AGENDA FOR THE MEETING OF THE
SELECT BOARD
MAY 6, 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 MAY 4, 2020***

YOU TUBE LINK:
https://youtu.be/bW_DpYcLt2I

I. CALL TO ORDER

II. SELECT BOARD ACCEPTANCE OF AGENDA

III. ANNOUNCEMENTS
1. The Select Board Meeting is Being Audio/Video Recorded.
2. Census Complete Count Committee Notice: 2020 Census is Ongoing and of Vital Importance to Nantucket.
3. 2020 Committee/Board/Commission Vacancies.

IV. COVID-19 WEEKLY UPDATE
1. Select Board Comments/Questions
   - Public Comment
2. Update from State’s Reopening Advisory Board Local Member.
3. Report from Nantucket Cottage Hospital (NCH President/CEO; Medical Director)
   - Select Board Comments/Questions
   - Public Comment
4. Emergency Orders - Status - **JOINT DISCUSSION WITH BOARD OF HEALTH**
   - Local No. 1 - Temporary Moratorium on Construction/Board of Health 3/30/2020 Supplemental Emergency Order, Amended 4/2/2020
   - Local No. 2 - Personal Care Services
   - Local No. 3 (expired)
   - Local No. 4 - Recreational Shellfish License Extension
   - Local No. 5 - Construction Phased Work Plan
     - Discussion of Phase II Construction Work Plan
   - Local No. 6 - Landscaping Phased Work Plan
     - Discussion of Phase II Landscaping Work Plan
   - Local No. 7 - Essential Worker Mask
   - State Stay at Home/Other Emergency Order(s) - Status
   - Select Board Comments/Questions
   - Public Comment

5. Board of Health Update on Restaurant Inspections
   - Select Board Comments/Questions
   - Public Comment

6. Economic Impact Work Group (C&T Director; Select Board)
   - Select Board Comments/Questions
   - Public Comment

7. Public Information (Asst Town Manager/Tivnan)
   - Outreach update
   - Dedicated email covid19@police.nantucket-ma.gov
   - Dedicated phone line 508-325-4111
   - Select Board Comments/Questions
   - Public Comment

8. Town Services Status (Town Manager)
   - Offices remain closed to the public through May 18 (state advisory)
   - Weekly call(s) with Emergency Response Team
   - Town budget/staffing/phased return to work update
   - Daily communication with employees
   - Daily SITREP to Select Board
   - Select Board Comments/Questions
   - Public Comment

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

VI. **NEW BUSINESS***

VII. **APPROVAL OF MINUTES AND WARRANTS**
   1. Approval of Minutes of April 8, 2020 at 6:00 PM.

VIII. CITIZEN/DEPARTMENTAL REQUESTS

2. Request for Approval and Execution of Discharge of Mortgage held by Patricia Dew for Property Located at 18 Wood Hollow Road.

IX. TOWN MANAGER’S REPORT
1. Review of License/Permit Extension Recommendations; Concession Lease Terms Recommendations; Status of Events/Recommendations.

X. SELECT BOARD’S REPORTS/COMMENT
1. Committee Reports.

XI. 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.
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 2:40 PM this 12th day of March, two thousand and twenty.

[Signature]

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts
Nantucket's Census Complete Count Committee recognizes that our community's health and safety are the most pressing concerns during this unprecedented time, and that communication about public health takes priority. However, the 2020 Census is ongoing - and vitally important for Nantucket's future.

It's never been easier to get counted, and to count everyone who lives at your address. You can use your smartphone, tablet, or computer to do so online, you can do so over the phone in 13 languages, or you can complete and return the Census questionnaire that may have been delivered to your home by now. (You do not need a form to respond online or by phone, however!)

The US Census takes place once every ten years and is mandated by the Constitution. Statistics from responses are used to make decisions about federal funding for community services that we rely on every day: health care (including Medicaid, Medicare, and the Children's Health Insurance Program), schools, food assistance, housing, emergency services, senior programs, and more. An accurate count ensures that Nantucket gets it's share, as funding levels that are determined as a result of the 2020 Census will be in place for our community for the next ten years!

Please get counted, and encourage friends, colleagues, and family members to do so at 2020census.gov. Choose your language and click on the "Respond" button to take the Census. It's safe, quick, easy - and individual data is protected by federal law. Your information cannot be shared with any federal, state, or local agency for any reason. There is NO citizenship question on the Census, and everyone is asked to participate. We ALL count for Nantucket!

In an effort to "get out the count" on Nantucket we've started posting information on Facebook, via the Community Foundation for Nantucket's page. Please visit the foundation's page so you can see and - very importantly - share these posts on your own personal and organizational pages! You'll recognize some faces, and can learn a lot about why an accurate count is important. If Facebook isn't your thing, please share the information on Instagram or Twitter - or even by email.

Please get counted and help shape Nantucket's future!
Committee Appointments 2020 Timeline
As of 4/15/2020

April 1 – Select Board review list of openings.

