

Town and County of Nantucket Select Board • County Commissioners

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



16 Broad Street
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C. Elizabeth Gibson
Town & County Manager

**AGENDA FOR THE MEETING OF THE
SELECT BOARD
MAY 1, 2020 - 5:00 PM
REMOTE PARTICIPATION VIA ZOOM AND YOU TUBE
PURSUANT TO GOVERNOR BAKER'S MARCH 12, 2020
ORDER REGARDING OPEN MEETING LAW
NANTUCKET, MASSACHUSETTS
AMENDED APRIL 30, 2020**

YOU TUBE LINK:

<https://youtu.be/FFJw18mRg1Q>

I. CALL TO ORDER

II. SELECT BOARD ACCEPTANCE OF AGENDA

III. ANNOUNCEMENTS

1. The Select Board Meeting is Being Audio/Video Recorded.

IV. TOWN MANAGER'S REPORT

1. Review Fiscal Year 2020 and 2021 General Fund Budget Issues Connected with COVID-19 Pandemic and Associated Economic Impact.

V. COVID-19 WEEKLY UPDATE

1. Select Board Comments/Questions
 - Public Comment
2. Discussion Regarding Senator Cyr Letter Regarding Guidance to Cape and Islands Seasonal Community.
3. Emergency Orders - Status
 - Local No. 5 - Construction Phased Work Plan
 - Review/Discussion of Phase II Construction Work Plan
 - Local No. 6 - Landscaping Phased Work Plan
 - Review/Discussion of Phase II Landscaping Work Plan
 - Public Comment

4. Board of Health Update on Restaurant Inspections
 - **Review/Discussion of Phased Return of Operations**
 - Select Board Comments/Questions
 - Public Comment

5. Economic Impact Work Group (C&T Director; Select Board)
 - **Review of Membership**
 - Select Board Comments/Questions
 - Public Comment

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

VII. SELECT BOARD'S REPORTS/COMMENT

1. Discussion Regarding Parking Regulations Hearing Discussion from Select Board Meeting of March 4, 2020.

2. Committee Reports.

VIII. ADJOURNMENT

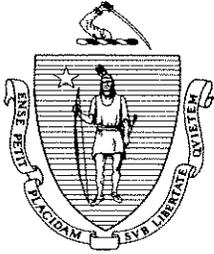
****Identified on Agenda Protocol Sheet***

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.*



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.

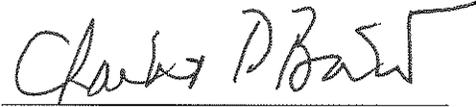
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby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

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts



Town Administration Fiscal Year 2020 and 2021 General Fund Budget Update

For April 04/29/2020

Select Board Meeting

As of 04/24/2020

Town Administration

FY21 Revenue Projection Update

	FY21 BUDGET ORIGINAL	FY21 BUDGET 30% REDUCTION	FY21 BUDGET 40% REDUCTION	FY21 BUDGET 60% REDUCTION	FY21 BUDGET CATASTROPHIC
GF REVENUE SUMMARY					
I. TAXES- REAL ESTATE AND PERSONAL PROPERTY	(89,625,544)	(89,625,544)	(89,625,544)	(89,625,544)	(89,625,544)
Less: Abatements & Exemptions					
II. LOCAL REVENUE					
1. Motor Vehicle Excise Taxes	(2,900,000)	(2,475,000)	(2,275,000)	(2,275,000)	(2,275,000)
2. Other Excise Taxes	-	-	-	-	-
A) Boat Excise Taxes	-	-	-	-	-
B) Rooms Excise Taxes	(4,000,000)	(2,800,000)	(2,400,000)	(1,600,000)	(1,600,000)
C) Meals Excise Taxes	(1,001,800)	(701,260)	(601,080)	(400,720)	-
3. Penalties & Interest on Taxes and Excises	(475,000)	(475,000)	(475,000)	(475,000)	(475,000)
4. Payments in lieu of Taxes	(8,000)	(8,000)	(8,000)	(8,000)	(8,000)
5. Charges for Services	(29,000)	(29,000)	(29,000)	(29,000)	(29,000)
6. Fees	(894,300)	(793,800)	(760,300)	(693,300)	(693,300)
7. Rentals	(520,700)	(414,248)	(317,200)	(317,200)	(317,200)
8. Other Departmental Revenue	(199,958)	(200,048)	(275,048)	(275,048)	(275,548)
9. Licenses and Permits	(1,495,100)	(1,160,600)	(1,049,100)	(826,100)	(623,600)
10. Fines and Forfeits	(290,000)	(290,000)	(290,000)	(290,000)	(290,000)
11. Investment Income	(275,000)	(200,000)	(200,000)	(200,000)	(200,000)
12. Miscellaneous Recurring	-	-	-	-	-
13. Miscellaneous Non-Recurring	-	-	-	-	-
14. Indirect costs	-	-	-	-	-
15. Other	-	-	-	-	-
III. STATE LOCAL AID	(3,880,203)	(3,880,203)	(3,880,203)	(3,880,203)	(3,046,068)
TOTAL GENERAL FUND REVENUE	(105,594,605)	(103,052,703)	(102,185,475)	(100,895,115)	(99,458,260)
		2,541,903	3,409,130	4,699,490	6,136,345

FY20 Current Unknowns and Options

- FY20 Enterprise Fund Operations
 - Solid Waste
 - Our Island Home
- NRTA Operations⁽¹⁾
- Steamship Authority potential deficit⁽²⁾
- COVID-19 Response Expenditures⁽³⁾

FY20 Actions

- Halting non-essential spending
- Freeze non-essential unfilled positions in FY20

(1) Any potential deficit with the NRTA would most likely be captured on the cherry sheet for FY22

(2) The Steamship Authority runs on a calendar year-end, any deficit within their operations would be an issue in FY21

(3) The town will be applying for any and all available funding through FEMA and MEMA. The town is responsible prior to the award for the payment of the expenditures and will need to ensure provisions to cover the spending are in place prior to June 30, 2020. Any FEMA or MEMA funding would be on a reimbursable basis.

FY21 Outstanding Items and Current Unknowns

- Continue Investment in IT Infrastructure
- NRTA Operations⁽¹⁾
- Steamship Authority potential deficit⁽²⁾
- Our Island Home
- FY21 additional funding for Enterprise Funds
 - Airport⁽³⁾
 - Solid Waste
- State Aid
- Covid-19 Response Expenditures⁽⁴⁾
- FY21 Fees, Licenses, and Leases
 - FY21 Concessions
 - Potential Changes to Fees Licenses (accounted for)
 - Impact on FY21 partially factored into revenue calculation
- Special Revenue Funds
 - Special Purpose Funds (Beach, Ferry Embarkation, Ambulance Reserve, Revolving Funds)

(1) Any potential deficit would most likely be captured on the cherry sheet in FY23

(2) The Town of Nantucket is responsible for 35% of any operational deficit of the Steamship Authority

(3) The Airport has received preliminary notification of an award from the CARES ACT, they are still working through the details on what the award entails, and trying to confirm the amount of the award.

(4) The town will be applying for any and all available funding through FEMA and MEMA. The town is responsible prior to the award for the payment of the expenditures and will need to ensure provisions to cover the spending are in place prior to June 30, 2020. Any FEMA or MEMA funding would be on a reimbursable basis.

FY21 Outstanding Items and Current Unknowns (cont.)

- Not Business as Usual – Potential Program issues and changes for FY21
 - Children’s Beach Activities
 - July 4th Fireworks
 - Seasonal staffing and housing (Lifeguards, CSO’s and additional seasonal staff)

FY21 Potential Budget Options

- Remove Free Cash spending from Article 10 (capital)
 - Re-appropriate available unexpended prior capital project balances to FY21 Capital
- Remove/Reduce Free Cash transfers to Stabilization Funds
- One Year freeze on contribution to OPEB Trust Fund
- Use free cash to cover the projected FY21 Budget Shortfall
 - General Fund and Enterprise Funds
- Elimination of unfilled positions in FY21 budget
- Possible Furloughs⁽¹⁾
- Possible Layoffs⁽²⁾
- Service/Program level reductions/delayed implementations

From: [Cyr, Julian \(SEN\)](#)
To: [Rae Ann Palmer](#); [Robin Craver](#); [dan.hoort@wellfleet-ma.gov](#); [jbeebe@eastham-ma.gov](#); [jgoldsmith@chatham-ma.gov](#); [esullivan@town.dennis.ma.us](#); [dknapik@yarmouth.ma.us](#); [rccollins@mashpeema.gov](#); [Libby Gibson](#); [townadmin@westtisbury-ma.gov](#); [rwhritenour@oakbluffsma.gov](#); [jgrande@tisburyma.gov](#); [townadministrator@aquinnah-ma.gov](#); [Mark.Ells@town.barnstable.ma.us](#); [jhagerty@edgartown-ma.us](#); [townadministrator@chilmarkma.gov](#); [jkelly@town.oreans.ma.us](#); [plombardi@brewster-ma.gov](#); [jpowers@town.harwich.ma.us](#); [Jack Yunits Jr.](#); [Sean O'Brien](#); [Martina Thornton](#); [gdunham@sandwichmass.org](#); [townmanager@falmouthma.gov](#); [ASchiavi@townofbourne.com](#); [erb1010@comcast.net](#); [gosnoldtownclerk@yahoo.com](#)
Cc: [Peake, Sarah - Rep. \(HOU\)](#); [Thibodeau, Katharine \(SEN\)](#); [Fernandes, Dylan - Rep. \(HOU\)](#); [Hunt, Randy - Rep. \(HOU\)](#); [Vieira, David - Rep. \(HOU\)](#); [Whelan, Timothy - Rep. \(HOU\)](#); [Crocker, William - Rep. \(HOU\)](#); [Johnson, Patrick \(SEN\)](#); [Lauf, Michael](#); [Niedzwiecki, Paul](#); [Gary Shaw](#); [dschepici1@partners.org](#); [Wendy Northcross](#); [kristie@nantucketchamber.org](#); [Nancy Gardella](#)
Subject: Re: Update to Towns: Guidance to Seasonal Residents, Extended Governor's Orders, and Pending Legislation
Date: Tuesday, April 28, 2020 8:41:02 PM
Attachments: [Guidance to Cape & Islands Seasonal Community.docx](#)

One urgent point of clarification, particularly to Nantucket and Martha's Vineyard towns:

I want to be **very clear** that the proposed guidance that I sent to you earlier this afternoon is **NOT** the same letter that was put out by the Town of Nantucket/Nantucket Chamber/Nantucket Cottage Hospital or the letter put out by Martha's Vineyard Hospital/Martha's Vineyard Chamber. That information was not prepared/released in consultation or coordination with me, my office, or any member of the Cape & Islands legislative delegation.

Please read the guidance I shared earlier today (see email sent at 3:25pm and reattached for your convenience). This guidance has been approved by Cape Cod, Martha's Vineyard, and Nantucket's hospitals and chambers and every member of the legislative delegation after hours of thoughtful preparation. I made a point to reach town managers in the Cape & Islands District yesterday to brief you directly on this effort and the forthcoming guidance.

