUALS; AND ORDERING CESSATION OF
ALL NON-ESSENTIAL TRAVEL

Please read this Order carefully. Violation of or failure to comply with this Order is punishable by a fine of up to One Thousand Dollars pursuant to Massachusetts General Laws Chapter 111, Section 122.

UNDER THE AUTHORITY OF MASSACHUSETTS GENERAL LAWS CHAPTER 111, §§95 THROUGH 105, THE NANTUCKET SELECT BOARD AND THE NANTUCKET BOARD OF HEALTH, ACTING THROUGH THE HEALTH AND HUMAN SERVICES DIRECTOR, ORDERS:

1. The intent of this Order is to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 to the maximum extent possible. When people need to leave their places of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times as reasonably possible comply with Social Distancing Requirements as defined in Section 7 below. All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.
2. All individuals currently living within the Town and County of Nantucket (“Town”) are ordered to stay at their place of residence. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably possible maintain social distancing of at least six feet from any other person when they are outside their residence. All persons may leave their residences only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses, all as defined in Section 7. All businesses with a facility in the Town, except Essential Businesses as defined below in Section 7, are required to cease all activities at facilities located within the Town except Minimum Basic

Operations, as defined in Section 7. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined in Section 7 below, including, but not limited to, when any customers are standing in line.

3. All public and private gatherings of any number of people occurring outside a household or living unit are prohibited, except for the limited purposes as expressly permitted in Section 7. Nothing in this Order prohibits the gathering of members of a household or living unit.
4. All travel on the island, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, public transit, except Essential Travel and Essential Activities as defined below in Section 7, is prohibited. People must use public transit only for purposes of performing Essential Activities or to travel to and from work to operate Essential Businesses or maintain Essential Governmental Functions. People riding on public transit must comply with Social Distancing Requirements as defined in Section 7 below, to the greatest extent feasible. This Order allows travel into or out of the Town to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.
5. This Order is issued based on evidence of increasing occurrence of COVID-19 within the Commonwealth of Massachusetts and elsewhere in the Country, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the Town places it at risk for serious health complications, including death, from COVID-19. Due to the outbreak of the COVID-19 virus in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout the Town. Making the problem worse, some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus. The scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. Importantly, the island has limited medical care options and availability, including but not limited to the number of hospitals and other healthcare operations, the number of beds available generally and in intensive care units, as well an extremely limited number of ventilators. Additionally, the Town acknowledges that the size of the island population is driven by seasonal residents and visitors; during the winter months, including early spring, the food supply, services industry, public safety personnel, general governmental staff, and more, are at minimum levels. By reducing the spread of the COVID-19 virus, this Order helps preserve critical and limited healthcare capacity in the Town.

6. This Order incorporates by reference, the March 10, 2020 Declaration of Emergency issued by Governor Baker, and the Declaration of Emergency issued by the Nantucket Select Board on March 18, 2020, and, further, formally acknowledges that several states and municipalities have issued stay-at-home orders to address the rapid transmission of COVID-19 by those who do not yet show symptoms, but are carrying the virus, and those that have been identified as presumptive positive or confirmed positive for the virus.

7. Definitions and Exemptions.

- a. For purposes of this Order, individuals may leave their residence only to perform any of the following “Essential Activities.” People at high risk of severe illness from COVID-19 according to the U.S. Centers for Disease Control and Prevention (“CDC”) and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care.
 - i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home.
 - ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.
 - iii. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, bicycling, surfing, or running.
 - iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations.
 - v. To care for a family member or pet in another household.
- b. For purposes of this Order, individuals may leave their residence to work for or obtain services at any “Healthcare Operations”, including but not limited to hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, marijuana dispensary or any related and/or ancillary healthcare services. “Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. “Healthcare Operations” expressly excludes fitness and exercise gyms, yoga studios, and similar facilities.

- c. For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of “Essential Infrastructure,” including, but not limited to, public works construction, airport operations, water, sewer, gas, electrical, roads and highways, public transportation, collection and proper disposal of solid waste, internet, and telecommunications systems, provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined this Section, to the extent possible.
- d. For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform Essential Services are categorically exempt from this Order in connection with the provision of such services. Further, nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Functions,” as determined by the governmental entity performing those functions. Each governmental unit in the Town shall identify and designate appropriate employees or contractors to continue providing and carrying out any Essential Governmental Functions. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Section, to the extent possible.
- e. For the purposes of this Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.
- f. For the purposes of this Order, “Essential Businesses” means:
 - i. Healthcare Operations and Essential Infrastructure;
 - ii. Grocery stores, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;
 - iii. Food cultivation, including farming, livestock, and fishing;
 - iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
 - v. Hotels, motels and leasing of residences ONLY for the purpose of providing shelter and lodging to people in accord with contractual agreements already in effect for people on the island as of the effective date of this order, or, in the event that temporary residences are needed for persons on the island whose residences are quarantined, to house non-

- residents providing essential government or health care services, or as overflow from healthcare operations as may be needed;¹
- vi. Newspapers, television, radio, and other media services;
 - vii. Gas stations and auto-supply, auto-repair, and related facilities;
 - viii. Banks and related financial institutions;
 - ix. Hardware stores;
 - x. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;
 - xi. Businesses providing mailing and shipping services, including post office boxes;
 - xii. Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible;
 - xiii. Laundromats, drycleaners, and laundry service providers;
 - xiv. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;
 - xv. Businesses that supply products needed for people to work from home;
 - xvi. Businesses that supply other essential businesses with the support or supplies necessary to operate;
 - xvii. Businesses that ship or deliver groceries, food, goods or services directly to residences
 - xviii. Airlines, ferries, taxis, and other public and private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
 - xix. Home-based care for seniors, adults, or children;
 - xx. Residential facilities and shelters for seniors, adults, and children;
 - xxi. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities
 - xxii. Childcare facilities providing services that enable employees exempted in this Order to work as permitted and approved pursuant to the March 18, 2020 Executive Order Temporarily Closing All Child Care Programs and Authorizing the Temporary Creation and Operation of Emergency Child Care Programs.