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

April 23 and 30; May 7 and 14 – Advertise committee openings in newspaper and on Town’s website; put on SB agenda as announcement starting mid-April.

May 22 – Deadline for submitting applications for committee openings that will be heard on May 27 to Town Administration office. This includes applications for:
  • Agricultural Commission;
  • Airport Commission;
  • Board of Health;
  • Capital Program Committee;
  • Cemetery Commission;
  • Conservation Commission;
  • Contract Review Committee, Human Services;
  • Council for Human Services;
  • Council on Aging;
  • Cultural Council;
  • Finance Committee; and
  • Historic District Commission Associate.

May 27 – Public hearing for above listed committee applicants.

May 29 – Deadline for submitting applications for committee openings that will be heard June 3 to Town Administration office. This includes applications for:
  • Nantucket Affordable Housing Trust;
  • Nantucket Historical Commission;
  • Nantucket Historical Commission Alternate;
  • Planning Board Alternate;
  • Real Estate Assessment Committee;
  • Roads and Right-of-Way Committee;
  • Scholarship Committee;
  • Tree Advisory Committee;
  • Zoning Board of Appeals; and
  • Zoning Board of Appeals Alternate.

June 3 – Public hearing for above listed committee applicants.

June 17 – Committee appointments.
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<thead>
<tr>
<th>Committee</th>
<th># seats open</th>
<th>Term Expiration</th>
<th>Notes</th>
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<tr>
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<td>2</td>
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<td>Agricultural Commission</td>
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<td>2023</td>
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<td>Airport Commission</td>
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<td>Board of Health</td>
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<td>Capital Program Committee</td>
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<td>Conservation Commission</td>
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<tr>
<td>Contract Review Committee, Human Services</td>
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<tr>
<td>Council for Human Services</td>
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<td>2023 vacant</td>
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<td>Council for Human Services</td>
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<td>2022 vacant</td>
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<td>Council for Human Services</td>
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<td>2023 2 vacant</td>
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<td>Council on Aging</td>
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<td>Finance Committee</td>
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<td>Historic District Commission Associate</td>
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<td>2023</td>
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<td>Nantucket Affordable Housing Trust</td>
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<td>2023 2-year term; at-large</td>
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<td>2023 2-year term; real estate agent/broker</td>
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<td>Nantucket Historical Commission</td>
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<td>Zoning Board of Appeals</td>
<td>1</td>
<td>2025 5-year term</td>
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<td>2023 3-year term</td>
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EMERGENCY ORDER No. 1  Temporary Moratorium on all construction projects on Nantucket.

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

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

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

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

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

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

This order is effective Friday, March 20 through Monday, April 6 and will be reviewed at regular intervals by the Select Board, the Town’s Incident Management Team and Public Health Officials. New projects cannot be started at this time, and no new permits will be issued unless they meet the criteria above.
Any currently permitted and/or active construction project/work must be in a secure situation by 5:00 p.m. on Friday, March 20, 2020.

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

So Ordered by the Nantucket Select Board;

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

In Concurrence with;

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

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

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

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

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

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

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

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

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

WHEREAS, we wish to re-affirm the unique circumstances facing the Town and island of Nantucket that require a strict limitation on all non-essential business, including construction and commercial landscaping projects, and to re-affirm that all non-emergency construction work and all commercial landscaping work is prohibited until the expiration of the applicable orders or they are sooner rescinded.
WHEREAS, Nantucket is uniquely situated insofar as it is only accessible by boat or airplane. In this regard, the primary method for travel to and from the island by many construction and landscape workers will be by boat. It is customary and expected that workers will travel together from the mainland and once they arrive, they will travel together to and from work sites. Due to the group nature of this type of travel, it is unlikely that sufficient physical distancing can be maintained.

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

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

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

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

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

NOW THEREFORE, based on the conditions cited above, and other well-known adverse effects of the COVID-19 crisis, the Nantucket Board of Health, upon the recommendation of Emergency Management and Public Health Officials, the Director of the Nantucket Cottage
Hospital, and the Select Board, and the need to protect the health of the inhabitants of the Town of Nantucket, hereby reaffirms and supplements Emergency Orders Nos. 1 and 2, as follows:

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

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

This Order shall apply as follows:

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

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

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

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

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

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

Board of Health
Stephen J. Visco. Chair
Malcolm W. MacNab, MD, PhD, Vice Chair
James A. Cooper, Member
Rita Higgins, Member
Helene M. Weld, RN, Member

In concurrence with action taken by the Select Board:
Dawn Hill-Holdgate, Chair
Rita Higgins, Vice-Chair
Matt Fee, Member
Jason Bridges, Member
Kristie Ferrantella, Member

As well as Town Staff and representative of Nantucket Cottage Hospital:
C. Elizabeth Gibson, Town Manager
William Pittman, Director, Office of Emergency Management
Roberto Santamaria, Director, Department of Public Health
Paul Murphy, Nantucket Building Commissioner
Gary A. Shaw, President, Nantucket Cottage Hospital
EMERGENCY ORDER No. 2    Regarding Personal Care Services and Retail Stores

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

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

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

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

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

So Ordered;

[Signature]

Board of Health

In Concurrence with;

[Signature]  [Signature]

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

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

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

1. The intent of this Order is to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 to the maximum extent possible. When people need to leave their places of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times as reasonably possible comply with Social Distancing Requirements as defined in Section 7 below. All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.