The swift reaction to these go-it-alone statements reiterates my strong recommendation that we need to act in coordination as a region with a uniform message. Anything less puts the health AND economic viability of our communities at risk.

As always, I'm glad to address any questions that you or respective town leaders may have. Reach me directly at 508-360-6694.

Thank you for your partnership,
Julian

Julian Cyr
State Senator
Cape and Islands District
State House, Room 309
Boston, MA 02133
617-722-1570
Pronouns: He/Him/His
[www.SenatorCyr.com](#)

From: Cyr, Julian (SEN) <Julian.Cyr@masenate.gov>
Sent: Tuesday, April 28, 2020 3:25 PM
To: [Rae Ann Palmer](#); [Robin Craver](#); [dan.hoort@wellfleet-ma.gov](#); [jbeebe@eastham-ma.gov](#); [jgoldsmith@chatham-ma.gov](#); [esullivan@town.dennis.ma.us](#); [dknapik@yarmouth.ma.us](#); [rccollins@mashpeema.gov](#); [LGibson@nantucket-ma.gov](#); [townadmin@westtisbury-ma.gov](#); [rwhritenour@oakbluffsma.gov](#); [jgrande@tisburyma.gov](#); [townadministrator@aquinnah-ma.gov](#); [Mark.Ells@town.barnstable.ma.us](#); [jhagerty@edgartown-ma.us](#); [townadministrator@chilmarkma.gov](#); [jkelly@town.oreans.ma.us](#); [plombardi@brewster-ma.gov](#); [jpowers@town.harwich.ma.us](#); [Jack Yunits Jr.](#); [Sean O'Brien](#); [Martina Thornton](#); [gdunham@sandwichmass.org](#); [townmanager@falmouthma.gov](#); [ASchiavi@townofbourne.com](#); [erb1010@comcast.net](#); [gosnoldtownclerk@yahoo.com](#)
Cc: [Peake, Sarah - Rep. \(HOU\)](#); [Thibodeau, Katharine \(SEN\)](#); [Fernandes, Dylan - Rep. \(HOU\)](#); [Hunt, Randy - Rep. \(HOU\)](#); [Vieira, David - Rep. \(HOU\)](#); [Whelan, Timothy - Rep. \(HOU\)](#); [Crocker, William - Rep. \(HOU\)](#); [Johnson, Patrick \(SEN\)](#); [Lauf, Michael](#); [Niedzwiecki, Paul](#); [Gary Shaw](#); [dschepici1@partners.org](#); [Wendy Northcross](#); [kristie@nantucketchamber.org](#); [Nancy Gardella](#)
Subject: Update to Towns: Guidance to Seasonal Residents, Extended Governor's Orders, and Pending Legislation

Dear Town Managers and Administrators and County Officials,

I write to invite you to participate in guidance to the Cape & Islands Seasonal Community, provide important updates on Governor Baker's Executive Orders, and share information about recently passed and pending legislation:

REGIONAL GUIDANCE TO SEASONAL RESIDENTS AND VISITORS

The Cape & Islands Legislative Delegation has been leading an effort to convene healthcare, business, and local government across the Cape & Islands in anticipating how we respond to the expected population influx of seasonal residents that we will see in the weeks ahead. These efforts are meant to compliment and support the Governor's Executive Orders and guidance from the Baker-Polito Administration. **The goal is to have uniform information for seasonal residents coming from all entities of**

authority in the region; the aim is to speak with one consistent message.

Attached is guidance that the legislative delegation has developed with area hospitals (Cape Cod Hospital, Martha's Vineyard Hospital, Nantucket Cottage Hospital) and the region's three Chambers of Commerce. Suggested edits may be considered although reaching consensus with such a large group of stakeholders takes time; the region's hospitals and chambers of commerce all agree with the language attached. We are extending an opportunity for the Cape & Islands' 23 municipalities and Barnstable and Dukes Counties to join in signing onto this guidance. We also intend to invite Cape Cod National Seashore, transportation carriers, and other stakeholders to sign onto the guidance in the coming days. The guidance will be updated as information becomes available (e.g. extended date of Essential Services order). We will also seek to translate the guidance into Portuguese and Spanish.

I wanted to share the guidance with you and invite your municipality to sign on. I understand that it may take several days to circulate this within town leadership. To sign onto the guidance, please email Katharine Thibodeau from my staff: Katharine.Thibodeau@masenate.gov. Please include the seal/logo of your municipality so we can include it in the guidance as it is updated.

ABIG thank you to Rep. Sarah Peake, Rep. Dylan Fernandes, Rep. Tim Whelan, Rep. Randy Hunt, Rep. Dave Vieira, Rep. Will Crocker, Mike Lauf, Denise Schepici, Gary Shaw, Wendy Northcross, Nancy Gardella, and Kristie Ferrantella for the collaboration that got us here.

EXTENSION OF ORDERS FROM GOVERNOR BAKER

As I'm sure you saw, the Governor announced today an extension of the stay at home order and non-essential business closure to May 18th. Details here: <https://www.mass.gov/news/baker-polito-administration-extends-non-essential-business-closures-to-may-18th-announces>

We continue to keep our webpage page updated with important federal, state, and local information as it is announced: <https://www.senatorcyr.com/covid19>

UPDATES ON LEGISLATION

Postponing elections:

The Senate and House passed legislation on 3/23 to help protect public health by providing cities and towns the authority to postpone and reschedule certain municipal elections and related activities. The bill was signed by the Governor on March 23rd: <https://malegislature.gov/Laws/SessionLaws/Acts/2020/Chapter45>

The House also issued orders to reschedule two special state elections until June 2, 2020. The Senate issued an order to reschedule two state special elections until May 19, 2020.

The legislation includes guidelines for public notification of rescheduled election dates, voter registration deadlines, absentee ballots processing, and the display of sample ballots. The legislation:

Allows municipal governments to postpone caucus or certain elections scheduled before May 30, 2020 and reschedule the caucus or elections to a date prior to June 30, 2020. Allows any eligible voter to vote early by mail for elections occurring before June 30, 2020. More here: <https://karenspilka.com/updates/2020/3/23/municipalelections>

Legislation to Assist Municipal Governance Signed into law:

On 4/3 the House and Senate passed House Bill 4598 - An Act to address challenges faced by municipalities and state authorities resulting from COVID-19. This legislation extends the state income tax filing deadline for residents, addresses disruptions in municipal tax collections and permitting, and allows licensed restaurants to sell certain alcoholic beverages with food take-out and delivery orders, among other provisions.

A full summary of the bill is as follows. The Governor signed the bill on April 3rd. It is now law: <https://malegislature.gov/Laws/SessionLaws/Acts/2020/Chapter53>

Here is a summary of the law: <https://www.mma.org/legislature-oks-bill-to-address-municipal-operations-challenges-resulting-from-covid-19-emergency/>

There has been some good feedback thus far on how the rating agencies are interpreting this

legislation: <https://www.metrowestdailynews.com/news/20200427/rating-agency-takes-measure-of-coronavirus-law>

More legislation signed into law to help municipalities, school districts:

The House and Senate passed House Bill 4616, An Act to Further Address Challenges Faced by Municipalities and School Districts Resulting from COVID-19, on 4/9. It is now law after being signed by the Governor: <https://malegislature.gov/Laws/SessionLaws/Acts/2020/Chapter56>

You can find a summary here: <https://www.mma.org/gov-signs-law-with-number-of-school-related-adjustments/>

Legislation signed into law on Notary reforms during COVID-19

The House and Senate have been working on legislation to allow for notarizations to be done virtually. Senate Bill 2645, An Act providing for virtual notarization to address challenges related to COVID-19, which was signed into law by the Governor on April 27th. Final legislation can be found here: <https://malegislature.gov/Bills/191/S2645>

Here is a summary of the legislation: https://d3n8a8pro7vhmx.cloudfront.net/juliancyr/pages/193/attachments/original/1588097972/S2642_Summary.pdf?1588097972

Thank you for your collaboration and partnership to address to the unique needs of Cape Cod, Martha's Vineyard, and Nantucket during this most difficult period.

Please don't hesitate to reach me directly with any questions at [508-360-6694](tel:508-360-6694).

Take good care,
Julian

Julian Cyr
State Senator
Cape and Islands District
State House, Room 309
Boston, MA 02133
617-722-1570
Pronouns: He/Him/His
www.SenatorCyr.com

Guidance to Cape & Islands Seasonal Community

Letter to Members of Cape Cod, Martha's Vineyard, and Nantucket's Seasonal Community:
Updated as of 04/28/2020 - *(please revisit this page for future updates)*

Cape Cod, Martha's Vineyard, and Nantucket are small year-round communities whose residents appreciate, welcome, and depend upon you, our seasonal residents, non-resident homeowners, seasonal workforce, and visitors.

During the COVID-19 pandemic and the upcoming summer season, we all understand the desire to return to visit, work, or live on Cape Cod, Martha's Vineyard, and Nantucket. So far, we have been successful in limiting the extent of the impact of COVID-19 on our relatively isolated communities by implementing early and vigilant social distancing measures per the guidance of the public health officials.

However, according to the Massachusetts Department of Public Health, Cape Cod, Martha's Vineyard, and Nantucket remain highly vulnerable to a major surge in new cases due to the highly contagious and insidious nature of this disease and the seasonal nature of our communities that creates an influx in population in the warmer months.

If you are planning to relocate or travel to Cape Cod or the Islands, please help us all to remain safe and healthy by being aware of the following information and taking the precautionary measures outlined below by public health officials.

- Please consider postponing any non-essential travel.
- If you must travel here, please be aware that [Massachusetts Governor Charlie Baker has issued guidance instructing all travelers arriving in Massachusetts to self-quarantine for 14 days.](#)
- In addition, individuals are instructed not to travel to Massachusetts if they are displaying symptoms. We ask that you refrain from traveling to the Cape and Islands even from within Massachusetts if you are displaying symptoms.
- If you must come to the Cape and Islands:
 - Bring all necessary food and supplies with you to enable the 14 day quarantine, including prescriptions, cleaning supplies, personal health items and personal protective equipment.
 - If exhibiting flu-like symptoms or experiencing respiratory illness during or after quarantine, do not go to work. Contact the local healthcare provider in your area for instructions on accessing care.
 - Follow advisories on transportation, especially guidelines if you are traveling by ferry or air.
- The Massachusetts Department of Public Health has:
 - Issued a [stay at home advisory](#)
 - Advised that you protect yourself and others with a face covering/mask
 - Advised that individuals practice social distancing by remaining 6 feet away from others
- All businesses and organizations that do not provide "[COVID-19 Essential Services](#)" have closed their physical workspaces to workers and customers until May 18.
- [Gatherings of 10 or more people are prohibited until May 18.](#)
- Hotels, short term residential rentals, and other short term lodgings are [not open for leisure accommodations.](#)
- Be aware that many states have different guidance and restrictions related to COVID-19. For information regarding Massachusetts COVID-19 response, please visit: mass.gov/covid19

Please recognize that many of the amenities you are used to enjoying in our communities are closed during this time.