¹ **This section shall take effect on Wednesday, March 25, 2020 at 5:00 p.m.**, or such later date determined by the Town after consultation with appropriate state and federal entities. Until the effective date of this provision, it shall have the force of a strong recommendation to anyone considering coming to the Town.

- g. For the purposes of this Order, “Minimum Basic Operations” include the following, provided, however, that employees shall comply with Social Distancing Requirements as defined this Section, to the maximum extent possible, while carrying out such operations:
 - i. The minimum necessary activities to maintain the value of the business’s inventory, ensure security, process payroll and employee benefits, or for related functions.
 - ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

- h. For the purposes of this Order, “Essential Travel” includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined in this Section.
 - i. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations.
 - ii. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
 - iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
 - iv. Travel required by law enforcement or court order.
 - v. Travel required for non-residents to return to their place of full-time residence outside the Town. Non-residents on the island as of the date of this Order are encouraged to consider returning to their full time residences or to other areas where more plentiful hospitalization services are available. All persons leaving the island under this paragraph are strongly encouraged to verify that transportation to their place of full-time residence remains available and functional prior to commencing such travel.
 - vi. Travel to return from outside Nantucket to a place of already-established full-time residence in the Town; residents shall include, but not be limited to the following: a person on the street or voter’s lists; a person that has registered their car at their Town address; a person who has listed their Town address as their primary address for purposes of taxation; and similar indicators of residency, a person who has traveled from their residence on the island within the last 30 days previous to this order and has documentation thereof, including, for example, a ferry or plane ticket receipt, or a person who leaves the island following the issuance of this Order for the purpose of providing Essential Governmental Functions or Essential Business, and has documentation thereof, such as a ferry or plane ticket receipt.²

² **This section shall take effect on Wednesday, March 25, 2020 at 5:00 p.m.** or such later date determined by the Town after consultation with appropriate state and federal entities. Until the effective date of this provision, it shall have the force of a strong recommendation to anyone considering coming to the Town.

- vii. Provided, further, that during the pendency of this order, any person travelling to the island for any of the purposes authorized hereunder shall be subject to the following additional requirements:
 - 1. Persons arriving on Nantucket by plane or boat may be asked to take their temperature, answer questions about where they have travelled, and to respond to any other precautionary questions of a similar nature considered appropriate by the CDC;
 - 2. No person shall knowingly travel to Nantucket during the period of this order after testing positive for COVID-19 unless they are also able to demonstrate that they have recovered therefrom through proof of two negative tests or otherwise in a manner meeting then-current CDC requirements;
 - 3. No person shall knowingly travel to Nantucket after being exposed to a person with COVID-19 unless they have been in quarantine for no less than 14 days since the knowing exposure and can provide evidence thereof;
 - 4. Any person travelling to Nantucket for purposes other than those that are emergency in nature under this order, shall self-isolate for no less than 14 days at their place of residence, ensuring that they are vigilant about social-distancing, even in their place of residence, until the self-isolation period ends;
 - 5. Any person travelling to Nantucket to provide healthcare services shall be exempt from paragraph 3 of this section, but shall exercise due care in accord with applicable CDC protocols to implement social distancing as described hereunder, other than during the treatment of patients or conduct of research.

- i. For purposes of this Order, “Social Distancing Requirements” includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

8. The Select Board and the Board of Health requests that the Chief of Police ensure compliance with and enforcement of this Order, and, further, that said Chief seeks the assistance of the Governor, State Representative and State Senator, and Attorney General to assist with enforcement, including, and, should the same prove necessary, the State Police or National Guard. The violation of any provision of this Order constitutes an imminent threat to public health.

9. Sections 1-12 of this Order, other than as set forth in Section 10, below, shall become effective at 5:00 p.m. on Monday, March 23, 2020 and will continue to be in effect through Sunday, April 6, 2020 , the remainder of the period schools are closed pursuant to the Governor’s March 15, 2020 Executive Order, with an expectation that unless there are significant factual changes concerning the spread of COVID-19 and the treatment thereof in general, and the facts specifically applicable to medical care and treatment capacity on the island, this Stay-at-Home Order may be extended by vote of the Select Board and Director of

Health and Human Services. To allow for planning by, and sufficient notice to, all residents and voters of the Town, of any possible extension, the Select Board and Director of Health and Human Services shall discuss any developments and the then-applicable facts at its April 1, 2020, scheduled Board Meeting, and at any meeting thereafter as such board deems appropriate. Notice of any approved extension shall be communicated to the public as provided in Section 11. Residents are encouraged to access the Town website frequently for updates.

10. The provisions of Section 7(f)(v) and 7(h)(vi) of this Order relative to travel to the island shall take effect at 5:00 p.m., Wednesday, March 25, 2020, or at such later time as the Town deems appropriate following consultation with state and federal level government entities as to implementation; if the effective date of such sections is delayed, notice of such delay, and then of the effective date of such sections, shall be made in the manner set forth in Section 11; provided, however, that until the provisions of Section 7(f)(v) and 7(h)(vi) takes effect in accord with the provisions of this paragraph, they shall be treated as a strong recommendation.