2. All individuals currently living within the Town and County of Nantucket (“Town”) are ordered to stay at their place of residence. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably possible maintain social distancing of at least six feet from any other person when they are outside their residence. All persons may leave their residences only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses, all as defined in Section 7. All businesses with a facility in the Town, except Essential Businesses as defined below in Section 7, are required to cease all activities at facilities located within the Town except Minimum Basic
Operations, as defined in Section 7. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined in Section 7 below, including, but not limited to, when any customers are standing in line.

3. All public and private gatherings of any number of people occurring outside a household or living unit are prohibited, except for the limited purposes as expressly permitted in Section 7. Nothing in this Order prohibits the gathering of members of a household or living unit.

4. All travel on the island, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, public transit, except Essential Travel and Essential Activities as defined below in Section 7, is prohibited. People must use public transit only for purposes of performing Essential Activities or to travel to and from work to operate Essential Businesses or maintain Essential Governmental Functions. People riding on public transit must comply with Social Distancing Requirements as defined in Section 7 below, to the greatest extent feasible. This Order allows travel into or out of the Town to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.

5. This Order is issued based on evidence of increasing occurrence of COVID-19 within the Commonwealth of Massachusetts and elsewhere in the Country, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the Town places it at risk for serious health complications, including death, from COVID-19. Due to the outbreak of the COVID-19 virus in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout the Town. Making the problem worse, some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus. The scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. Importantly, the island has limited medical care options and availability, including but not limited to the number of hospitals and other healthcare operations, the number of beds available generally and in intensive care units, as well an extremely limited number of ventilators. Additionally, the Town acknowledges that the size of the island population is driven by seasonal residents and visitors; during the winter months, including early spring, the food supply, services industry, public safety personnel, general governmental staff, and more, are at minimum levels. By reducing the spread of the COVID-19 virus, this Order helps preserve critical and limited healthcare capacity in the Town.
6. This Order incorporates by reference, the March 10, 2020 Declaration of Emergency issued by Governor Baker, and the Declaration of Emergency issued by the Nantucket Select Board on March 18, 2020, and, further, formally acknowledges that several states and municipalities have issued stay-at-home orders to address the rapid transmission of COVID-19 by those who do not yet show symptoms, but are carrying the virus, and those that have been identified as presumptive positive or confirmed positive for the virus.

7. **Definitions and Exemptions.**

   a. For purposes of this Order, individuals may leave their residence only to perform any of the following “Essential Activities.” People at high risk of severe illness from COVID-19 according to the U.S. Centers for Disease Control and Prevention (“CDC”) and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care.
      
      i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home.
      
      ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.
      
      iii. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, bicycling, surfing, or running.
      
      iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations.
      
      v. To care for a family member or pet in another household.

   b. For purposes of this Order, individuals may leave their residence to work for or obtain services at any “Healthcare Operations”, including but not limited to hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, marijuana dispensary or any related and/or ancillary healthcare services. “Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. “Healthcare Operations” expressly excludes fitness and exercise gyms, yoga studios, and similar facilities.
c. For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of “Essential Infrastructure,” including, but not limited to, public works construction, airport operations, water, sewer, gas, electrical, roads and highways, public transportation, collection and proper disposal of solid waste, internet, and telecommunications systems, provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined this Section, to the extent possible.

d. For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform Essential Services are categorically exempt from this Order in connection with the provision of such services. Further, nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Functions,” as determined by the governmental entity performing those functions. Each governmental unit in the Town shall identify and designate appropriate employees or contractors to continue providing and carrying out any Essential Governmental Functions. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Section, to the extent possible.

e. For the purposes of this Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.

f. For the purposes of this Order, “Essential Businesses” means:
   i. Healthcare Operations and Essential Infrastructure;
   ii. Grocery stores, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;
   iii. Food cultivation, including farming, livestock, and fishing;
   iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
   v. Hotels, motels and leasing of residences ONLY for the purpose of providing shelter and lodging to people in accord with contractual agreements already in effect for people on the island as of the effective date of this order, or, in the event that temporary residences are needed for persons on the island whose residences are quarantined, to house non-
residents providing essential government or health care services, or as overflow from healthcare operations as may be needed;¹

vi. Newspapers, television, radio, and other media services;

vii. Gas stations and auto-supply, auto-repair, and related facilities;

viii. Banks and related financial institutions;

ix. Hardware stores;

x. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;

xi. Businesses providing mailing and shipping services, including post office boxes;

xii. Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible;

xiii. Laundromats, drycleaners, and laundry service providers;

xiv. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;

xv. Businesses that supply products needed for people to work from home;

xvi. Businesses that supply other essential businesses with the support or supplies necessary to operate;

xvii. Businesses that ship or deliver groceries, food, goods or services directly to residences

xviii. Airlines, ferries, taxis, and other public and private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;

xix. Home-based care for seniors, adults, or children;

xx. Residential facilities and shelters for seniors, adults, and children;

xxi. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities

xxii. Childcare facilities providing services that enable employees exempted in this Order to work as permitted and approved pursuant to the March 18, 2020 Executive Order Temporarily Closing All Child Care Programs and Authorizing the Temporary Creation and Operation of Emergency Child Care Programs.