Because we know you love the Cape and the Islands, please support local organizations to aid individuals and families in our region.

With your help, and all of us working together, Cape Cod, Martha's Vineyard, and Nantucket can recover from this virus and these challenging economic times. We look forward to welcoming you back. Thank you for supporting this place that we all love by respecting this guidance.

Respectfully,

Cape Cod Hospital

**Cape Cod
Chamber of Commerce**

Julian Cyr
*State Senator
Cape and Islands District*

David T. Vieira
*State Representative
3rd Barnstable District*

Dylan A. Fernandes
*State Representative
Barnstable, Dukes, and
Nantucket District*

Martha's Vineyard Hospital

**Martha's Vineyard
Chamber of Commerce**

Timothy R. Whelan
*State Representative
1st Barnstable District*

Sarah K. Peake
*State Representative
4th Barnstable District*

Nantucket Cottage Hospital

**Nantucket Island
Chamber of Commerce**

William L. Crocker, Jr.
*State Representative
2nd Barnstable District*

Randy Hunt
*State Representative
5th Barnstable District*

DRAFT Process for Consideration/Development of Phased Work Plans (ie, BOH Orders)

As of 4/24/20

1. Development of draft Plan by appropriate department – with relevant industry stakeholder and Town Counsel input – clearly indicating where/how the information is coming from
2. Circulation of draft Plan to industry stakeholders, relevant boards (SB, BOH), Economic Impact Work Group (?), NCH? Legal review
3. Point of Contact to be identified for each Plan – who will explain the Plan, including importance, execution, communications, administration, monitoring and tracking
4. Within a specified period of time, draft Plan is released to the public for comment, for a specified period of time
5. Draft Plan then goes back to the appropriate board(s) – for further review/discussion/changes, public comment during the meeting, final legal review, with a date set for potential adoption – giving enough time for advance final review by those responsible for adopting (24 hours? 48 hours?)
6. At final meeting, Plan adopted (may be further modified at the meeting), with a specific effective date which allows for enough time to properly post on-line and be translated (at least 48 hours)

**EMERGENCY ORDER NO. 8
EFFECTIVE [DATE]
OF THE NANTUCKET BOARD OF HEALTH
COVID-19 BACK TO WORK
PROGRAM FOR CONSTRUCTION
PHASE II**

PURPOSE:

To provide the construction community on Nantucket with the ability to begin moving to the next phase for construction projects to go back to work, by allowing the completion of projects previously started, provided that they limit the number of workers on-site while still practicing social distancing and procedures to help prevent the spread of COVID-19, the Board of Health of the Town of Nantucket hereby issues the following Emergency Order No. 8 to establish the Phase II Back-to-Work Program for Construction on the Island of Nantucket.

This Phase II level of work is limited to the work described below and is permissible subject to adherence with the general COVID-19 protocols enforceable by the Board of Health and the requirements of this Order. These protocols shall remain in place until the state of emergency is lifted or until further order of the Board of Health. New construction and renovation starts are not permitted, and only the work described herein will be allowed. Any application previously approved by the Building Commissioner to conduct work pursuant to Emergency Order No. 5 may continue and proceed with Phase II work and shall not be required to file a new application under this Order. Any work that has not been previously approved pursuant to Emergency Order NO. 5 shall be subject to the application form and approval procedure set forth below prior to the commencement of any work.

Status of Emergency Order No. 1, as supplemented on April 2, 2020, and Emergency Order No. 5

The purpose of this Emergency Order No. 8 is to expand upon Emergency Order No. 1, as supplemented on April 2, 2020 (“Emergency Supplemental Order”) and Emergency Order No. 5.

All projects described in the Emergency Supplemental Order and Emergency Order No. 5 will continue to be authorized in accordance with the terms of those Orders, provided that said projects are conducted in accordance with the requirements of this Emergency Order No.8.

Only the projects listed in the Emergency Supplemental Order, Emergency Order No. 5, and this Emergency Order No. 8, will be permitted to begin or continue, and all other construction shall be prohibited until the moratorium is lifted or further allowances are incorporated in phases.

Part 1: Allowable Construction Definitions

1. For the purposes of this Order, “unfinished construction” shall mean any work for which a building permit or Certificate of Appropriateness by the Historic District Commission

was issued, and work actually commenced prior to March 20, 2020 and which work was stopped in accordance with Emergency Order No. 1.

2. For purposes of this Order, the terms site, jobsite and project shall all be deemed to mean work occurring in one or more buildings/structures or pursuant to one or more permits, whether or not on the same property (i.e. Map and Parcel).

3. This Order is subject to the additional condition that the work must be included as an essential service as defined in Exhibit A to the Governor's Executive Order No. 21, which defines essential construction as follows:

- Workers such as plumbers, electricians, exterminators, builders, contractors, HVAC Technicians, landscapers, inspectors and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, businesses and buildings such as hospitals, health care facilities, senior living facilities, and any temporary construction required to support COVID-19 response.
- Workers – including contracted vendors - who support the operation, inspection, maintenance and repair of essential public works facilities and operations, including roads and bridges, water and sewer, laboratories, fleet maintenance personnel, construction of critical or strategic infrastructure, traffic signal maintenance, emergency location services for buried utilities, and maintenance of digital systems infrastructure supporting public works operations. Critical or strategic infrastructure includes public works construction including construction of public schools, colleges and universities and construction of state facilities, including leased space, managed by the Division of Capital Asset Management; airport operations; water and sewer; gas, electrical, nuclear, oil refining and other critical energy services; roads and highways; public transportation; steam; solid waste and recycling collection and removal; and internet and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services)
- Workers who support infrastructure, such as by road and line clearing and utility relocation, to ensure the availability of and access to needed facilities, transportation, energy and communications.
- Workers performing housing construction related activities, including construction of mixed-use projects that include housing, to ensure additional units can be made available to combat the Commonwealth's existing housing supply shortage.
- Workers supporting the construction of housing, including those supporting government functions related to the building and development process, such as inspections, permitting and plan review services that can be modified to protect the public health, including allowing qualified private third-party inspections accountable to government agencies).

3.4. The above-referenced list **DOES NOT** include all construction and the following types of projects will not be permitted: work related to the installation and opening of swimming pools or associated plumbing work, the construction of sheds or other

Commented [LG1]: OR, this could say "the above-referenced list includes the following types of projects...." depending on what the Boards want to allow

Formatted: Highlight

accessory buildings, the installation or construction of patios, decks or walkways, construction of commercial or retail buildings, [list any others]

Part 2: Allowable Construction

Beginning on-[date] , any unfinished construction as defined above may resume subject to the condition that there shall be no more than eight (8) workers onsite at any one time and that the work is conducted in accordance with the terms of this Order.

Part 2: General Protocols:

APPLICATION PROCEDURE FOR MULTIPLE-WORKER JOBS

1. To request authority to proceed with an allowable project, the attached application form shall be completed and submitted to the Building Commissioner. The application shall be submitted either by hand delivery or mail to 2 Fairgrounds Road, Nantucket, MA, 02554 or by e-mail to pmurphy@nantucket-ma.gov.
2. Staff will endeavor to review and process the application in as short a time as possible and a response will be provided to the designated COVID-19 Officer by e-mail.
3. If the project is approved, a supplemental building permit will be issued by the Building Commissioner.
4. In order for construction to proceed, the COVID-19 Officer must display on the site the supplemental permit issued by the Building Commissioner and conduct the Construction Safety Stand Down as set forth below.

CONSTRUCTION SAFETY STAND DOWN

1. All construction sites with more than one worker **MUST** conduct a Safety Stand Down to disseminate and explain these Policies and Procedures to all employees, contractors, vendors and workers on the site upon the commencement of operations after issuance of approval and the commencement of each subsequent shift on that date. There shall be no work conducted on the site during the stand down, which shall take place during the first fifteen (15) minutes of each shift.
2. Each employee, contractor, vendor and worker on the site and the property owner shall sign a certificate that they have received and read this Order and that they will comply with the requirements hereof. Such signed certificate shall be retained by the COVID-19 officer and shall be available for inspection upon request. All notices must be translated for non-English speakers.
3. A copy of this Emergency Order No. 85 shall be conspicuously posted at the work site in such places as will be seen by workers and visitors to the site, including but not limited to at or near all employee entrances and break areas.

4. A laminated Placard on a form provided by the PLUS Department shall be posted at each jobsite with the name, phone number and e-mail address of each COVID-19 Officer responsible for the site. The Placard shall also include information for employees or property owners to report violations of this Order. No employee shall be penalized for making such a report.
5. Each company shall designate one or more COVID-19 officer(s) and provide their name and contact information to the Board of Health, Building Commissioner and PLUS Department. This step shall be completed by each company by completing and filing the attached form and prior to commencing work. At least one COVID-19 officer shall be on-site at all times that workers are on-site and they shall be required to ensure that the requirements of this Order are strictly adhered to by all persons on-site.
6. The COVID-19 officer shall maintain a log of each employee, contractor, vendor, and worker on the site each day. The log shall include the arrival and departure time of the worker, method of transportation (company vehicle, personal vehicle, bicycle, etc.), the worker's home address, the worker's phone number and confirmation that the worker was screened and did not show any signs of being sick.

ZERO TOLERANCE FOR SICK WORKERS REPORTING TO WORK

1. No person shall be permitted to enter the job site if they are exhibiting the symptoms below, and any person exhibiting any of the symptoms below, **MUST** report such symptoms to a supervisor of the COVID-19 Officer (via phone, text or email) immediately, and head home from the job site or stay home if already there.
2. Anyone who notices another person on the job site showing signs or complaining about such symptoms, shall report such observations to a supervisor or the COVID-19 Officer (via phone, text or email) and such symptomatic person shall be directed to leave the project site immediately.
3. The COVID-19 Officer shall make a written report of every person dismissed from or refused access to a jobsite due to the presence of COVID-19 symptoms. Said report shall include the person's name, home address, symptoms shown, date and time of dismissal, areas worked in and measures taken to protect other persons working in that area. Said report shall be provided to the Health Director and all other Supervisors on the jobsite as soon as possible but no later than the end of the work day.
4. If a person is dismissed from the jobsite due to the presence of COVID-19 symptoms, all work shall stop, the all workers shall be dismissed and the person shall not be permitted to return to the site until they are cleared by a medical professional. Prior to resuming work, the contractor shall submit a site specific risk analysis to the Board of Health, the Building Department and the PLUS Department to include, but not be limited to a list of all workers, vendors, inspectors, visitors and other individuals who the suspected worker had close contact with, as well as a description of the areas in which the individual worked, the tools and equipment used and other individuals who had close contact in those areas and the actions taken to clean and sanitize the site. Work shall not resume until the risk analysis and plan are approved by the Town.

