



# AMENDED MEETING POSTING

Original posting date: 4/23/2021 Original Posting # T 387

## TOWN OF NANTUCKET

Pursuant to MGL Chapter 30A, § 18-25

All meeting notices and agenda must be filed and time stamped with the Town Clerk's Office and posted at least 48 hours prior to the meeting (excluding Saturdays, Sundays and Holidays)

**RECEIVED**

2021 APR 26 AM 10:01  
NANTUCKET TOWN CLERK  
Posting Number:T 388

<b>Committee/Board/s</b>	SELECT BOARD
<b>Day, Date, and Time</b>	WEDNESDAY, APRIL 28, 2021 AT 5:00 PM
<b>Location / Address</b>	REMOTE PARTICIPATION VIA ZOOM WEBINAR Pursuant to Governor Baker's March 12, 2020 Order Regarding Open Meeting Law (Attached)  Information on viewing the meeting can be found at <a href="https://www.nantucket-ma.gov/138/Boards-Commissions-Committees">https://www.nantucket-ma.gov/138/Boards-Commissions-Committees</a>
<b>Signature of Chair or Authorized Person</b>	ERIKA MOONEY

**WARNING: IF THERE IS NO QUORUM OF MEMBERS PRESENT, OR IF MEETING POSTING IS NOT IN COMPLIANCE WITH THE OML STATUTE, NO MEETING MAY BE HELD!**

### AGENDA

Please list below the topics the chair reasonably anticipates will be discussed at the meeting

#### YOU TUBE LINK:

<https://youtu.be/42qMnYrpfL8>

#### ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:

[https://zoom.us/webinar/register/WN\\_H4d81M4BSxyPXunQ5nVewQ](https://zoom.us/webinar/register/WN_H4d81M4BSxyPXunQ5nVewQ)

- I. **CALL TO ORDER**
- II. **SELECT BOARD ACCEPTANCE OF AGENDA**
- III. **ANNOUNCEMENTS**
  1. The Select Board Meeting is Being Audio/Video Recorded.
  2. DPW: April 30, 2021 Arbor Day Proclamation.
  3. Surfside Road Sewer Improvements Project on Surfside Road between Miacomet Avenue and Vesper Lane Ongoing through Friday, June 25, 2021 - Road Blockings and Detours:
    - 4:00 PM to 2:00 AM, Sundays through Thursdays
    - 9:00 AM to 2:00 PM, Fridays
First Phase is Surfside Road between Miacomet Avenue and Windy Way.  
<https://www.nantucket-ma.gov/2106/Surfside-Road-Sewer>

**IV. JOINT MEETING WITH NRTA ADVISORY BOARD**

1. Update on 2 Fairgrounds Road Commuter Park and Ride Lot Bus Service.

**V. COVID-19 WEEKLY UPDATE**

1. Public Comment.
2. Report from Public Health Director.
3. Update from COVID Resources Response Team: Community Vaccination Outreach.
4. Report from Economic Task Force.
5. Other Reports/Comments/Updates.

**VI. PUBLIC COMMENT\* FOR ITEMS NOT RELATED TO COVID-19 OR OTHER AGENDA ITEMS**

**VII. NEW BUSINESS\***

**VIII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS**

1. Approval of Minutes of April 14, 2021 at 5:00 PM.
2. Approval of Payroll Warrants for April 18, 2021.
3. Approval of Treasury Warrants for April 28, 2021.
4. Approval of Pending Contracts for April 28, 2021 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

**IX. CITIZEN/DEPARTMENTAL REQUESTS**

1. Nantucket Education Trust, Inc.: Request for Approval and Execution of Estoppel Certificate and Agreements requested for Leasehold Mortgages with Hingham Institution for Savings on Property Located at 2, 4, 6 and 8 Cow Pond Lane.
2. Toscana Corp.: Request for Waiver of Town Noise Bylaw on May 5, 2021 from 8:00 PM to Midnight for Water Connection at 34 Fairgrounds Road Resulting in Total Road Closure.
3. Licensing Administration: Request for Approval and Execution of 2021 Seasonal Population Increase Estimation Form.
4. Request for Acceptance of Conditional Surrender of Annual Wine and Malt Beverages with Cordials Restaurant License by Pizza Gemelle, LLC dba Pizzeria Gemelle for Premises Located at 2 East Chestnut Street.

**X. PUBLIC HEARING**

1. Public Hearing to Consider Application for New Entertainment License for Theatre Workshop of Nantucket Inc. Stage Plays to be Held at 39 Bartlett Farm Road (Bartlett Farm), June 15 - August 22, 2021.