¹ This section shall take effect on Wednesday, March 25, 2020 at 5:00 p.m., or such later date determined by the Town after consultation with appropriate state and federal entities. Until the effective date of this provision, it shall have the force of a strong recommendation to anyone considering coming to the Town.
g. For the purposes of this Order, “Minimum Basic Operations” include the following, provided, however, that employees shall comply with Social Distancing Requirements as defined this Section, to the maximum extent possible, while carrying out such operations:
   i. The minimum necessary activities to maintain the value of the business’s inventory, ensure security, process payroll and employee benefits, or for related functions.
   ii. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

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

² This section shall take effect on Wednesday, March 25, 2020 at 5:00 p.m., or such later date determined by the Town after consultation with appropriate state and federal entities. Until the effective date of this provision, it shall have the force of a strong recommendation to anyone considering coming to the Town.
vii. Provided, further, that during the pendency of this order, any person travelling to the island for any of the purposes authorized hereunder shall be subject to the following additional requirements:

1. Persons arriving on Nantucket by plane or boat may be asked to take their temperature, answer questions about where they have travelled, and to respond to any other precautionary questions of a similar nature considered appropriate by the CDC;

2. No person shall knowingly travel to Nantucket during the period of this order after testing positive for COVID-19 unless they are also able to demonstrate that they have recovered therefrom through proof of two negative tests or otherwise in a manner meeting then-current CDC requirements;

3. No person shall knowingly travel to Nantucket after being exposed to a person with COVID-19 unless they have been in quarantine for no less than 14 days since the knowing exposure and can provide evidence thereof;

4. Any person travelling to Nantucket for purposes other than those that are emergency in nature under this order, shall self-isolate for no less than 14 days at their place of residence, ensuring that they are vigilant about social-distancing, even in their place of residence, until the self-isolation period ends;

5. Any person travelling to Nantucket to provide healthcare services shall be exempt from paragraph 3 of this section, but shall exercise due care in accord with applicable CDC protocols to implement social distancing as described hereunder, other than during the treatment of patients or conduct of research.

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

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

9. Sections 1-12 of this Order, other than as set forth in Section 10, below, shall become effective at 5:00 p.m. on Monday, March 23, 2020 and will continue to be in effect through Sunday, April 6, 2020, the remainder of the period schools are closed pursuant to the Governor’s March 15, 2020 Executive Order, with an expectation that unless there are significant factual changes concerning the spread of COVID-19 and the treatment thereof in general, and the facts specifically applicable to medical care and treatment capacity on the island, this Stay-at-Home Order may be extended by vote of the Select Board and Director of
Health and Human Services. To allow for planning by, and sufficient notice to, all residents and voters of the Town, of any possible extension, the Select Board and Director of Health and Human Services shall discuss any developments and the then-applicable facts at its April 1, 2020, scheduled Board Meeting, and at any meeting thereafter as such board deems appropriate. Notice of any approved extension shall be communicated to the public as provided in Section 11. Residents are encouraged to access the Town website frequently for updates.

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

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

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

IT IS SO ORDERED:

_________________________________
Nantucket Select Board, by its Chair

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

March 22, 2020
EMERGENCY ORDER No. 4  Extension of Recreational Shellfish Licenses

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

Given that fishing and shell fishing are defined as essential services for the purposes of gathering food, that 2019-2020 recreational shellfish licenses were set to expire on March 31, 2020 and that the Town has suspended the issuance of any new permits until the State of Emergency is lifted.  It is Ordered by the Nantucket Select Board that all recreational shellfish licenses are extended until the State of Emergency is lifted and regular license sales resume.  All 2020 licenses already sold are considered valid.

Any person engaging in recreational shell fishing is required to abide by all rules and regulations set by the Commonwealth of Massachusetts and the Town of Nantucket.  This includes proper display of each individual’s license while engaging in shell fishing.  Any person(s) engaging in shell fishing must practice proper social distancing in as recommended by the CDC in an effort to curb the spread of COVID-19.

Date:  April 8, 2020

So Ordered by the Nantucket Select Board;
Dawn Hill-Holdgate, Chair
Rita Higgins, Vice-Chair
Matt Fee, Member
Jason Bridges, Member
Kristie Ferrantella, Member

In Concurrence with:
C. Elizabeth Gibson, Town Manager
William Pittman, Director, Office of Emergency Management
Roberto Santamaria, Director, Department of Public Health
Jeff Carlson, Director, Natural Resources Department
EMERGENCY ORDER NO. 5
EFFECTIVE TUESDAY, APRIL 21, 2020
OF THE NANTUCKET BOARD OF HEALTH
COVID-19 BACK TO WORK
PROGRAM FOR CONSTRUCTION
PHASE 1

PURPOSE:

To provide the construction community on Nantucket with the ability to begin working again and completing projects with a very limited scope and 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. 5 to establish the Phase 1 Back-to-Work Program for Construction and Landscaping on the Island of Nantucket.