5. COVID-19 Typical Symptoms:

- Fever

- Cough
- Shortness of Breath
- Sore Throat

6. Prior to starting a shift or other work or business on the job site, each person entering the jobsite will self-certify to their supervisor or other designated person that they:

- Have no signs of a fever or a measured temperature greater than 100.3 degrees,
- Had no cough or trouble breathing within the past 24 hours,
- Have not had "close contact" with an individual diagnosed with COVID-19.

"Close contact" means living in the same household as a person who has tested positive for COVID-19, caring for a person who has tested positive for COVID-19, being within 6 feet of a person who has tested positive for COVID-19 for about 15 minutes (this includes riding in a vehicle with), or coming in direct contact with secretions (e.g., sharing utensils, being coughed on) from a person who has tested positive for COVID-19, while that person was symptomatic.

- Have not been asked to self-isolate or quarantine by their doctor or a local public health official.

Persons exhibiting symptoms or unable to self-certify must be directed to leave the job site and seek medical attention and applicable testing by their health care provider. They are not to return to the job site until cleared by a medical professional.

GENERAL ON-THE-JOB PROCEDURES TO PREVENT EXPOSURE AND LIMIT THE TRANSMISSION OF THE VIRUS

Each employee of the company shall be issued a copy of the COVID-19 protocols as laid out below. These protocols set forth the minimum standards for safety practices necessary to prevent the spread of COVID-19. All persons working pursuant to this order are strongly encouraged to adopt any other safety measures deemed necessary to protect themselves and others.

- Stagger arrival and departure times of workers as much as possible.
- Hiring preference shall be given to workers who reside on the Island or who are able to remain on the Island for the duration of their work.
- The jobsite and all tools and equipment shall be sanitized the site between shifts.
- All workers shall be required to have a copy of the protocols issued by the COVID-19 officer, which clearly identifies the company, including any subcontractors, for which they are working.
- For any property that is occupied, the owner/occupants shall be given 24-hour notice of

the scheduled work by the company that does the work. Workers shall not enter any portion of the property unless they are required to do so to perform their work or related functions.

- All workers must notify the COVID-19 officer prior to coming into any building and must wash hands immediately after entering.
- A supply of washable gloves or nitrile gloves, non-surgical masks, and disinfectants will be distributed to all workers. Gloves and masks shall be worn at all times on the job site.
- Disinfect all equipment before and after use, focusing on 'touch points', of power tools and hand tools and the like.
- Only enter offices for bathroom use and immediately wash hands. Disinfect all surfaces after use, including door handles of the bathroom and doors handles to the building.
- Social distancing will be mandatory. Workers will work independently as much as possible and shall maintain six-foot separation at all times unless workers need to be closer together to perform a specific task, and then only to preform that task.
- Communicate via phone, text, FaceTime, Zoom, etc. as much as possible. Document sharing, work lists, timesheets will be through electronic means only. No 'paper' will be allowed to be handled by other workers.
- Supplies and materials needed for the work shall be delivered to the site by the vendor when feasible.
- All materials received are subject to a 24-hour quarantine at the discretion of the Health Director. Nitrile gloves must be worn when handling the material after quarantine and while disposing of the material. Items delivered must be disinfected if possible. Finally, gloves should be discarded in the appropriate waste receptacle, and hands washed or sanitized.
- No more than **eight (8)** people (Not including one COVID-19 Officer who may be present on the site solely for the purpose of supervising the work and ensuring compliance with the terms of the Order and shall not be assigned or participate in construction-related activities) are allowed on an individual construction site on any one time.
- Equipment specific (beyond continual disinfecting of all surfaces):
 - All basic equipment, power and hand tools shall be assigned to individuals and not shared. If it is impossible not to share equipment, it must be disinfected in between users.
 - Equipment in need of repair will be left in an area designated by the COVID-19 officer. Workers will communicate equipment issues with the COVID-19 officer via phone or text.
 - Equipment to be repaired must be sanitized prior to drop leaving or returning to the site.
- Only one person shall be in a vehicle at any time when traveling to and from the job site. Assigning of vehicles is encouraged with disinfecting of vehicles in between each use. Vehicles that are shared shall be disinfected in between each user with the COVID-19 officer being notified of the transfer. Personal vehicles are encouraged to be used in

place of sharing vehicles. Should an individual travel to a work site by alternative means (NRTA, bicycle, etc.) and not by vehicle, company or personal, the COVID-19 officer shall keep a list of these individuals for their company.

- All fuel tanks, fuel tank caps, door handles and steering wheels shall be disinfected upon any fueling activity of any equipment.
- Employees shall not share any food or drink.
- Employees should be encouraged not to leave the work site during their shift.
- Employees shall not be permitted on the jobsite unless they are on a shift.
- Employees shall be encouraged to bring any food and drink needed during the work day from home.
- Employees should avoid touching eyes, nose, and mouth with your hands.
- To avoid sharing germs, all persons must clean up after themselves. No person shall be responsible for moving, unpacking and packing up tools or other personal belongings of another person.
- All persons on a jobsite shall respect the privacy of others and shall not discuss symptoms or the diagnosis of any particular individual except for the purposes of making the disclosures required herein.
- Any training shall be done by video if possible, and if required, in as small a group as possible, held outside and following social distancing procedures.
- All gloves, masks or other personal protective equipment (PPE) shall be properly disposed of.
- No person on a jobsite site shall act in a manner which presents an unreasonable threat to the health and safety of other persons on the site or who may enter the site in the future.

Part 3: Enforcement

1. This Order shall be enforced as a regulation of the Board of Health in accordance with Massachusetts General Laws, Chapter 111, Section 31.
2. Any person or company who proceeds with work in accordance with this Order agrees that the jobsite and all related equipment shall be subject to random, unannounced inspections by any person authorized to enforce this Order.
3. The Contractor and COVID-19 safety officer shall be responsible for enforcing this Order on the site and they shall be responsible for any violations, whether or not they participated in or were aware of the violation.
4. Any person or company who violates this Order will be subject to issuance of an immediate COVID-19 related Stop Work Order and an assessment of the maximum penalty authorized by law. Said penalties will be issued both to the company and to the specific person(s) violating the protocols.
5. Any person aggrieved by an order or determination issued pursuant hereto may request a hearing before the Board of Health. This request must be in writing, and received by the Board of Health within seven (7) days after the date the order or determination was served. You may attend the hearing and at that time you may produce any documentation

and/or witnesses which show that why the order or determination should be reversed of modified by the Board. You may be represented by counsel at your own expense. A request for hearing Does Not operate as a stay of enforcement of an order and you will not be heard by the Board unless you are in full compliance with the terms stated herein.

6. Non-Criminal Disposition

This Order may be enforced as a regulation of the Board of Health by the Nantucket Health Director, Assistant Health Officer, Agent of the Board of Health, PLUS inspectors, and/or any Police Officer of the Town of Nantucket.

Whoever violates any provision of this Order may be penalized by a noncriminal disposition process as provided in Massachusetts General Laws, Chapter 40, section 21D and the Town's non-criminal disposition by-law, Sections 1-2, 1-3, 1-4, 1-5, and 1-6 of the Code of the Town of Nantucket.

If non-criminal disposition is elected, then any person who violates any provision of this Regulation shall be subject to a penalty in the amount of three hundred dollars (\$300.00) violation. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

7. Other:

Whoever violates any provision of this Order may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense shall be one thousand dollars (\$1,000). Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

The Nantucket Board of Health may enforce this Order or enjoin violations thereof through any lawful process, and the election of one remedy by the Nantucket Board of Health shall not preclude enforcement through any other lawful means.

EMERGENCY ORDER No. 86
EFFECTIVE [DATE] TUESDAY, APRIL-
21, 2020
AMENDED ON (INSERT DATE)
OF THE NANTUCKET BOARD OF HEALTH
COVID-19 BACK TO WORK
PROGRAM FOR LANDSCAPING
PHASE 2
AS OF 043020 4:05 pm

Commented [LG1]: Would this be a "new" order? The Construction one is going by Order 8 (not an amended 5)?

Commented [GJC2R1]: Past practice has been to do new orders.

PURPOSE:

To provide the landscaping community on Nantucket the ability to maintain individual sites and preserve vegetation, life and health while still practicing social distancing and procedures to help prevent the spread of COVID-19, on April 19, 2020, the Board of Health issued the Phase 1 back-to-work landscape order (Emergency Order No. 6). The intent of ~~that order was to this protocol is to be allow commercial landscape companies to conduct work for the purpose of able to maintaining~~ health of existing landscaped areas, not to install new or substantially alter landscaped areas. Much of this work is time sensitive as lawns and plants come out of winter dormancy and immediate steps need to be taken to prevent potential long-term health problems or plant loss. As previous measures to prevent the spread of the virus on the Island of Nantucket have been effective, the Board of Health now enacts this Phase 2 back-to-work landscape order (Emergency Order No. 8), to allow additional landscape work to be conducted. This level of work shall be allowed with strictly adhered to protocols as listed below. This protocol shall remain in place until the state of emergency is lifted or further broadened in subsequent phases. Protocols will not include installation of hardscaping or new landscape installations. ~~This exemption shall only apply to the maintenance of existing living plants.~~

Status of Emergency Order Nos. 1 and 6

So much of Emergency Order No. 1, as supplemented on April 2, 2020 ("Emergency Supplemental Order") that prohibits commercial landscaping ~~was hereby~~-repealed and replaced with -Emergency Order No. 6. the following. The purpose of this Emergency Order No. 8 is to replace Emergency Order No. 6 by adding to the list of landscaping projects that will be allowed to proceed while the state of emergency is in effect. All other aspects of Emergency Order No. 1 and the Emergency Supplemental Order that do not relate to commercial landscaping shall remain in full force and ~~effect~~, subject to Emergency Order Nos. 5 and 7.

Part 1: Allowable Landscaping

The following landscaping activities may be performed by commercial landscaping companies, provided that the work is done in accordance with the requirements of this Order:

Primary Activities:

The following activities may begin on Tuesday, April 21, 2020:

Initial site openings and maintenance:

- Removal of plant wraps, mounds or covers (burlap from evergreens, other covers)

- Removal of debris or dead material
- Pruning as necessary to maintain plants in good health
- Tick tubes
- Deer Spraying
- Stabilization of loose soils within planting beds
- Watering of existing vegetation

Greenhouse/growing operations:

- Planting of bare root material to maintain plant health
- Watering as needed to maintain plant health

DRAFT

- Potting or transfers as needed to maintain plant health
- Receipt and processing of previously ordered plant material

Irrigation System Commissioning:

- Initial startup and repair of irrigation systems
- Occupied properties – water must be on prior to work on system; no entry to living spaces is allowed. Basements or crawlspaces maybe accessed through direct exterior access points (bulkheads, panels) with no other person(s) present.
- Unoccupied properties – access to turn on water is allowed; all surfaces touched must be disinfected.