2. Public Hearing to Consider Application for Mobile Food Unit for Lemon Press Market LLC dba Lemon Press, Rachel Afshari, Manager.
3. Public Hearing to Consider Application for Alteration of Premises of Seasonal All-Alcoholic **Beverages** Restaurant License for Lemon Press Market, LLC dba Lemon Press, Rachel Afshari, Manager for Premises Located at 41 Main Street; Request for Determination that the Premises Licensed to Sell Alcoholic Beverages is Not Detrimental to the Spiritual Activities of a Church Pursuant to Section 16C of MGL Chapter 138.
4. Public Hearing to Consider Application for New Annual Wine and Malt Beverages Package Store License for Pizza Gemelle, LLC dba Pizzeria Gemelle, Andrea Solimeo, Manager, for Premises Located at 2 East Chestnut Street; Request for Determination that the Premises Licensed to Sell Alcoholic Beverages is Not Detrimental to the Spiritual Activities of a Church Pursuant to Section 16C of MGL Chapter 138.
5. Public Hearing to Consider Application for New Seasonal Wine and Malt Beverages Package Store License for K & K Anderson, LLC dba Born & Bread Nantucket, Kimberlee Anderson, Manager, for Premises Located at 35 Centre Street; Request for Determination that the Premises Licensed to Sell Alcoholic Beverages is Not Detrimental to the Spiritual Activities of a Church Pursuant to Section 16C of MGL Chapter 138.
6. Public Hearing to Consider Applications for LH Manager Northeast, LLC dba Faraway Hotel for Premises Located at 11 India Street:
  - a) New Common Victualler with Annual All-Alcoholic Beverages Innholder License, Evan Bailey, Manager; Request for Determination that the Premises Licensed to Sell Alcoholic Beverages is Not Detrimental to the Spiritual Activities of a Church Pursuant to Section 16C of MGL Chapter 138.
  - b) New Entertainment License, Evan Bailey, Manager.
7. Public Hearing to Consider Utility Petition from Verizon New England, Inc. for Plan #MA2020-45 to Push 2" Steel Conduit from Pedestal, PED #11, Approximately 35' Northerly Across Low Beach Rd to Connect to Customer-Placed Conduit at a Point 140' Westerly from Pond Street.

***XI. TOWN MANAGER'S REPORT***

1. 2021 Annual Town Meeting Update.
2. FY 2021 Third Quarter Budget Reports: Our Island Home Enterprise Fund; Solid Waste Enterprise Fund; Sewer Enterprise Fund.
3. Monthly Town Management Activity Report.

***XII. SELECT BOARD'S REPORTS/COMMENT***

1. Committee Reports.

***XIII. ADJOURNMENT***

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

**EXHIBIT 1**  
**AGREEMENTS TO BE EXECUTED BY TOWN MANAGER**  
**UNLESS RESOLUTION OF DISAPPROVAL BY SELECT BOARD**  
**April 28, 2021**

Type of Agreement/Description	Department	With	Amount	Other Information	Source of Funding	Term
Professional Service Agreement	Town Admin	The Country Press	\$3,600.18	Contract for printing FY20 Annual Town Report	Town Admin Budget	April 28, 2021 - June 30, 2021
Consent to Sublease	Select Board	Nantucket Community Sailing	(10% of rental income from sub-lease)	Consent agreement to allow Nantucket Community Sailing to sublet Town-owned premises at 12 Industry Road to Hither Creek Boat Yard, Inc. dba Madaket Marine for outdoor storage of 15-25 boats for 2021 summer season	n/a	May 1, 2021 - October 1, 2021
Grant Award/ Assurance	Airport	MassDOT	(\$18,647.20)	Stormwater Inventory Assessment project	State Grant	April 28, 2021 - June 30, 2021
Grant Award/ Assurance	Airport	MassDOT	(\$11,176.70)	Purchase of zero-turn mower	State Grant	April 28, 2021 - June 30, 2021
Grant Award	Fire	Mass Department of Fire Services	(\$13,306)	Purchase of thermal imaging camera; combustible gas detector	State Grant	April 2, 2021 - June 30, 2021
Sale Agreement	Town of Nantucket	Chris McColl	(\$100)	Purchase of one (1) 2004 Ford Ranger from DPW Surplus Equipment Sale	n/a	April 28, 2021 - June 30, 2021
Professional Service Agreement	DPW	Dobbert Heating & Air Conditioning, Inc.	\$35,000	Repairs for interior water supply piping failure at 2 Fairgrounds Rd (PLUS Dept.)	Facilities Budget	April 28, 2021 - June 30, 2021
Professional Service Agreement	DPW	Island Carpet, Inc.	\$23,046.05	Flooring replacement at 131 Pleasant St. (old fire station)	Article 10/2021 ATM	April 28, 2021 - June 30, 2021
Professional Service Agreement	DPW	K and M Communications Corp.	\$48,220	Network communication line installation at 131 Pleasant St. (old fire station)	Article 10/2021 ATM	April 28, 2021 - June 30, 2021
Professional Service Agreement	DPW	K5 Corporation	\$216,928.46	Town-wide roadway line painting	Chapter 90 Funding	April 28, 2021 - June 30, 2022
Purchase Agreement	DPW	Belson Outdoors	\$10,182.49	Purchase of eight (8) bike racks	DPW Budget	April 29, 2021 - June 30, 2021
Maintenance Agreement	DPW	MassDOT	(\$75,000)	Annual maintenance of Milestone Road	State Payment	April 28, 2021 - June 30, 2022