The intent of this program is to be able to address the most important aspects of unfinished construction so that all work can be advanced to a point that protects the project from the dangers of prolonged exposure to weather, and to allow a certain limited amount of construction to complete much needed year-round housing, workforce housing and employee housing. Without the work listed below dwellings and other buildings will sustain damage that will render materials unusable and existing dwellings uninhabitable and the year-round affordable housing crisis will be worsened.

This Phase I level of work is limited to the work described below and is permissible subject to approval by the Building Commissioner 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.

Status of Emergency Order No. 1

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

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

Only the projects listed in the Emergency Supplemental Order and this Emergency Order No. 5 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.

For purposes of the Emergency Supplemental Order and this Emergency Order No. 5, projects comprising “other work necessary to render occupied residential buildings fully habitable” shall
mean work on a residential building used for dwelling purposes that was complete and occupied at any time prior to March 20, 2020, and where the work relates to the habitability of the structure, such as work on kitchens and bathrooms, plumbing and electrical work, including activation of existing utilities, emergency repairs and the completion of work on renovations started prior to March 20, 2020. This section shall not apply to additions, unless they fit into one the categories described below, or any other work deemed non-essential by the Building Commissioner.

**Part 1: Allowable Construction**

1. For the purposes of this Order, “unfinished construction” shall mean work on any dwelling, building or structure for which a building permit 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 all work occurring on the same property whether the work is occurring in one or more buildings or pursuant to one or more permits.

3. Beginning on Tuesday, April 21, 2020, work on the following construction projects may resume in accordance with the terms of this Order:

**Partially framed structures, dwellings or additions**

- To allow the continued construction of partially framed structures to be framed so that the structure can be made weathertight, including the installation of roofing materials, windows and siding, but no interior finishing such as dry-wall, flooring, electrical, plumbing or HVAC work.

**Unfinished roof work**

- To allow for the completion of any roofing work on new structures and structures undergoing renovation.

**Unfinished sideward work**

- To allow for the completion of any exterior sideward work that was affected by the emergency order.

**Other Residential Construction**

- Any work deemed to be specifically for (1) year-round housing; (2) workforce housing; or (3) employee housing, as allowed by the Building Commissioner.

**Essential and Emergency Work**

- Existing and newly permitted projects which comprise essential construction as defined in Emergency Order No. 1, as Supplemented on April 2, 2020, may proceed with the approval of the Building Commissioner, provided that the project complies with said supplemental order and is conducted in accordance with this Emergency Order No. 5.
Emergency repairs or other emergency work necessitated by circumstances beyond the control of the property owner or contractor may proceed with the approval of the Building Commissioner, provided that the work is conducted in accordance with this Emergency Order No. 5.

One Person Jobs

- Any construction work that can safely be undertaken with just one person on the jobsite.
- Workers wishing to perform one-person jobs must register with the Building Commissioner prior to commencing work. Registration shall include the name of the worker, the property address, the type of work to be done and the dates that the worker will be on the site. A registration form provided by the Building Commissioner shall be completed and submitted prior to the commencement of any work. 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.
- Work on a single project may be undertaken by more than one person, provided that only one worker may be on the site each day. Each additional worker must also register with the Building Commissioner. Under no circumstance shall more than one worker be on the site at a time.
- Work performed on one-person jobs shall comply with the General On-The-Job Procedures To Prevent Exposure And Limit The Transmission Of The Virus contained in this order, to the extent applicable to a one-person job, including: providing 24 hour advance notice and obtaining consent of the property owner, social distancing requirements if the property is occupied, hand-washing, wearing gloves and other PPE, and sanitizing all equipment and work areas.
- The Town reserves the right to reject any one-person job registration if it is determined that, due to the nature of the work or its location, the work cannot safely be conducted by just one person at a time.

Part 2: General Protocols:

APPLICATION PROCEDURE
FOR MULTIPLE-WORKER JOBS

1. To request authority to proceed with an allowable project (except for One Person Jobs with a registration described above), 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. 5 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 four (4) people (not including one COVID-19 Officer) are allowed on an individual construction site on any one time.

• Equipment specific (beyond continual disinfecting of all surfaces):
  o 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.
  o 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.
  o 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 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 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. Non-Criminal Disposition
   This Order may be enforced 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.

So voted by the Nantucket Board of Health on 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 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. 85
EFFECTIVE, 2020
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 working again and completing projects with a very limited scope and 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. 58 to establish the Phase II Back-to-Work Program for Construction and Landscaping on the Island of Nantucket.