11. Copies of this Order and any other notices required by this Order shall promptly be: (1) made available at the Town Administration Building; (2) posted on the Town Website; and (3) provided to any member of the public requesting a copy of this Order; further, shall, as soon as reasonably possible following adoption of the same, be provided to the Boston Globe, Boston Herald, Cape Cod Times, Nantucket Inquirer and Mirror, and the Associated Press.

12. If any provision of this Order or the application thereof to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

IT IS SO ORDERED:

Nantucket Select Board, by its Chair

Nantucket Board of Health, by the Director of Health
and Human Services

March 22, 2020

SUPPLEMENTAL EMERGENCY ORDER

WHEREAS, effective Friday, March 20, 2020 the Town of Nantucket issued an Emergency Order temporarily suspending all regular activity at construction sites on Nantucket, including but not limited to all work authorized by building permits and street opening permits (Emergency Order No. 1).

WHEREAS, the Town of Nantucket issued an Emergency Stay-at-Home Order on March 22, 2020 seeking cooperation of all residents to limit possible transmission of COVID-19 (Emergency Order No. 3).

WHEREAS, the situation involving the COVID-19 crisis continues to evolve, with additional guidance being issued daily by the Federal and State governments.

WHEREAS, on March 23, 2020, Governor Baker issued an order identifying certain essential and non-essential businesses and directed the Department of Public Health to issue a stay-at-home advisory.

WHEREAS, on March 24, 2020 Governor Baker, through his Chief Legal Counsel, issued guidance interpreting the March 23, 2020 order with respect to the scope of authority of local governments to regulate matters in the order, particularly with respect to construction.

WHEREAS, on March 25, 2020, the Town of Nantucket and all of the towns on Martha's Vineyard requested that the Governor and Lieutenant Governor clarify such order based upon circumstances including but not limited to the Islands' unique circumstances.

WHEREAS, on March 26, 2020, officials from Nantucket participated in a conference call with the Secretary of the Executive Office of Public Safety and Security, among others, and indicated their concern about continued construction on the island for purposes including but not limited to travel to and from the island, limited public safety personnel, limited hospital capacity, and more.

WHEREAS, on March 29, 2020, officials from the Town of Nantucket participated in a telephone conference with the Governor's Legal Counsel, Legislative Director and Chief Secretary, who affirmed that local governments retain the authority to enact regulations that are more stringent than the Governor's orders, to regulate activities within their jurisdictions based on their individual circumstances.

WHEREAS, we wish to re-affirm the unique circumstances facing the Town and island of Nantucket that require a strict limitation on all non-essential business, including construction and commercial landscaping projects, and to re-affirm that all non-emergency construction work and all commercial landscaping work is prohibited until the expiration of the applicable orders or they are sooner rescinded.

WHEREAS, Nantucket is uniquely situated insofar as it is only accessible by boat or airplane. In this regard, the primary method for travel to and from the island by many construction and landscape workers will be by boat. It is customary and expected that workers will travel together from the mainland and once they arrive, they will travel together to and from work sites. Due to the group nature of this type of travel, it is unlikely that sufficient physical distancing can be maintained.

WHEREAS, Nantucket has only one hospital, Nantucket Cottage Hospital. While the doctors, nurses and staff have done and continue to perform outstanding work in the face of this crisis, they have limited resources and cannot handle an influx of illness spread by failure to comply with social distancing protocols. Of particular concern are the facts that the Hospital has only fourteen licensed beds, three ventilators, and it does not have an intensive care unit. Thus, anyone needing such care will be required to be airlifted to a hospital on the mainland, further diminishing the capabilities on hospital staff.

WHEREAS, the Nantucket Cottage Hospital President Gary Shaw has said time and again that given the small size and the geographic isolation of the Islands and limited access to PPE and other emergency equipment, failure to limit exposure will necessarily result in the overburdening of each hospital's resources and lead to a further health crisis emergency. Hospital leaders have further indicated that their ethics teams are now analyzing how the hospitals will make decisions as to who should receive treatment and who should not, or cannot. This is our reality today.

WHEREAS, during this state of emergency, Nantucket does not have sufficient resources to provide emergency police, fire and ambulance service above what it is providing to Island residents during this unusual period. Indeed, as an island community of just one municipality, Nantucket has no opportunities to call on the mutual aid of its neighbors to assist should its resources become overwhelmed.

WHEREAS, during this state of emergency, Nantucket does not have sufficient staffing to ensure that job sites are safe, insofar as it cannot commit emergency first-responders to performing construction detail work, it cannot monitor job sites to ensure that physical distancing requirements are met, and it cannot provide adequate support in the event of an emergency.

WHEREAS, it is essential that visitors to the Island be limited to only those who absolutely have to be here so that the Town's limited resources do not become overwhelmed and insufficient to protect the health and safety of its residents, first responders and essential workers.

NOW THEREFORE, based on the conditions cited above, and other well-known adverse effects of the COVID-19 crisis, the Nantucket Board of Health, upon the recommendation of Emergency Management and Public Health Officials, the Director of the Nantucket Cottage

Hospital, and the Select Board, and the need to protect the health of the inhabitants of the Town of Nantucket, hereby reaffirms and supplements Emergency Orders Nos. 1 and 2, as follows:

There hereby continues in effect an Emergency Order imposing a temporary moratorium on all non-essential construction work until such time as the State of Emergency declared due to the outbreak of COVID-19 is lifted, as well as an Emergency Stay-at-Home Order that limits, among other things, landscaping.

As of the date of this Supplemental Emergency Order, all non-essential construction and landscaping shall continue to be prohibited in the Town of Nantucket and must immediately cease until further order, except as provided herein. This Order applies to all work sites, including but not limited to all work authorized by building permits and street opening permits previously issued. This Order also prohibits work by commercial landscaping and other similar businesses performing work that is not essential as defined below.