Amendment to Professional Service Agreement	DPW	Carolina Software, Inc.	Add \$900 to original contract amount of \$4,800 for new contract total of \$5,700	Amend existing contract for WasteWorks solid waste software to include two (2) additional licenses	Solid Waste Budget	April 28, 2021 - June 30, 2023
Amendment to Professional Service Agreement	DPW	Fuss & O'Neill, Inc.	Add \$2,686.32 to original contract amount of \$38,000 for new contract total of \$40,686.32	Amend existing contract for engineering services for Surfside Beach drainage improvements to include Notice of Intent filing with Conservation Commission	Article 18/2018 ATM	April 28, 2021 - June 30, 2021
Professional Service Agreement	Culture & Tourism	Artsopolis LLC	\$12,600	Contract for website hosting, services and software license for Cultural District website	ReMain Grant	April 28, 2021 - April 27, 2024
Professional Service Agreement	Town Clerk	Nantucket Tents	\$44,022.40	Contract for tents and bandstand for 2021 ATM	COVID Funding	April 28, 2021 - June 30, 2021

## **SELECT BOARD AGENDA PROTOCOL:**

**Roberts Rules:** The Select Board follows Roberts Rules of Order to govern its meetings as per the Town Code Charter.

**Public Comment:** Public Comment is to bring 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, if any. Except in emergencies, the Board will not normally take any other action on Public Comment in its sole discretion.

To facilitate that any individual who wishes to provide Public Comment has the opportunity and to ensure the ability of the Board to conduct its business in an orderly fashion, the following rules and procedures are adopted consistent with state and federal free speech laws:

- The agenda for regular Select Board meetings will include a Public Comment period at the beginning of the meeting unless there is more urgent business for the Board to take up first. This time is reserved for speakers to address the Board on matters that are not related to any other Agenda item. If a speaker wishes to address the Board on a matter that is related to another Agenda item, the Chair will accept public comment when that Agenda item is reached during the meeting.
- All speakers are encouraged to present their remarks in a respectful manner.
- All remarks will be addressed through the Chair of the meeting.
- The Chair of the meeting may not interrupt speakers who have been recognized to speak, except that the Chair reserves the right to terminate speech which is not constitutionally protected because it constitutes true threats, incitement to imminent lawless conduct, comments that were found by a court of law to be defamatory, and/or sexually explicit comments made to appeal to prurient interests. Verbal comments may also be curtailed if they exceed three (3) minutes and to the extent they exceed the scope of the Board's authority.

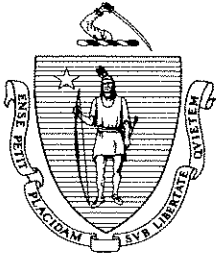
*Disclaimer: Public Comment is not a time for debate or response to comments by the Board. Comments made during the Public Comment period do not reflect the views or positions of the Board. Because of constitutional free speech principles, the Board does not have authority to prevent all speech that may be upsetting and/or offensive made during the Public Comment period.*

**New Business:** For topics not reasonably anticipated by the Chair 48 hours in advance of the meeting may be brought up for discussion in accordance with the Open Meeting Law.

**Public Participation:** The Board welcomes valuable input from the public at appropriate times during the meeting with recognition from the Chair at his/her sole discretion. For appropriate agenda items, the Chair will introduce the item and take public input. Individual Board Members may have questions on the clarity of the 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 during a meeting. 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 and/or schedule the matter for a future Board meeting. Otherwise, except in emergencies, the Board will not normally take action on Select Board Comment.

*Approved on February 17, 2021*



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.

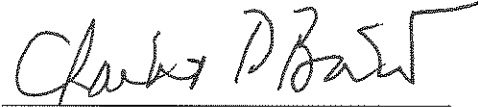
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby 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 6:40 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