The intent of this program is to be able to address the most important aspects of unfinished construction so that all work can be advanced to a point that protects the project from the dangers of prolonged exposure to weather, and to allow a certain limited amount of construction to complete much-needed year-round housing, workforce housing and employee housing. Without the work listed below, dwellings and other buildings will sustain damage that will render materials unusable and existing dwellings uninhabitable and the year-round affordable housing crisis will be worsened. Allow the continued construction of any structures for which a building permit was issued and for which construction commenced prior to March 20, 2020.

This Phase II level of work is limited to the work described below and is permissible subject to approval by the Building Commissioner 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 for an exception approved by the Building Commissioner pursuant to Emergency Order No. 5 shall automatically be deemed approved pursuant to this Order. Any work that has not been approved shall be subject to the application form and approval 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. 58 is to expand upon and clarify 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 will continue to be authorized in accordance with the terms of the Emergency Supplemental Order and Emergency Order No. 5, provided that said projects are conducted in accordance with the requirements of this Emergency Order No. 58.
Only the projects listed in the Emergency Supplemental Order, and this 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.

For purposes of the Emergency Supplemental Order and this Emergency Order No. 5, projects comprising “other work necessary to render occupied residential buildings fully habitable” shall mean work on a residential building used for dwelling purposes that was complete and occupied at any time prior to March 20, 2020, and where the work relates to the habitability of the structure, such as work on kitchens and bathrooms, plumbing and electrical work, including activation of existing utilities, emergency repairs and the completion of work on renovations started prior to March 20, 2020. This section shall not apply additions, unless they fit into one the categories described below, or any other work deemed non-essential by the Building Commissioner.

Part 1: Allowable Construction

1. For the purposes of this Order, “unfinished construction” shall mean any work on any dwelling, building or structure 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 all work occurring on the same property whether the work is occurring in one or more buildings or pursuant to one or more permits, whether or not on the same property (i.e. Map and Parcel).

3. Beginning on TuesdayMonday, April 21May 4, 2020, work on the following construction projects may resume in accordance with the terms of this Order:

   a. Any work subject to a building permit for which work commenced prior to March 20, 2020.

   b. A maximum of 8 workers associated with work pursuant to a building permit are permitted on a jobsite. This maximum includes workers indoors and/or outdoors.

   Partially framed structures, dwellings or additions

   - To allow the continued construction of partially framed structures to be framed so that the structure can be made weathertight, including the installation of roofing materials, windows and siding, but no interior finishing such as drywall, flooring, electrical, plumbing or HVAC work.

   Unfinished roof work

   - To allow for the completion of any roofing work on new structures and structures undergoing renovation.

   Unfinished sidewall work
To allow for the completion of any exterior sidewall work that was affected by the emergency order.

Other Residential Construction

Any work deemed to be specifically for (1) year round housing; (2) workforce housing; or (3) employee housing, as allowed by the Building Commissioner.

Essential and Emergency Work

Existing and newly permitted projects which comprise essential construction as defined in Emergency Order No. 1, as Supplemented on April 2, 2020, may proceed with the approval of the Building Commissioner, provided that the project complies with said supplemental order and is conducted in accordance with this Emergency Order No. 5.

Emergency repairs or other emergency work necessitated by circumstances beyond the control of the property owner or contractor may proceed with the approval of the Building Commissioner, provided that the work is conducted in accordance with this Emergency Order No. 5.

One Person Jobs

Any construction work that can safely be undertaken with just one person on the jobsite.

Workers wishing to perform one person jobs must register with the Building Commissioner prior to commencing work. Registration shall include the name of the worker, the property address, the type of work to be done and the dates that the worker will be on the site. A registration form provided by the Building Commissioner shall be completed and submitted prior to the commencement of any work. 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.

Work on a single project may be undertaken by more than one person, provided that only one worker may be on the site each day. Each additional worker must also register with the Building Commissioner. Under no circumstance shall more than one worker be on the site at a time.

Work performed on one person jobs shall comply with the General On-The-Job Procedures To Prevent Exposure And Limit The Transmission Of The Virus contained in this order, to the extent applicable to a one person job, including; providing 24 hour advance notice and obtaining consent of the property owner, social distancing requirements if the property is occupied, hand-washing, wearing gloves and other PPE, and sanitizing all equipment and work areas.

The Town reserves the right to reject any one person job registration if it is determined that, due to the nature of the work or its location, the work cannot safely be conducted by just one person at a time.

Part 2: General Protocols:

APPLICATION PROCEDURE
FOR MULTIPLE-WORKER JOBS

1. To request authority to proceed with an allowable project (except for One Person Jobs with a registration described above), 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. 5 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 four (4) people (Not including one COVID-19 Officer) 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.

Commented [LG2]: Is this supposed to change to 8?
• 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 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. Non-Criminal Disposition

This Order may be enforced 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. 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).

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
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
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 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. 6  
EFFECTIVE TUESDAY, APRIL 21, 2020  
OF THE NANTUCKET BOARD OF HEALTH  
COVID-19 BACK TO WORK  
PROGRAM FOR LANDSCAPING  
PHASE 1

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. The intent of this protocol is to be able to maintain 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. 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. 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 No. 1
So much of Emergency Order No. 1, as supplemented on April 2, 2020 (“Emergency Supplemental Order”) that prohibits commercial landscaping is hereby repealed and replaced with the following. 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 No. 5.