This Order shall apply as follows:

Existing and newly permitted projects which comprise essential construction may be undertaken in a manner that is consistent with this Order and any further orders of the Commonwealth, the Board of Health and/or the Building Commissioner, to the extent that such orders are more restrictive than what is set forth herein.

For purposes of Emergency Order Nos. 1 and 3, and this Supplemental Emergency Order, essential construction includes only the following work:

- Work to build or repair roads, bridges, transit facilities, utilities, hospitals or health care facilities, or homeless shelters.
- Emergency Utility, road or building work, such as to repair water or sewer leaks and sinkholes.
- New Utility connections to occupied buildings where prior connections are no longer functioning.
- Site-specific building or utility work ordered by a Governmental entity to protect public health and safety.
- Work at health care facilities, shelters, including temporary shelters and other facilities that support vulnerable populations or that provide emergency services.
- Work which ensures the reliability of the transportation network.
- Other work necessary to render occupied residential buildings fully habitable.

Under no circumstance will the term emergency work include construction on unoccupied residential or commercial structures unless it is in a class of work described above.

Consistent with action already taken, all active construction sites shall be secured to prevent unauthorized entry, damage to equipment and/or work-in-progress and to protect public safety. Only skeleton crews will be permitted to enter construction sites for the remainder of the moratorium and period of this Supplemental Emergency Order, and such entry shall be limited to what is necessary to ensure safety and security.

At every site where essential construction activity continues under one of the categories authorized above, operators shall ensure that all activity is undertaken in a manner consistent with the Commonwealth of Massachusetts COVID-19 Guidelines and Procedures for all Construction Sites and Workers at all Public Work as issued by the Governor on March 25, 2020 and attached to this Order (the "Guidelines"). The Operator shall ensure that the work site and activities undertaken therein are and shall remain in compliance with the Guidelines. All permissive language (e.g. phrases with "please" or "should") are hereby deemed mandatory obligations.

At every site where construction activity continues, one or more site-specific COVID-19 liaison officer(s) shall be identified who shall maintain a daily compliance log and shall certify that the contractor, subcontractors and all workers are in full compliance with this Order and the Guidelines.

For purposes of this Order construction work does not include a single worker, who is the sole employee/worker on a job site other than at an occupied property and work done by individuals on their own property, provided further that such job site or property is not otherwise subject to additional state and federal workplace laws and regulations, and, further, that such work can be performed without delivery of additional materials, including tools, parts, paint, lumber, and the like.

So Ordered by the Nantucket Board of Health:

Board of Health

Stephen J. Visco. *Chair*

Malcolm W. MacNab, MD, PhD, *Vice Chair*

James A. Cooper, *Member*

Rita Higgins, *Member*

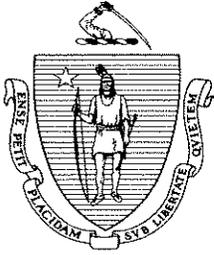
Helene M. Weld, RN, *Member*

In concurrence with action taken by the Select Board:

Dawn Hill-Holdgate, Chair
Rita Higgins, Vice-Chair
Matt Fee, Member
Jason Bridges, Member
Kristie Ferrantella, Member

As well as Town Staff and representative of Nantucket Cottage Hospital:

C. Elizabeth Gibson, Town Manager
William Pittman, Director, Office of Emergency Management
Roberto Santamaria, Director, Department of Public Health
Paul Murphy, Nantucket Building Commissioner
Gary A. Shaw, President, Nantucket Cottage Hospital



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

**ORDER ASSURING CONTINUED OPERATION OF ESSENTIAL SERVICES
IN THE COMMONWEALTH, CLOSING CERTAIN WORKPLACES,
AND PROHIBITING GATHERINGS OF MORE THAN 10 PEOPLE**

COVID-19 Order No. 13

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”);

WHEREAS, on March 11, 2020, the COVID-19 outbreak was characterized as a pandemic by the World Health Organization;

WHEREAS, the number of presumptive positive and confirmed cases of COVID-19 continues to rise exponentially in the Commonwealth. As of March 22, 2020, the Department of Public Health had reported 646 cases of COVID-19, including 5 deaths, with 13 of the 14 counties in the Commonwealth impacted;

WHEREAS, the Department of Public Health is urging all residents of the Commonwealth to limit activities outside of the home and to practice social distancing at all times, both inside and outside of the home to limit the spread of this highly contagious and potentially deadly virus;

WHEREAS, on March 19, 2020, the Federal Cybersecurity and Infrastructure Security Agency issued guidance to assist States that identifies 14 critical infrastructure sectors whose workers provide services and functions that are essential to maintain in order to support a strong response to the COVID-19 pandemic;

WHEREAS, as Governor, I have identified additional services and functions that likewise are essential to promote the public health and welfare of the Commonwealth, and

therefore it is imperative to ensure that workers providing critical services and functions in these State and Federally designated sectors may continue to work to ensure community resilience and continuity of response efforts; and

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise any and all authority over persons and property necessary or expedient for meeting a state of emergency, including but not limited to authority over public assemblages in order to protect the health and safety of persons, regulating the sale of articles of food and household articles, and policing, protection, and preservation of public and private property;

NOW, THEREFORE, in order to minimize all unnecessary activities outside of the home during the state of emergency, I hereby order the following:

1. Maintaining Operation of COVID-19 Essential Services and Workforces

The production and service sectors identified in Exhibit A are hereby designated as “COVID-19 Essential Services.” The workforces engaged and working in these production and service sectors are hereby designated as “COVID-19 Essential Workforces.” I shall amend and publish updates to Exhibit A as I determine necessary in response to conditions as they develop.