Lawns:

- Lime, Pre-emergents, pesticides or herbicides applied by properly licensed applicators
- Installation of grass/lawn to stabilize loose soils

Trees and shrubs:

- Cutting or pruning as needed to maintain plant health only or for safety purposes.
- Pre-emergents, pesticides or herbicides applied by properly licensed applicators

Golf Courses:

- Golf Courses that comply with site-specific orders of the Board of Health

Secondary Activities

The following activities may begin on Tuesday, April 28, 2020

- Mowing of lawns
- Installation of mulch or similar cover
- Application of fertilizers
- Other basic site maintenance
- Installation of greenhouse/stored material as needed to allow for the health of plants

Private Jobs

- Any landscaping work performed by one or more persons who actually reside on the site and who are not compensated for their work.

Phase 2:

The following activities may begin on [date]

Pool/Spa Commissioning:

- Water/well turn on
 - Occupied properties – water must be on prior to work on system; no entry to living spaces is allowed. Basements or crawlspaces maybe accessed through direct exterior access points (bulkheads, panels) with no other person(s) present.
 - Unoccupied properties – access to turn on water is allowed; all surfaces touched must be disinfected.
- Inspection of all systems for proper function
- Removal of winter covers

- Chemical treatment of pools/spas
- Repair of the system as needed

Other site work services that are necessary to maintaining the safety, sanitation, and essential operation of residences, businesses and certain other buildings may be permitted but only for the minimum amount of work needed to address the safety, sanitation or essential operation issue. For example, the following types of work may be considered as eligible for approval under this section: [list]

~~following the application procedure outlined below:~~

- ~~1. The applicant shall provide the following:

 - Street Address
 - Map and Parcel
 - Work Description documenting the minimal amount of work to address the safety, sanitation or essential operation of the residence.
 - Photographs shall be provided of the area where work is proposed.
 - Property Owner sign off allowing access to the site by the Town for the purposes of inspection
 - Estimated time frame for completion~~
- ~~2. Within 48 hours of receipt of the application the Natural Resources Department shall inspect the site and provide a written response authorizing the work or reasoning for denying the application.~~
- ~~3. Should more time be required to complete the work than initially estimated, a written request must be filed with the Department 48 hours prior to the expiration of this permit. The site will be inspected and a determination issued.~~
- ~~4. Upon completion the applicant shall notify the Natural Resources Department of completion. The Natural Resources Department shall inspect the site for compliance with the work description.~~
- ~~5. Should work not be in compliance or work done outside the initial scope of work the company shall be notified and shall be ineligible for additional applications and all other permits under this section shall be revoked under this part of the program. Companies shall also be subject to all other penalties within this Order including all applicable fines.~~

Commented [GJC3]: Most of this was moved to other sections.

Except as provided above, all other commercial landscaping is prohibited.

Part 2: General Protocols:

APPLICATION PROCEDURE

1. To request authority to proceed with an allowable project, the attached form shall be completed and submitted to the Board of Health or Natural Resources Department either by hand delivery or mail to 2 Bathing Beach Road, Nantucket, MA, 02554 or by e-mail to jcarlson@nantucket-ma.gov.
2. Staff will endeavor to review and process the application in as short a time as possible and

a response will be provided to the designated COVID-19 Officer by e-mail. If e-mail is not available a response can be made by phone.

3. If the application is approved, a copy signed by an Agent of the Board of Health shall be returned to the COVID-19 Officer requesting approval.
4. In order for work to proceed, the COVID-19 Officer and each crew member must display a copy of the authorization on the site conduct the Safety Stand Down as set forth below.
5. For permission to conduct other site work services that are necessary to maintaining the safety, sanitation, and essential operation of residences, businesses and certain other buildings, the following additional permit procedures shall apply:

The applicant shall provide the following:

- a. Street Address
- b. Map and Parcel
- c. Work Description documenting the minimal amount of work to address the safety, sanitation or essential operation of the residence.
- d. Photographs shall be provided of the area where work is proposed.
- e. Property Owner sign-off allowing access to the site by the Town for the purposes of inspection
- f. Estimated time frame for completion

Prior to issuing a permit, the Natural Resources Department shall inspect the site and provide a written response authorizing the work or reasoning for denying the application.

Should more time be required to complete the work than initially estimated, a written request must be filed with the Department 48 hours prior to the expiration of this permit. The site will be inspected and a determination issued.

Upon completion the applicant shall notify the Natural Resources Department. The Natural Resources Department shall inspect the site for compliance with the work description.

SAFETY STAND DOWN

1. All companies with more than one worker **MUST** conduct a Safety Stand Down to disseminate and explain these Policies and Procedures to all employees, contractors, vendors and workers upon the commencement of operations after issuance of approval and the commencement of each subsequent shift on that date. There shall be no work conducted during the stand down, which shall take place during the first fifteen (15) minutes of each shift.
2. Each employee, contractor, vendor and worker on the site shall sign a certificate that they have received and read this Order and that they will comply with the requirements hereof. Such signed certificate shall be returned to the Natural Resources Department.

Commented [LG4]: What changed in these two paragraphs? Or, are these new?

Commented [JC5R4]: As the crews are coming in at staggered times in place of a safety stand down on each site which does not seem feasible covering the protocols when each crew starts the day seems to make more sense for landscaping.

All notices must be translated for non-English speakers.

Commented [JC6]: I removed the requirement for each property owner to sign off as that does not seem possible given the number of properties being actively landscaped. Both of these have been adjusted based on questions we have gotten from landscapers.

3. A copy of this Emergency Order No. ~~86~~ shall be conspicuously posted at the work site in such places as will be seen by workers and visitors to the site, including but not limited to at or near all employee entrances and break areas.
4. A Placard on a form provided by the Natural Resources Department shall be posted at each jobsite with the name, phone number and e-mail address of each COVID-19 Officer responsible for the site. The Placard shall also include information for employees or property owners to report violations of this Order. No employee shall be penalized for making such a report.
5. Each company shall designate one or more COVID-19 officer(s) and provide their name and contact information to the Board of Health, Building Commissioner and PLUS Department. This step shall be completed by each company by completing and filing the attached form and prior to commencing work. At least one COVID-19 officer shall be on-site at all times or primary COVID officer shall be inspecting each site to ensure that the requirements of this Order are strictly adhered to by all persons on-site.
6. The COVID-19 officer shall maintain a log of each employee, contractor, vendor, and worker on the site each day. The log shall include the arrival and departure time of the worker, method of transportation (company vehicle, personal vehicle, bicycle, etc.), the worker's home address, the worker's phone number and confirmation that the worker was screened and did not show any signs of being sick.

ZERO TOLERANCE FOR SICK WORKERS REPORTING TO WORK

1. No person shall be permitted to enter the job site if they are exhibiting the symptoms below, and any person exhibiting any of the symptoms below, **MUST** report such symptoms to a supervisor of the COVID-19 Officer (via phone, text or email) immediately, and head home from the job site or stay home if already there.
2. Anyone who notices another person on the job site showing signs or complaining about such symptoms, shall report such observations to a supervisor or the COVID-19 Officer (via phone, text or email) and such symptomatic person shall be directed to leave the project site immediately.
3. The COVID-19 Officer shall make a written report of every person dismissed from or refused access to a jobsite due to the presence of COVID-19 symptoms. Said report shall include the person's name, home address, symptoms shown, date and time of dismissal, areas worked in and measures taken to protect other persons working in that area. Said report shall be provided to the Health Director and all other Supervisors on the jobsite as soon as possible but no later than the end of the work day.
4. If a person is dismissed from the jobsite due to the presence of COVID-19 symptoms,

all work shall stop, the all workers shall be dismissed and the person shall not be permitted to return to the site until they are cleared by a medical professional. Prior to resuming work, the contractor shall submit a site specific risk analysis to the Board of Health ~~and the Natural Resources, the Building Department and the PLUS~~ Department to include, but not be limited to a list of all workers, vendors, inspectors, visitors and other individuals who the suspected worker had close contact with, as well as a description of the areas in which the individual worked, the tools and equipment used and other individuals who had close contact in those areas and the actions taken to clean and sanitize the site. Work shall not resume until the risk analysis and plan are approved by the Town.

5. COVID-19 Typical Symptoms:

- Fever
- Cough
- Shortness of Breath
- Sore Throat

6. Prior to starting a shift or other work or business on the job site, each person entering the jobsite will self-certify to their supervisor or other designated person that they:

- Have no signs of a fever or a measured temperature greater than 100.3 degrees,
- Had no cough or trouble breathing within the past 24 hours,
- Have not had "close contact" with an individual diagnosed with COVID-19. *"Close contact" means living in the same household as a person who has tested positive for COVID-19, caring for a person who has tested positive for COVID-19, being within 6 feet of a person who has tested positive for COVID-19 for about 15 minutes (this includes riding in a vehicle with), or coming in direct contact with secretions (e.g., sharing utensils, being coughed on) from a person who has tested positive for COVID-19, while that person was symptomatic.*
- Have not been asked to self-isolate or quarantine by their doctor or a local public health official.

Persons exhibiting symptoms or unable to self-certify must be directed to leave the job site and seek medical attention and applicable testing by their health care provider. They are not to return to the job site until cleared by a medical professional.

GENERAL ON-THE-JOB PROCEDURES TO PREVENT EXPOSURE AND LIMIT THE TRANSMISSION OF THE VIRUS

Each employee of the company shall be issued a copy of the COVID-19 protocols as laid out below. These protocols set forth the minimum standards for safety practices necessary to prevent the spread of COVID-19. All persons working pursuant to this order are strongly encouraged to adopt any other safety measures deemed necessary to protect themselves and others.

- Stagger arrival and departure times of workers as much as possible.

- Hiring preference shall be given to workers who reside on the Island or who are able to remain on the Island for the duration of their work.
- The jobsite and all tools and equipment shall be sanitized the site between shifts.
- All workers shall be required to have a copy of the protocols issued by the COVID-19 officer, which clearly identifies the company, including any subcontractors, for which they are working.
- For any property that is occupied, the owner/occupants shall be given 24-hour notice of the scheduled work by the company that does the work. Workers shall not enter any portion of the property unless they are required to do so to perform their work or related functions.
- All workers must notify the COVID-19 officer prior to coming into any building and must wash hands immediately after entering.
- A supply of washable gloves or nitrile gloves, non-surgical masks, and disinfectants will be distributed to all workers. Gloves and masks shall be worn at all times on the job site. **Should an employee need to take a break from wearing a mask they must move greater than six feet away from any person remove the mask, rest and replace the mask when ready to return to work.**
- Disinfect all equipment before and after use, focusing on ‘touch points’, of power tools and hand tools and the like.
- Only enter offices for bathroom use and immediately wash hands. Disinfect all surfaces after use, including door handles of the bathroom and doors handles to the building.
- Social distancing will be mandatory. Workers will work independently as much as possible and shall maintain six-foot separation at all times unless workers need to be closer together to perform a specific task, and then only to preform that task.
- Communicate via phone, text, FaceTime, Zoom, etc. as much as possible. Document sharing, work lists, timesheets will be through electronic means only. No ‘paper’ will be allowed to be handled by other workers.
- Supplies and materials needed for the work shall be delivered to the site by the vendor when feasible.
- All materials received are subject to a 24-hour quarantine at the discretion of the Health Director. Nitrile gloves must be worn when handling the material after quarantine and while disposing of the material. Items delivered must be disinfected if possible. Finally, gloves should be discarded in the appropriate waste receptacle, and hands washed or sanitized.
- No more than **four (4)** workers shall be permitted on a site of 5,000 square feet or more in area and no more than **two (2)** workers shall be permitted on a site of less than 5,000 square feet in area (In addition to the workers, one COVID-19 Officer may be present on the site solely for the purpose of supervising the work and ensuring compliance with the terms of the Order and shall not be assigned or participate in landscaping-related activities).
- **No more than four (4) people (including one COVID-19 Officer) are allowed on an individual site on any one time.**
 - **Exception: Any lot under 5,000 square feet in total lot area will keep a maximum of two (2)**

Commented [LG7]: Can the COVID officer – work?