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
• 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.

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.

**SAFETY STAND DOWN**

1. All 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. 6 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 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 two (2) people (Not including one COVID-19 Officer) are allowed on an individual 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.

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 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. Non-Criminal Disposition
   This Order may be enforced 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.

So voted by the Nantucket Board of Health on 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
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

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 allow commercial landscape companies to conduct work for the purpose of 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 is hereby repealed and replaced with Emergency Order No. 6. 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
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:

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.

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.

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).
• Equipment specific (beyond continual disinfecting of all surfaces):
  o 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.
  o 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.
  o 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 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.

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
Pursuant to the declaration of a public health emergency on March 20, 2020, G.L. c. 111, §122, 310 CMR 11.05, 105 CMR 300.200 and all other authorizing statutes and regulations, acting by and through its agent authorized under MGL c. 111, §31 we, the Board of Health of the Town of Nantucket, Massachusetts, hereby order the following for the protection of public health and safety and to protect against the outbreak of COVID-19 on the Island of Nantucket:

1) All employees of all “essential businesses” as defined in Governor Baker’s COVID-19 Executive Orders shall wear a face covering over their mouth and nose when interacting with the public and within six feet of a co-worker. The cloth face coverings recommended are not surgical masks or N-95 respirators, which should be left for medical professionals and first responders. See this link for information on making a cloth face covering: https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-fac....

2) All essential businesses shall post a sign on their main entrance doors advising consumers that it is highly recommended that the consumer entering the store wear a face covering.

3) Essential retail establishments as defined by Governor Baker’s Covid-19 Executive Orders must limit the number of customers and staff inside the establishment at any given time so that social distancing of six feet may be maintained. All retail establishments must establish maximum occupancy loads in accordance with the “Guidance for Grocery Stores” issued by the Massachusetts Commissioner of Public Health on April 7, 2020. See this order at: https://www.mass.gov/doc/order-grocery-stores-40-percent/download. Maximum occupancy shall be posted at each entrance to the establishment and shall be readily visible to members of the public.

4) All essential retail establishments shall comply with the March 20, 2020 order of the Department of Public Health, https://www.mass.gov/doc/grocery-and-pharmacy-store-order/download, including but not limited to enforcement of the prohibition on the use of reusable bags by customers.

5) This emergency order shall be effective beginning Tuesday, APRIL 21, 2020 AT 12:01AM and remain in effect until notice is given, pursuant to the Board of Health’s judgement that the Public Health Emergency no longer exists.
6) To the extent necessary, this Order shall be enforced by Board of Health officials, Nantucket Police Officers, and Building Inspectors, as agents for the Board of Health.

7) 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.

8) 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) for each violation. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

ORDERED by Board of Health this 19th day of April 2020

Stephen J. Visco, Chair
Malcolm W. MacNab, MD, PhD, Vice Chair
James A. Cooper, Member
Rita Higgins, Member
Helene M. Weld, RN, Member
ORDER EXTENDING THE CLOSING OF CERTAIN WORKPLACES
AND THE PROHIBITION ON GATHERINGS OF MORE THAN 10 PEOPLE

COVID-19 Order No. 21

Extending the Operation of COVID-19 Order No. 13

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

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

WHEREAS, the number of presumptive positive and confirmed cases of COVID-19
continues to rise exponentially in the Commonwealth. As of March 30, 2020, the Department of
Public Health had reported 5,752 cases of COVID-19, including 56 deaths, with all counties in
the Commonwealth impacted;

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

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

WHEREAS, on March 23, 2020, I issued an Order that designated COVID-19 Essential
Services, temporary closed the bricks-and-mortar premises of businesses and organizations that
do not provide COVID-19 Essential Services, and prohibited gatherings of more than 10 people;
WHEREAS, on March 28, 2020, the Federal Cybersecurity and Infrastructure Security Agency issued updated guidance on the identification of critical infrastructure sectors during the COVID-19 Response;

WHEREAS, as Governor, I have identified additional services and functions that likewise are essential to promote the public health and welfare of the Commonwealth, and therefore it is imperative to ensure that workers providing critical services and functions in these State and Federally designated sectors may continue to work to ensure community resilience and continuity of response efforts; and

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

NOW, THEREFORE, I hereby order the following:


Gatherings of more than 10 people also remain prohibited until May 4, 2020.

Effective at 12:00 noon on April 1, 2020, Exhibit A of the previously issued COVID-19 Order No. 13 is hereby replaced with the attached, updated Exhibit A of even date with this Order to reflect the revised guidance of the Federal Cybersecurity and Infrastructure Security Agency and the additional services and functions that I, as Governor, have identified as essential to promote the public health and welfare of the Commonwealth.

The Commissioner of Public Health shall continue to issue guidance as necessary and subject to my approval to implement the terms of COVID-19 Order No. 13.