Businesses and other organizations that provide the services and functions identified as COVID-19 Essential Services in Exhibit A are urged to continue operations during the state of emergency, but to do so with allowance for social distancing protocols consistent with guidance provided by the Department of Public Health.

Restaurants, bars, and other retail establishments that sell food and beverage products to the public provide COVID-19 Essential Services and are designated as such in Exhibit A. These establishments are therefore encouraged to continue to offer food and beverages for take-out and by delivery provided that they follow the social distancing protocols set forth in Department of Public Health guidance. Restaurants, bars, or other establishments that offer food or beverages to the public shall not permit on-premises consumption of food or beverages.

2. Temporary Closing of Other Businesses and Organizations

All businesses and other organizations that do not provide COVID-19 Essential Services shall close their physical workplaces and facilities (“brick-and-mortar premises”) to workers, customers, and the public as of 12:00 noon on March 24, 2020 and shall not re-open to workers, customers, or the public before 12:00 noon on April 7, 2020. Churches, temples, mosques, and other places of worship shall not be required to close their brick and mortar premises to workers or the public; provided, however, that such institutions shall be required to comply with all limitations on gatherings established in section 3 below.

Businesses and other organizations that do not provide COVID-19 Essential Services are encouraged to continue operations where they are able to operate through remote means that do not require workers, customers, or the public to enter or appear at the brick-and-mortar premises closed by this Order.

3. Limitations on Gatherings

Gatherings of more than 10 people are prohibited throughout the Commonwealth. Gatherings subject to this Order include, without limitation, community, civic, public, leisure, faith-based, or sporting events, concerts, conferences, conventions, fundraisers, parades, fairs, festivals, weddings, funerals, and any similar event or activity that brings together more than 10 persons in any confined indoor or outdoor space. This limitation shall not apply to the operations or activities of any business or organization in its provision or delivery of COVID-19 Essential Services.

This Order does not prohibit gatherings of more than 10 people in an unenclosed, outdoor space such as a park, athletic field, or parking lot.

Athletic and recreational activities that bring participants into close, physical contact are prohibited even when involving 10 or fewer people and regardless of where conducted.

4. Exceptions

(a) This Order shall not apply to any municipal legislative body or to the General Court or to the Judiciary.

(b) This Order shall not apply to residential schools for special needs students. This Order also does not apply to public and private elementary and secondary (K-12) schools in the Commonwealth, which are subject to the March 15, 2020 Order Temporarily Closing All Public and Private Elementary and Secondary Schools, as may be subsequently amended, which suspended all normal, in-person instruction.

(c) This Order does not apply to the operation of child care programs in the Commonwealth, which are subject to the March 18, 2020 Order Temporarily Closing All Child Care Programs and Authorizing the Temporary Creation and Operation of Emergency Child Care Programs, as may be subsequently amended.

5. Implementing Guidance and Enforcement

The Commissioner of Public Health is directed to issue guidance (“DPH Guidance”), subject to my approval, to implement the terms of this Order. The DPH Guidance shall include a requirement that grocery stores and other retailers with substantial retail grocery sales establish special limited access hours during which elderly and other vulnerable populations may have exclusive access to make grocery purchases.

The Department of Public Health, along with any board of health or authorized agent pursuant to G. L. c. 111, § 30, shall enforce this Order and if necessary may do so with the assistance of State or municipal police. Violation of the terms of this Order or the DPH Guidance may result in a criminal penalty pursuant to Section 8 of Chapter 639 of the Acts of 1950 or a civil fine of up to \$300 per violation, in the manner provided for non-criminal disposition of violations of municipal by-law, ordinance, rule, or regulation pursuant to G. L. c. 40, § 21D. A criminal complaint for violation of or a motion for an injunction to enforce this Order or the DPH Guidance shall be filed in the district court with jurisdiction for the municipality in which the violation has been charged.

In addition, I hereby direct the Commissioner of Public Health to act under the authority of G. L. c. 17, § 2A and G. L. c. 111, § 6 or any other appropriate authority to supplement the terms of this Order in the event she determines additional measures are required to ensure that the terms of this Order are observed.

This Order supersedes and makes inoperative any order or rule issued by a municipality that will or might in any way impede or interfere with the achievement of the objectives of this Order. With respect to work and travel in particular, any order or rule issued by a municipality is hereby made inoperative to the extent: (1) such municipal order or rule will or might interfere with provisions of this Order ensuring the continued operation of COVID-19 Essential Services; or (2) such municipal order or rule will or might interfere with the free travel anywhere within the Commonwealth of any person who is a member of any COVID-19 Essential Workforce where such travel is made in connection with the ongoing operation of COVID-19 Essential Services.

This Order rescinds and revokes the Order Prohibiting Gatherings of More than 25 People and On-Premises Consumption of Food or Drink, issued March 15, 2020.

If any provision of this Order or the application thereof to any person or entity or circumstance is determined to be invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of this Order or the application thereof to other persons, entities, and circumstances.

This Order shall be effective at 12:00 noon March 24, 2020 and shall remain in effect through 12:00 noon on April 7, 2020 unless further extended.

Given in Boston at 9:15 AM this 23rd day
of March, two thousand and twenty

A handwritten signature in cursive script, appearing to read "Charles D. Baker", written over a horizontal line.