Commented [JC8R7]: A COVID officer can work but are included in the total count of 4.

Commented [GJC9R7]: I am suggesting language similar to what was used in the construction order.

- Equipment specific (beyond continual disinfecting of all surfaces):
 - All basic equipment, power and hand tools shall be assigned to individuals and not shared. If it is impossible not to share equipment, it must be disinfected in between users.
 - Equipment in need of repair will be left in an area designated by the COVID-19 officer. Workers will communicate equipment issues with the COVID-19 officer via phone or text.
 - Equipment to be repaired must be sanitized prior to drop leaving or returning to the site.
- No more than two people shall be in a vehicle at one time and if more than one person is in a vehicle, both people shall be required to be wearing masks while in the vehicle. One person per vehicle is still the preferred method of transportation. Assigning of vehicles is encouraged with disinfecting of vehicles in between each use. Vehicles that are shared shall be disinfected in between each user with the COVID-19 officer being notified of the transfer. Personal vehicles are encouraged to be used in place of sharing vehicles. Should an individual travel to a work site by alternative means (NRTA, bicycle, etc.) and not by vehicle, company or personal, the COVID-19 officer shall keep a list of these individuals and their mode of transportation for their company as part of the required daily log.
- All fuel tanks, fuel tank caps, door handles and steering wheels shall be disinfected upon any fueling activity of any equipment.
- Employees shall not share any food or drink.
- Employees should be encouraged not to leave the work site during their shift.
- Employees shall not be permitted on the jobsite unless they are on a shift.
- Employees shall be encouraged to bring any food and drink needed during the work day from home.
- Any training shall be done by video if possible, and if required, in as small a group as possible, held outside and following social distancing procedures.
- All gloves, masks or other personal protective equipment (PPE) shall be properly disposed of.
- No person on a jobsite shall act in a manner which presents an unreasonable threat to the health and safety of other persons on the site or who may enter the site in the future.

Part 3: Enforcement

1. This Order shall be enforced as a regulation of the Board of Health in accordance with Massachusetts General Laws, Chapter 111, Section 31.
2. Any person or company who proceeds with work in accordance with this Order agrees that the jobsite and all related equipment shall be subject to random, unannounced inspections by any person authorized to enforce this Order.
3. The Contractor and COVID-19 safety officer shall be responsible for enforcing this Order on the site and they shall be responsible for any violations, whether or not they participated in or were aware of the violation.

4. Any person or company who violates this Order will be subject to issuance of an immediate COVID-19 related Stop Work Order and an assessment of the maximum penalty authorized by law. Said penalties will be issued both to the company and to the specific person(s) violating the protocols.

4.5. Any person or company who violates this Order or who conducts work outside of the scope of an authorization issued pursuant to this Order, may be deemed ineligible to conduct any further landscaping work in the Town until after the State of Emergency is lifted.

5.6. Any person aggrieved by an order or determination issued pursuant hereto may request a hearing before the Board of Health. This request must be in writing and received by the Board of Health within seven (7) days after the date the order or determination was served. You may attend the hearing and at that time you may produce any documentation and/or witnesses which show that why the order or determination should be reversed or modified by the Board. You may be represented by counsel at your own expense. A request for hearing Does Not operate as a stay of enforcement of an order and you will not be heard by the Board unless you are in full compliance with the terms stated herein.

6.7. Non-Criminal Disposition

This Order may be enforced by the Nantucket Health Director, Assistant Health Officer, Agent of the Board of Health, PLUS inspectors, Natural Resource Officers and/or any Police Officer of the Town of Nantucket. Whoever violates any provision of this Order may be penalized by a noncriminal disposition process as provided in Massachusetts General Laws, Chapter 40, section 21D and the Town's non-criminal disposition by-law, Sections 1-2, 1-3, 1-4, 1-5, and 1-6 of the Code of the Town of Nantucket. If non-criminal disposition is elected, then any person who violates any provision of this Regulation shall be subject to a penalty in the amount of three hundred dollars (\$300.00) violation. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

7.8. Other:

Whoever violates any provision of this Order may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense shall be one thousand dollars (\$1,000). Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

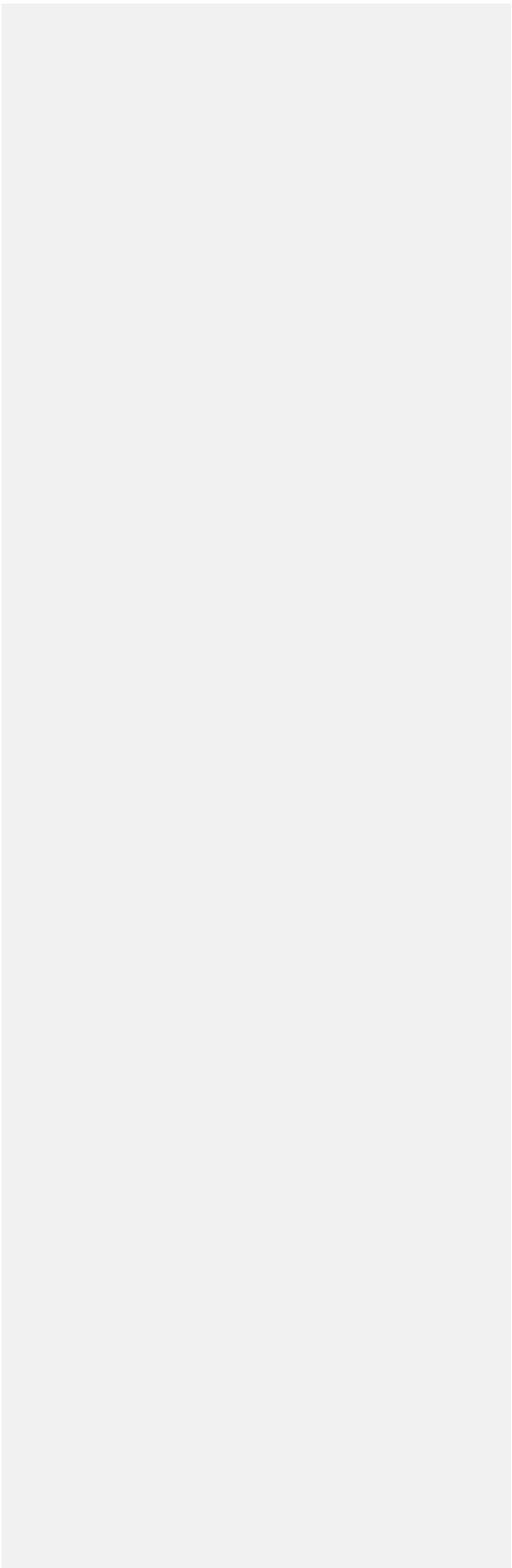
The Nantucket Board of Health may enforce this Order or enjoin violations thereof through any lawful process, and the election of one remedy by the Nantucket Board of Health shall not preclude enforcement through any other lawful means.

So voted by the Nantucket Board of Health on [date] April 19, 2020:
Stephen J. Visco, Chair

|

Malcolm W. MacNab, MD, PhD, Vice Chair
James A. Cooper, Member
Rita Higgins, Member
Helene M. Weld, RN, Member

DRAFT



FOR DISCUSSION ONLY

Final Protocol to be determined by order of Governor Baker and Commonwealth of Massachusetts
Department of Public Health in coordination with Town of Nantucket Public Health

COMMENTS? Please send through our Google Doc to best organize all the responses: [COVID-19 COMMENT FORM](#)

Food Establishment Outline: Phased Return of Operations

PURPOSE: To provide the food establishments on Nantucket the ability to maintain individual sites and preserve businesses while still practicing social distancing and procedures to help prevent the spread of COVID-19. The intent of this protocol is to be able to maintain the viability of existing food establishments. Much of this work is time sensitive as food deliveries and staff need time to make preparations to come out of winter hiatus. This level of work shall be deemed essential with strictly adhered to protocols as listed below. This protocol shall remain in place until the state of emergency is lifted or as ordered by the Governor. Protocols will not include expansion of menus and plan reviews for new establishments. This exemption shall only apply to the maintenance of existing food establishments. The following activities are expected to be covered by the provided protocols:

Phase 1 Current as of 3/15/2020

Currently, Food Establishments are prohibited from on-premises consumption of food and beverage per the Order of the Governor dated March 15th 2020, prohibiting gatherings of more than 25 (since revised to 10). Food Establishments may offer take-out or delivery only. Locally, Food Establishments have implemented curbside delivery or at the door delivery of food. Food establishments with an on-premise Liquor License may sell Beer and Wine in sealed containers to accompany food deliveries only for the duration of the State of Emergency or unless earlier revoked by the Governor and ABCC.

Phase 2: "Introduction to re-entry" DRAFT 4/22/2020

This restaurant guidance is intended for a time in which the Governor's office begins easing, not removing, some of the restrictions that are currently in place for food establishments. This guidance is not intended to be less stringent than the Governor's future easing of orders, it is only intended as a working guide to be used and adjusted, as the situation changes. Certain benchmarks, such as increased testing and a significant decline in new cases over a 2 week period (statewide) will dictate the implementation of this guidance. Direction going forward will start with the Governor's office.

All seasonal inspections will be done as time allows. Inspections will be performed by a Town staff member and the food establishment's COVID-19 Liaison officer. No other staff member should be present unless necessary. The Town personnel will coordinate opening inspections, as needed, but not before the State Stay-at-Home Order is lifted. Allow for a minimum of a 72-hour scheduling turnaround for each inspection.