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts

EMERGENCY ALERTS

Coronavirus Update

Stay informed about coronavirus – COVID-19. Learn more. *Mar. 27th, 2020, 4:00 pm* [Read more](#) 

HIDE ALERTS



Mass.gov

PRESS RELEASE

Baker-Polito Administration Announces Travel Guidelines and New Health Care Resources To Support COVID-19 Response

FOR IMMEDIATE RELEASE:

3/27/2020

Office of Governor Charlie Baker and Lt. Governor Karyn Polito

Governor's Press Office

Department of Public Health

Executive Office of Health and Human Services

Massachusetts Department of Transportation

MEDIA CONTACT

Sarah Finlaw, Press Secretary, Governor's Office

Phone

(617) 725-4025 (tel:6177254025)

Online

gov.press@state.ma.us (mailto:gov.press@state.ma.us)



BOSTON — Today, the Baker-Polito Administration announced new COVID-19 public health emergency responses issuing new guidelines on travel and transportation, and offering further support for health care professionals and patients.

Earlier today, Governor Charlie Baker, Lt. Governor Karyn Polito, Senate President Karen Spilka and House Speaker Robert DeLeo also announced an agreement to extend the 2019 state individual income tax filing and payment deadline from April 15 to July 15, matching the

July 15 deadline for filing federal individual income taxes. More details are available [here](#) (</news/massachusetts-announces-state-income-tax-filing-deadline-being-extended-to-july-15>).

Travel Guidance: Beginning March 27, all travelers arriving to Massachusetts are instructed to self-quarantine for 14 days. This guidance will be displayed as posters at service plazas along I-90 eastbound, distributed as flyers at major transportation hubs and on posted on highway message boards. Visitors are instructed not to travel to Massachusetts if they are displaying symptoms. Health care workers, public health workers, public safety workers, transportation workers and designated essential workers are exempt from this requirement.

Medical School Graduation: Health and Human Services Secretary Marylou Sudders and DPH Commissioner Dr. Monica Bharel have coordinated with Massachusetts medical schools to facilitate early graduation of their qualified fourth-year students to allow graduates to support the health care workforce during the COVID-19 response. This coordinated effort includes Boston University School of Medicine, University of Massachusetts Medical School, Tufts University School of Medicine and Harvard Medical School.

Emergency Limited Medical Licenses: The Board of Registration in Medicine will provide medical school graduates who have matched as an intern, resident or fellow with a Board-approved Massachusetts health care facility or training program with Emergency 90-Day Limited Licenses to practice medicine to ensure that our health care workforce is prepared during the COVID-19 public health emergency.

To qualify, medical residents must fill out an application to be approved by the program or facility, and once approved, residents will receive the emergency license and be able to start when their program begins. This Emergency Limited License will allow medical staff to provide support while the regular screening progresses, and it is not a substitute for the regular Limited License process.

Buoy Health Care Tool: The Baker-Polito Administration announced the launch of Buoy Health's new online resource for residents to check their symptoms and connect with the next appropriate health care resource. This tool does not replace emergency medical care, but it may be used as a support for residents during the COVID-19 outbreak to connect them with appropriate health care resources if they display coronavirus symptoms.

Buoy Health's online 24/7 tool is free for Massachusetts residents and uses current COVID-19 guidance from the CDC and Massachusetts Department of Public Health.

Visit [Buoy.com/mass](http://www.buoy.com/mass) (<http://www.buoy.com/mass>) to learn more and use the tool.

Advanced Practice Registered Nurses (APRNs): The administration has issued a public health order to provide APRNs in good standing with greater flexibility in their prescribing practices. This order includes the following updates:

- Certified nurse midwives will be allowed to continue to prescribe as already authorized.
- Authorizes APRNs who have at least two years of supervised practice experience to prescribe without physician supervision.
- Authorizes APRNs with fewer than two years of supervised practice experience to prescribe with physician supervision, but without the normally required written guidelines.

Read the order [here](/doc/march-26-2020-advanced-practice-registered-nurses-order) (</doc/march-26-2020-advanced-practice-registered-nurses-order>).

MassHealth Waiver: The Centers for Medicare and Medicaid Services (CMS) has approved, in part, the Baker-Polito Administration's [1135 waiver](#) (<https://www.medicaid.gov/state-resource-center/disaster-response-toolkit/federal-disaster-resources/index.html>) to fast-track MassHealth enrollment, streamline administrative requirements for providers and better deliver critically needed health care services during the COVID-19 public health emergency. CMS has approved the following items of the waiver:

- Enrollment of out-of-state providers and easing other provider requirements when enrolling in MassHealth.
- Allowing providers to be reimbursed for care in alternative, unlicensed settings.
- Suspension of prior authorization requirements and extending pre-existing prior authorizations through the emergency.

Health Care Professional Volunteers: To support ongoing COVID-19 emergency response efforts, the Baker-Polito Administration has partnered with the Massachusetts Medical Society to match volunteers with our communities and health care providers based on skillsets and need. There is an immediate need for respiratory therapists and public health

nurses, and the administration is asking health care professionals interested in volunteering to sign up at MAResponds.org (/health-services-covid-19-volunteer-form).

###

Media Contact

Sarah Finlaw, Press Secretary, Governor's Office

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(617) 725-4025 (tel:6177254025)

Online

gov.press@state.ma.us (mailto:gov.press@state.ma.us)



Office of Governor Charlie Baker and Lt. Governor Karyn Polito

(/orgs/office-of-the-governor)

Governor Charlie Baker, Lt. Governor Karyn Polito, and members of their administration are committed to making Massachusetts the best place to live, work, and raise a family.