We believe the initial opening of restaurants prior to a COVID vaccine becoming available, will contain some of the following precautions to be issued by the State:

- One managing staff member must be designated as a COVID-19 Officer to liaise with Town staff as needed
- Maintaining 6' separation between dining tables and 6' separation between individual bar stools. Separation distance must be maintained regardless of party size (individual v. family)
- Reduce numbers within the restaurant dining and bar areas, through a sq ft formula, COI formula (employees included in calc) that allows for social distancing. Example: 40% of maximum occupancy.
- Reduce number of tables in dining and bar areas to allow for 6' separation of seats and tables (no standing areas in bars)
- Waiting lines must have the ability to maintain 6' separation.
- Reservations required, time limit for each party (i.e. 2 hours per reservation). No walk-ins allowed.
- In initial phase of reopening, families or related individuals to dine together.
- A digital queue is used to prevent congregation at the waiting area and to allow for cleaning between parties.
- Ample gloves, masks, face shields and hand sanitizer must be made available for all employees of the food establishment (potentially require).
- Food service employees must be able to maintain 6' separation, prep stations as well.
- Inspectors have access to masks, gloves, face shields and hand sanitizer (provided by TON) to conduct inspections safely.

- Screening program / requirement for food employees from out of state or out of country, before the commencement of work.
- Defined hours for elderly dining. **This age group should still be staying home and doing takeout as well as continuing to observe social distancing.**
- Screening/quarantine program in place for all non-commuting food employees arriving from off island, upon arrival.
- Effective Covid 19 sanitation program developed by the health department and provided to the restaurants. (Attached) Subject to further guidance from the State.
- Restaurants need to be able to provide suitable quarantine space if providing housing.
- Moratorium on all Live (DJ, Band, performer) entertainment licenses to prevent congregation.
- Separate entrance and exits for establishments that can comply.
- No self-service of food.
- One occupant per restroom.
- Restaurant curfew 10 pm (to facilitate final sanitization of the day)

This guidance is general in concept and is designed to be applied over a wide range of different types of food establishments. There needs to be continued communication with the industry, DPH and the Governor's office so that the plan can be refined.

Enforcement

Any person or company 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. Said penalties will be issued both to the company and to the specific person(s) violating the protocols.

This Order may be enforced by the Nantucket Health Director, Assistant Health Officer, Agents of the Board of Health, and/or any Police Officer of the Town of Nantucket. Whoever violates any provision of this Regulation may be penalized by a noncriminal disposition process as provided in Massachusetts General Laws chapter .40, section 21D and the Town's non-criminal disposition by-law, Sections 1-2, 1-3, 1-4, 1-5, and 1-6 of the Code of the Town of Nantucket. If non-criminal disposition is elected, then any person who violates any provision of this Regulation shall be subject to a penalty in the amount of three hundred dollars (\$300.00) per day for each day of violation, commencing ten days following day of receipt of written notice from the Nantucket Board of Health. Each day or portion thereof shall

constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

Whoever violates any provision of this Regulation may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense shall be one thousand dollars (\$1,000). Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense. The Nantucket Board of Health may enforce this Regulation of enjoin violations thereof through any lawful process, and the election of one remedy by the Nantucket Board of Health shall not preclude enforcement through any other lawful means.

COMMENTS? Please send through our Google Doc to best organize all the responses: [COVID-19 COMMENT FORM](#)

DRAFT

SAMPLE COVID-19 Officer Application

Name:	
Company:	
Address:	
Phone:	
Mobile Phone:	
E-Mail:	

I affirm that the above is to and correct and affix my signature hereto under the pains and penalties. I agree by signing below to observe and comply with all applicable protocols and regulations of the Town of Nantucket and Commonwealth of Massachusetts. In addition I agree to issue these protocols to all working individuals for the company for which I am serving as COVID-19 officer.

Printed Name	Signature
Date:	

FOR OFFICE USE ONLY	
Received by:	
Date:	

Economic Recovery Group Sectors

4/27/2020 draft

Select Board Member

Chamber of Commerce Task Force (President)

Town's Task Force (C&T Director)

Retail

Lodging

ReMain

Builders

Non Profits Human Services

Non Profits Cultural/Environmental

Real Estate

Private Clubs

Restaurants

Event Planners

Transportation/Delivery

Marine/Boating

Hospital

Town Staff

Town Administration

Licensing Administrator

PLUS

Human Services

Finance Committee

Via Email

April 30, 2020

The Inquirer and Mirror
ATTN: Legal Ads
PO Box 1198
Nantucket, MA 02554

Please place the following legal notice in the **May 7, May 14 and May 21, 2020** issues of the Inquirer & Mirror and charge the advertising fee to the Select Board account.

Please send proof when ready.

Thanks,
Erika Mooney

PUBLIC HEARING

Please be advised that the Select Board will hold a public hearing on Wednesday, May 27, 2020 at 5:00 PM to consider amendments to the Town's Traffic Rules and Regulations so as to increase parking fines (Appendix J, section D), **and** allow for a paid parking program, **modify the manner in which guest house permits are handled, allow e-permitting and modify the manner in which neighborhood based parking districts are created.** The hearing will be held via Zoom and YouTube Pursuant to Governor Baker's March 12, 2020 Order Regarding Open Meeting Law. Information on viewing the meeting can be found at <https://www.nantucket-ma.gov/138/Boards-Commissions-Committees>. For further information, please email TownManager@nantucket-ma.gov.

SELECT BOARD

Town of Nantucket Police Department

William J. Pittman
Chief of Police

Charles Gibson
Deputy Chief of Police



4 Fairgrounds Road
Nantucket, Massachusetts
02554-2804

Telephone (508) 228-1212
Facsimile (508) 228-7246
www.nantucket-ma.gov/police

January 29, 2020

Ms. Libby Gibson, Town Manager
Town of Nantucket
16 Broad Street
Nantucket, MA 02554

Re: Suggested Changes to the Parking Regulations

Dear Ms. Gibson,

As requested I have drafted several suggested changes to the parking regulations. The language in suggested change #1 has been reviewed by Town Counsel already. These changes to the regulations are being proposed so that the Town can implement the goals of the Select Board to implement a paid parking program. The Parking Management Program being recommended by the work group provides the opportunity to accomplish several objectives that facilitate the eventual implementation of the goal.

- Enhanced enforcement and data collection by utilizing hand held LPR devices.
- Implementation of a Parking Management Program that will immediately support the parking program in several ways too include:
 1. e-permitting
 2. on-line ticket processing
 3. on-line appeals process
 4. on-line report function that provides data on tickets issued, fines collected, inventory utilization, etc.
- Eventual integration of the goals paid parking objectives by utilizing cell phone-based apps and stand-alone kiosks which utilize license plate data for paid parking.

Attached are the suggested changes need to the parking regulations to implement these goals by the summer of 2020. Please let me know if you have any questions.

Best Regards,

William J. Pittman

William J. Pittman
Chief of Police

cc: G. Tivnan
J. Schulte

Attachment: Suggested parking regulation changes.

Select Board Strategic Transportation Goal #1 - PARKING REGULATIONS UPDATE

As part of the process of implementing the Strategic Goals of the Select Board, specifically, Transportation Goal #1, the following changes are recommended to the *Town of Nantucket Parking Rules and Regulations*. Changes 1, 2 & 3 are necessary to implement the Parking Management Program that is being recommended to the Select Board. Changes 4 & 5 are being recommended by the Police Department to make management to the parking programs more efficient.

CHANGE #1: NECESSARY TO IMPLEMENT A PAID PARKING PROGRAM. Amend Section 200.6 (PARKING PROHIBITIONS AND RESTRICTIONS IN CERTAIN PLACES) by adding the following language hi-lighted in red. This language is recommended in order to grant Town Administration the authority required to implement a Paid Parking Program:

Section 200.6 PARKING PROHIBITIONS AND RESTRICTIONS IN CERTAIN PLACES

200.6.1 No Changes

200.6.2 No Changes

200.6.3 No Changes

200.6.4 The Select Board is hereby authorized to establish a Paid Parking Plan in the Core District as set forth in these Regulations.

200.6.4.1 The Town Manager, with the approval of the Select Board, may procure paid parking stations, software programs, and such other equipment and services that are determined necessary to implement the Paid Parking Plan. The location of paid parking stations shall be approved by the Select Board.

200.6.4.2 Whenever any vehicle shall be parked in a parking space owned or controlled by the Town in the Core District, the owner or operator of said vehicle shall, subject to the grace period set forth in 200.6.4.3, deposit in a paid parking station the required coins or currency of the United States, or credit card, for a maximum legal parking period or part thereof, both as indicated on the paid parking station. In the alternative, the owner or operator may pay the required parking fee utilizing a payment app provided by the Town to pay the required fee.

- 200.6.4.3 Vehicles parking in the Core District shall not be required to pay the parking fee for the first minutes of parking.
- 200.6.4.4 Any motor vehicle owned and bearing indicia of ownership by the Town of Nantucket or federal or state government, or handicap placards shall not be required to deposit any fee.
- 200.6.4.5 Operators of commercial motor vehicles may park in a parking space without depositing any fee in accordance with any provision of the Town Code regarding commercial vehicle loading and unloading.
- 200.6.4.6 A Parking Fee Schedule shall be published by the Select Board prior to the commencement of operation of the Paid Parking Program.
- 200.6.4.7 Each paid parking station or parking app shall indicate the days and hours of operation, duration of permitted parking, and the proper fee as set forth in the Parking Fee Schedule.
- 200.6.4.8 It shall be unlawful for any unauthorized person to tamper with, break, injure or destroy any pay station or to deposit or cause to deposit into said pay station any slugs, devices, metallic substance or other substitute for the payment required.

CHANGE #2 REQUIRED TO INCREASE THE FINES FOR OVERTIME PARKING VIOLATIONS IN THE CORE DISTRICT. The Town was granted the authority by special legislation to raise the fines for some parking offenses in the Town of Nantucket to a maximum of \$50. Although this authority was signed into law back in 2003 the Town only raised certain fines at that time leaving the fine for overtime parking at \$25 per violation. It is believed that by raising the fine for overtime parking to the maximum allowed by the Special Legislation, this will discourage those who are willing to pay a fine for parking. We also added the relevant sections from the paid parking authorization to the schedule of fines for failure to pay the appropriate rate as required and for damaging or utilizing a slug in the parking meters. These changes will only apply to the Core District or where paid parking is designated. This change is accomplished by amending Appendix J (SCHEDULE OF FINES) of the regulations by adding Sub-Section E as follows:

**APPENDIX J
SCHEDULE OF FINES**

- A. The maximum non-criminal penalty shall be three hundred dollars (\$300.00) for any violation of sections:

200.2.1	200.2.2	200.2.3	200.3.1	200.3.2	200.8.1
200.8.2	200.8.4	200.15.1	200.15.2	200.16.5	

- B. The maximum non-criminal penalty shall be one hundred dollars (\$100.00) for any violation of sections:

200.4.7	200.4.17	200.4.20	200.4.21	200.4.22	200.9.1
200.22.1	200.22.2	200.22.3	200.22.4	200.23.1	

- C. The maximum non-criminal penalty shall be fifty dollars (\$50.00) for any violation of sections:

200.3.3	200.4.1	200.4.2	200.4.3	200.4.4	200.4.5
200.4.6	200.4.8	200.4.9	200.4.10	200.4.11	200.4.12
200.4.13	200.4.14	200.4.15	200.4.16	200.4.18	200.4.23
200.4.24	200.4.25	200.4.26	200.5.1	200.5.2	200.6.1
200.6.2	200.6.4.2	200.6.4.8	200.7.1	200.7.2	200.10.1
200.11.1	200.13.1	200.13.2	200.13.3	200.13.4	200.14.1
200.14.2	200.19.1	200.21.0	200.21.1	200.21.2	200.21.3
200.21.4	200.21.5	200.21.6	200.21.7	200.21.8	200.21.9
200.21.10	200.21.11	200.21.12	200.21.13	200.21.14	200.21.15
200.21.16	200.21.17	200.21.18	200.21.19	200.21.20	200.21.21
200.21.22	200.21.23	200.21.24	200.21.25		

- D. The maximum non-criminal penalty shall be twenty-five dollars (\$25.00) for any violation of sections:

200.4.19	200.4.27	200.12.1	200.12.5	200.12.6	200.12.7
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- E. The maximum non-criminal penalty shall be fifty dollars (\$50.00) for any violation that occurs in the Core District as defined in Section 200.1 of these regulations in sections:

200.12.5	200.12.6	200.12.7
----------	----------	----------

CHANGE #3 NECESSARY TO IMPLEMENT AN E-PERMITTING PROGRAM. This change will allow us to take advantage of the e-permitting function available in the Parking Management Software. The use of digital permits will replace many of the visible paper permits or stickers. This change will require the insertion of language specific to digital permits and subsequent renumbering of the following sections.