More (/orgs/office-of-the-governor)

EMERGENCY ALERTS

Coronavirus Update

Stay informed about coronavirus – COVID-19. Learn more. *Apr. 1st, 2020, 9:00 am* [Read more](#) 

HIDE ALERTS



Mass.gov

PRESS RELEASE

Baker-Polito Administration Extends Non-Essential Business Closures and Executive Branch Employee Guidance

Administration Updates Non-Essential Business Categories

FOR IMMEDIATE RELEASE:

3/31/2020

Office of Governor Charlie Baker and Lt. Governor Karyn Polito

Governor's Press Office

Department of Public Health

Executive Office of Health and Human Services

Executive Office of Housing and Economic Development

MEDIA CONTACT

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(617) 725-4025 (tel:6177254025)

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BOSTON – Today, the Baker-Polito Administration announced several updates related to the COVID-19 outbreak including extending the non-essential business emergency order and guidance for Executive Branch employees until May 4. The Department of Public Health’s Stay-At-Home Advisory remains in effect. The Administration also updated the “COVID-19 Essential Services” categories for businesses and other organizations that

provide essential services and workforces related to COVID-19 that are permitted to operate brick and mortar facilities during the emergency.

Essential Services Order: Governor Charlie Baker’s emergency order requiring that all businesses and organizations that do not provide “COVID-19 Essential Services” close their physical workplaces and facilities to workers, customers and the public will be extended until May 4. Businesses and organizations not on the list of essential services are encouraged to continue operations through remote means that do not require workers, customers, or the public to enter or appear at the brick-and-mortar premises closed by the order. This order also prohibits gatherings of more than 10 people until May 4th.

The Administration updated the “COVID-19 Essential Services” list today, which is based on federal guidance that was updated earlier this week. The new list will go into effect tomorrow, April 1, at noon. While these businesses are designated as essential, they are urged to follow social distancing protocols for workers in accordance with guidance from the Department of Public Health (DPH).

Some of the updates to the essential services list include:

- Clarity around the supply chain that supports other essential services
- Adding health care providers like chiropractors and optometrists
- Expanding the types of workers providing disinfectant and sanitation services

Click [here](/doc/march-31-2020-essential-services-extension-order) for the essential services extension order.

Click [here](/info-details/covid-19-essential-services?n) for the full list of categories of “COVID-19 Essential Services.” ([PDF](/doc/march-31-essential-services-list))

Click [here](/info-details/covid-19-essential-services-faqs) for COVID-19 Essential Services FAQs created by the Executive Office of Housing and Economic Development.

Hotel/Motel Guidance: As part of the updated essential business list, DPH issued new guidance today around hotels, motels, inns, beds and breakfasts and other short-term residential rentals. Based on this new guidance, hotels, motels, and short-term rentals

may only be used for efforts related to fighting COVID-19, like front line health workers or individuals, or for Massachusetts residents who have been otherwise displaced from their residences.

Click [here](/doc/march-31-2020-hotel-motel-guidance) (</doc/march-31-2020-hotel-motel-guidance>) for the Hotel/Motel Guidance.

Stay at Home Advisory: Last week, Governor Charlie Baker directed DPH to issue a stay-at-home advisory, and the Governor announced today that the advisory will remain in effect. Residents are advised to stay home and avoid unnecessary travel and other unnecessary person to person contact during this time period. Residents who are considered at high risk when exposed to COVID-19 should limit social interactions with other people as much as possible

Click [here](/news/dph-public-health-advisory-stay-at-home-advisory) (</news/dph-public-health-advisory-stay-at-home-advisory>) for the Stay-At-Home Advisory.

Executive Branch Employee Guidance: The Baker-Polito Administration today also extended the guidance issued to Executive Branch employees on protocol during the COVID-19 outbreak to ensure state government can continue to provide key services while protecting the health and safety of the public and the Executive Branch workforce. Under the guidance, all employees performing non-core functions who are able to work remotely should continue to do so until May 4. Full guidance will be sent to Executive Branch employees later today.

Some Executive Branch services and walk-in offices remain open, but residents are encouraged to use online services when available. For the status of in-person Executive Branch office locations, please click [here](#) (</info-details/covid-19-status-of-executive-branch-office-locations>).

Field Medical Station Announcement: The Commonwealth, through MEMA, has requested and received approval for a Field Medical Station that will provide additional medical care capacity as the state plans for a surge in cases. The federal Strategic National Stockpile has approved a 250-bed field medical station that will be deployed to the DCU Center in the City of Worcester this week. This temporary facility will be managed by UMass Memorial and staffed by a partnership including the City of Worcester and others.

The temporary field medical center will be used to treat lower acuity patients who still need monitoring.

Nursing/Rest Home Program: The Commonwealth is implementing a pilot project that allows for safe, on-site testing of symptomatic residents of nursing and rest homes with a quick turnaround. The pilot will operate under the auspices of the Massachusetts National Guard in partnership with the Department of Public Health and Broad Institute of Cambridge, and samples will be collected by trained personnel from the Massachusetts National Guard. Prior to this launch, the only way for nursing home residents to be tested would be to be transported to a hospital or physician's office.

Members of the public should continue checking www.mass.gov/covid19 (/covid19) for the latest information on impacts from the COVID-19 outbreak.

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From: [Libby Gibson](#)
To: [Erika Mooney](#)
Cc: [Rita Higgins](#); [Dawn Hill Holdgate](#)
Subject: FW: Noise Waiver Request
Date: Tuesday, March 31, 2020 3:38:31 PM

Can you pls add to agenda as a "new business" item for 4/1

C. Elizabeth Gibson
Town Manager
Town of Nantucket
(508) 228-7255

From: Pittman, William <wpittman@police.nantucket-ma.gov>
Sent: Tuesday, March 31, 2020 3:34 PM
To: Libby Gibson <LGibson@nantucket-ma.gov>
Subject: Noise Waiver Request

Libby,

We need to get a noise waiver for the Stop & Shop to allow their refrigerator trucks to run in the parking lot at night. Due to the unprecedented demand on groceries, they have been having trouble getting stock off the trucks and onto the shelves because of the demand and shortage of workers. They have to leave perishables in the trucks with the refrigerators running until they can get it stocked. They normally only have two trucks on the ramp that they plug into shore power to reduce the noise. But, they are now getting three to five trucks daily and don't have room on the ramp for them so they are in the parking lot.