200.16.2 Proper Display of permits.

200.16.2.1 Permits shall be either digital permits, adhesive stickers or placards at the discretion of the permitting agency. Said permits shall be properly displayed as follows:

200.16.2.1.1 In the case of a digital permit, no other permit(s) (adhesive sticker or placard) will be required to be displayed along with a valid digital permit.

200.16.2.1.2 Adhesive Stickers shall be inscribed with the license plate number of the so-permitted Vehicle and shall be affixed to the left rear bumper of the Vehicle so as to be easily seen.

200.16.2.2 1.3 Placard Permits shall be inscribed with the license plate number of the so-permitted Vehicle or the name of the business or organization to which the permit is issued. Any conditions imposed on the use of the permit by the permit issuing authority shall be clearly indicated on the permit. Said permits shall be clearly displayed on the dashboard of the Vehicle above the speedometer while it is parked in the area requiring a permit **or hung from the rear-view mirror in the case of a hanging placard.** Copies of placard permits shall not be considered valid.

CHANGE #4 THIS CHANGE IS NECESSARY TO ESTABLISH THE ABILITY TO CREATE NEIGHBORHOOD-BASED PARKING DISTRICTS. This change will allow the Select Board to make modifications to the Residential Parking District that are neighborhood specific rather than all encompassing. These changes will also modify the notice requirements for amendments to the parking district map by eliminating the requirement to provide notice via certified mail to abutters.

Section 200.6 PARKING PROHIBITIONS AND RESTRICTIONS IN CERTAIN PLACES

200.6.3 Establishment of parking districts; map

For purposes of these regulations, ~~there are hereby established three parking districts, the~~ **Select Board may from time to time establish parking districts, which shall show each designated parking district** ~~are shown~~ on a map entitled "Nantucket Parking Districts Map," **with the date adopted** ~~dated May 21, 2014~~, as amended, attached hereto and on file in the office of the Town Clerk. The Nantucket Parking Districts Map, together with all explanatory matter thereon, is hereby made a part of these regulations as Appendix L. ~~The three parking districts shown on the map include a Resident Parking Permit District, a Core Parking District and a Commercial Parking District.~~

200.6.3.1 Amendments to map

- A. Authority. The Select Board has the authority to amend the Parking Districts Map by its own initiative or after having been presented with a petition including 51% of the owners of property located on the street or streets seeking to be added to or deleted from a parking district. **Parking Districts shall be contiguous and be of a minimum size of at least 10,000 square feet.**
- B. Public Hearing. In order to adopt such an amendment to the map, the Select Board shall hold a public hearing after having published a notice of the hearing in the newspaper of general circulation in the Town at least 21 days in advance of the hearing, ~~and, after having notified, by certified mail, all record owners of property abutting the named street or streets by advising said abutters as to the time, date, place and subject of the public hearing.~~
- C. Required findings. In order to adopt an amendment to the Parking Districts Map, the Select Board shall make the following findings as part of its decision:
- ~~(1) That the street is directly connected to a street which is already part of a district.~~
- ~~(2)~~ **(1)** That, in the case of **creation of or** additions to ~~the any parking district~~ **Resident Parking Permit District**, the street(s) in question **are** ~~is~~ used regularly for parking by **a** significant numbers of persons who do not live in the immediate neighborhood, which causes a parking hardship for those living on the street during the summer. **, and;**
- ~~(3)~~ **(2)** ~~That~~ The adoption of the amendment will further the purposes of the goals established by the Select Board as they relate to parking and the control of traffic **and transportation.**

- D. Notice to residents affected. In amendments involving changes to ~~a the Resident Parking Permit District~~, at least 15 days prior to becoming effective, ~~notice shall be sent to each owner of property abutting the street or streets so affected,~~ **notice shall be given to each owner of property abutting the street or streets so affected by publication in the newspaper of record**, stating the occupants of that household are required to obtain a permit for each vehicle parking in excess of the posted time limit in the designated district and notifying the resident of the date that parking restrictions will become effective.

CHANGE #5 THIS CHANGES THE WAY PARKING PERMITS FOR GUESTS OF GUEST HOUSES AND HOTELS ARE HANDLED. This change will make guests of guest houses or hotels located in the downtown area eligible for Temporary Residential Parking Permits issued under Section 200.16.1.6 rather than the current practice of selling a placard(s) to the guest house or hotel. The current regulation limits the number of permits for each eligible establishment based on off-street parking availability at the establishment. This will allow the Town to collect data on the use of these permits and have contact information for vehicles issued such permits. This change is accomplished by deleting Section 200.16.1.6 (Guest House and Hotel Parking Permits) and modifying Section 200.16.1.7 (Temporary Residential Parking Permit).

200.16 PARKING PERMITS

200.16.1 No Changes

200.16.1.1 No Changes

200.16.1.2 No Changes

200.16.1.3 No Changes

200.16.1.4 No Changes

200.16.1.5 No Changes

~~200.16.1.6 Guest House and Hotel Parking Permit: Licensed guesthouses and hotels located in the Core District or Residential Parking District may be issued, upon application by the owner or their agent and the payment of a fee of \$100 per permit, a fixed number of reusable, transferable Parking permit placards. Permit placards shall be issued at the rate of one placard for each three (3) guest rooms, less the number of off-street Parking spaces owned or leased by the guesthouse or hotel. Each placard~~

shall be numbered and shall bear the name of the establishment. Placards shall be displayed on the dashboard of the guest Vehicle above the speedometer while it is parked in the Residential Parking Permit District. Permit placards issued to the guesthouses and hotels shall only be considered valid when properly displayed in a Vehicle owned or rented by a guest of the establishment and shall not be deemed valid when improperly displayed or displayed in Vehicles of employees or others not temporarily residing in the guesthouse or hotel. Replacement of lost or stolen guesthouse or hotel placards shall be granted upon payment of a replacement fee of \$10 per placard and upon the reporting of the number of the placard so lost or stolen. [Fee established by the Board of Selectmen on January 21, 2009, effective February 13, 2009]

200.16.1.7 **6** Temporary Licensed Contractor Parking Permit: Licensed Contractors who are engaged in work within the Core District or the Residential Parking District and require the use of their Vehicle to perform said work may be issued a temporary parking permit by the Town; provided that a fee of \$10 per day has been paid to the Town. [Fee established by the Select Board on October 22, 2014, effective October 30, 2014]

200.16.1.8 **7** Temporary Residential Parking Permit: Operators of rented Vehicles who own or rent dwellings which front on streets included in the Residential Parking District or the Core District, and owners of vehicles who rent or hold a short term lease for dwellings which front on streets included in the Residential Parking District, and guests of Licensed Guest Houses and Hotels located in the Core District or a Residential Parking District may be issued a Temporary Residential Parking Permit for a period of time indicated on the Permit; provided that a fee of \$10 per day has been paid to the Town; the applicant shows satisfactory proof that they own or rent and reside in a dwelling which fronts on a Public Way in one of the districts during the period between June 1 and September 30 of the year for which they are seeking a temporary permit by using a tax bill, an executed lease 90 day or less short-term, or other acceptable documentation as proof; and a valid vehicle rental/lease agreement or a valid registration card for the Vehicle to be permitted is shown. [Fee established by the Select Board on October 22, 2014, effective October 30, 2014]

200.16.1.9 **8** Long Term Parking Permit: Owners of vehicles ~~that~~ who desire to park a vehicle for longer than 7 days, may make application providing such information as the Town requires, for a permit to allow for the long-term parking of a vehicle within a Municipal Parking Lot where such long-term parking is permitted. The fee for this permit shall be \$10.00 per day commencing upon the eighth day that the vehicle is permitted to park, (no charge for days 1 thru 7). A long-term parking permit shall not be valid beyond 30 days.

200.16.1.10 ~~9~~ Courtesy Vehicle Permit: Where Stopping, Standing or Parking is not otherwise prohibited, permits may be, upon application, issued or reinstated to owners or operators of Courtesy Vehicles subject to the following:

- Vehicle must be properly commercially registered and inspected in Massachusetts;
- Vehicle must be well maintained and in good condition;
- Vehicle must be clean inside and outside and be well-painted;
- Vehicle must have all wheels covered with hubcaps;

The annual fee, (January 1 through December 31) for a Courtesy Vehicle Permit shall be \$100.00. Permits so issued shall be displayed pursuant to Section 200.16.2.2. If the permit is lost or suspended pursuant to Section 200.16.6, a replacement/reinstatement fee of \$50.00 shall apply. [Fee established by the Select Board on February 17, 2016]

200.16.1.11 ~~10~~ Live-Aboard Parking Permit: Owners of Vehicles who live full-time aboard a vessel moored on a Town licensed mooring shall be eligible for up to three “Live-Aboard” Parking Permits under this section. Provided that: a fee of \$50 for the first vehicle, \$100 for the second vehicle and \$200 for the third vehicle has been paid to the Town; the applicant shows satisfactory proof that he or she lives full-time on a vessel moored within the Nantucket Harbor anchorage for a minimum of ten consecutive weeks and that the vessel is properly documented by the U.S. Coast Guard or properly registered by the Commonwealth of Massachusetts and tied to a permitted mooring during the period between June 1 and September 30 of the year for which they are seeking a permit and, that a valid motor vehicle registration is shown for each vehicle. The Signature of the Harbor Master is required to verify proof of full-time live-aboard status. Said permit is valid only for the Municipal Parking Lot at 37 Washington Street [Fee established by the Select Board on June 22, 2016, effective June 22, 2016]