We would like the SB to grant them a noise waiver for this purpose for the duration of the State of Emergency or unless sooner lifted.

William J. Pittman
Chief of Police
Nantucket Police Department
4 Fairgrounds Road
Nantucket, MA 02554
Tel: (508) 228-1212
Fax: (508) 228-7246

Committee Appointments 2020 Timeline
As of 3/24/2020

April 1 – Select Board review list of openings.

April 17 - Notify members of committees whose terms are expiring.

April 22 and 29; May 6 and 13 – Advertise committee openings in newspaper and on Town’s website; put on SB agenda as announcement starting mid-April.

May 22 – Deadline for submitting applications for committee openings that will be heard on May 27 to Town Administration office. This includes applications for:

- Agricultural Commission;
- Airport Commission;
- Board of Health;
- Capital Program Committee;
- Cemetery Commission;
- Conservation Commission;
- Contract Review Committee, Human Services;
- Council for Human Services;
- Council on Aging;
- Cultural Council;
- Finance Committee; and
- Historic District Commission Associate.

May 27 – Public hearing for above listed committee applicants.

May 29 – Deadline for submitting applications for committee openings that will be heard June 3 to Town Administration office. This includes applications for:

- Nantucket Affordable Housing Trust;
- Nantucket Historical Commission;
- Nantucket Historical Commission Alternate;
- Planning Board Alternate;
- Real Estate Assessment Committee;
- Roads and Right-of-Way Committee;
- Scholarship Committee;
- Tree Advisory Committee;
- Zoning Board of Appeals; and
- Zoning Board of Appeals Alternate.

June 3 – Public hearing for above listed committee applicants.

June 17 – Committee appointments.

2020 Committee Openings Information
As of 3/24/2020

Committee	# seats open	Term Expiration	Notes
Agricultural Commission	1	2021	vacant
Agricultural Commission	2	2022	vacant
Agricultural Commission	2	2023	
Airport Commission	2	2023	
Board of Health	2	2023	
Capital Program Committee	2	2023	
Cemetery Commission	2	2023	
Conservation Commission	2	2023	
Contract Review Committee, Human Services	1	2023	
Council for Human Services	3	2021	2 vacant
Council for Human Services	3	2022	vacant
Council for Human Services	3	2023	2 vacant
Council on Aging	3	2023	
Cultural Council	1	2022	vacant
Cultural Council	2	2023	
Finance Committee	3	2023	
Historic District Commission Associate	1	2023	
Nantucket Affordable Housing Trust	2	2023	2-year term; at-large
Nantucket Affordable Housing Trust	1	2023	2-year term; real estate agent/broker
Nantucket Historical Commission	2	2023	
Nantucket Historical Commission Alternate	1	2023	
Planning Board Alternate	1	2023	
Real Estate Assessment Committee	2	2023	
Roads and Right of Way Committee	3	2023	
Scholarship Committee	2	2023	
Tree Advisory Committee	2	2023	
Zoning Board of Appeals	1	2025	5-year term
Zoning Board of Appeals Alternate	1	2023	3-year term

***DECLARATION OF RECESS AND CONTINUANCE
OF
APRIL 4, 2020 ANNUAL TOWN MEETING***

This Declaration is being issued pursuant to the authority vested in the Town Moderator by the provisions of G.L. c. 39, §10A. I hereby provide notice to the Town of Nantucket that I have determined that it is in the public's interest, due to the public health and safety risks posed by the novel coronavirus COVID-19, to recess and continue the April 4, 2020 Annual Town Meeting until Saturday, May 2, 2020, at 9:00 A.M. at the Mary P. Walker Auditorium at the Nantucket High School, 10 Surfside Road, Nantucket, Massachusetts 02554.

I have issued this Declaration after careful and considerable deliberation about the implications of the rapid spread of the disease, present lack of containment, and risk to most vulnerable populations inherent in public gatherings at this time. Various professional sports leagues, universities, school districts, cultural institutions and events, and more, have been cancelled, closed, or temporarily suspended normal operations. Similarly, various public and private entities have significantly restricted operations in response to the continued spread of the virus. Based upon the recommendations from the Governor, among others, that large gatherings be avoided, and the declaration of a State of Emergency in the Commonwealth, I consulted with public safety officials, the Board of Health, and members of the Select Board and reviewed guidance from the Massachusetts Department of Public Health and the U.S. Centers for Disease Control and Prevention. A significant consideration in this decision includes the important role of Town Meeting as the legislative body of the Town, and my obligation to ensure that all who wish to participate are able, particularly, vulnerable members of our community.

Being respectful of the health, safety and wellbeing of all of the voters of the Town, therefore, I have determined in accord with G.L. c.39, §10A that the rapidly evolving situation involving COVID-19 will mean that some voters will be unable to attend the May 2, 2020 Town Meeting and that they will therefore be deprived of the opportunity to participate in such meeting. A delay at this time will avoid forcing voters to choose between participating in the Town Meeting and managing their health in a manner most appropriate for them.

To provide as much advance notice as possible, and in order to allow the Town the greatest period of time to evaluate the situation, this formal Declaration, will be deemed to be issued and take effect on April 4, 2020, the scheduled date of the Annual Town Meeting.

Please contact the Town Manager's office with any further questions at 508-228-7255.

Sarah F. Alger, Town Moderator

April 3, 2020 at 11:00 a.m.