The Massachusetts Department of Transportation, in consultation with the Division of Capital and Asset Management and Maintenance, shall issue guidance and enforcement procedures for the safe operation of public works construction sites, consistent with the terms of Exhibit A of COVID-19 Order No. 13.
The Department of Public Health, along with any board of health or authorized agent pursuant to G. L. c. 111, § 30, shall continue to enforce the terms of COVID-19 Order No. 13 and implementing guidance issued under the authority of that Order as here amended.

In addition, I renew my directive to the Commissioner of Public Health to act under the authority of G. L. c. 17, § 2A and G. L. c. 111, § 6 or any other appropriate authority to supplement the terms of COVID-19 Order No. 13 in the event she determines additional measures are required to ensure that its terms are observed.

This Order is effective immediately and shall remain in effect until May 4, 2020 unless further extended.

Given in Boston at 12:30 PM this 31st day of March, two thousand and twenty

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts
PRESS RELEASE

Baker-Polito Administration Extends Non-Essential Business Closures to May 18th, Announces Reopening Advisory Board

Gatherings of 10 or more prohibited until May 18th, Stay at Home Advisory Remains in Effect

FOR IMMEDIATE RELEASE:

4/28/2020

Office of Governor Charlie Baker and Lt. Governor Karyn Polito

Governor’s Press Office

Executive Office of Health and Human Services

Department of Public Health

Executive Office of Housing and Economic Development
BOSTON — Today, the Baker-Polito Administration extended the essential services emergency order to May 18th and launched a Reopening Advisory Board that will produce a plan to the Governor by May 18th. The Administration also announced that the
Department of Public Health’s Stay At Home Advisory remains in effect and gatherings of 10 or more people remain prohibited until May 18th.

**Essential Services Order:** Governor Charlie Baker’s emergency order requiring that all businesses and organizations that do not provide “COVID-19 Essential Services” close their physical workplaces and facilities to workers, customers and the public will be extended until May 18th. Businesses and organizations not on the list of essential services are encouraged to continue operations through remote means that do not require workers, customers, or the public to enter or appear at the brick-and-mortar premises closed by the order. This order also extends the existing ban on gatherings of more than 10 people until May 18th.

**Stay at Home Advisory:** Governor Charlie Baker announced that the Department of Public Health’s stay-at-home advisory will remain in effect. Residents are strongly urged to stay home and avoid unnecessary travel and other unnecessary person to person contact during this time period. Residents who are considered at high risk when exposed to COVID-19 should limit social interactions with other people as much as possible.

**Executive Branch Employee Guidance:** The Baker-Polito Administration today also extended the guidance issued to Executive Branch employees on protocol during the COVID-19 outbreak to ensure state government can continue to provide key services while protecting the health and safety of the public and the Executive Branch workforce. Under the guidance, all employees performing non-core functions who are able to work remotely should continue to do so until May 18th.

**Reopening Advisory Board:** Today, Governor Baker announced the formation of the Reopening Advisory Board, which will be Co-Chaired by Lt. Governor Karyn Polito and Housing and Economic Development Secretary Mike Kennealy. The Board brings public health officials together with leaders from the business community and municipal government from across the Commonwealth. This group is charged with advising the administration on strategies to reopen the economy in phases based on health and safety metrics. It will meet with key stakeholders and solicit input from a variety of constituencies over the next three weeks to develop a report by May 18th that will include DPH approved workplace safety standards, industry frameworks and customer protocols and guidelines,
including enforcement mechanisms and coordination with municipal leaders. This report is due on the 18th, but the administration has made clear that public health data and guidance from health care experts will dictate the timeline of the re-opening process.

The 17-member Advisory Board is composed of three public health officials, including Department of Public Health Commissioner Dr. Monica Bharel, three municipal officials, and eleven leaders from the business community, including MassDOT Secretary and CEO Stephanie Pollack. Members of the Advisory Board bring a range of perspectives to the table, such as an understanding of workplaces and workforces and insights into key areas like financial markets, education, manufacturing and transportation.

Reopening Advisory Board Members:

- Aron Ain, CEO, Kronos Inc & Ultimate Software
- Carlo Zaffanella, Vice President and General Manager, Maritime & Strategic Systems, General Dynamics Mission Systems
- Corey Thomas, CEO, Rapid 7
- Daniel Rivera, Mayor, City of Lawrence
- Rochelle Walensky, MD, MPH, Massachusetts General Hospital
- Girish Navani, CEO and Co-Founder, eClinicalWorks
- Joe Bahena, Senior Vice President, Joseph Abboud Manufacturing
- Kathryn Burton, Chief of Staff, City of Boston
- Laurie Leshin, Ph.D., President, Worcester Polytechnic Institute
- Linda Markham, President, Cape Air
- Mark Keroack, President & CEO, Baystate Health
- Dr. Monica Bharel, M.D., Commissioner, Department of Public Health
- Nicole LaChapelle, Mayor, City of Easthampton
- Pamela Everhart, Head of Regional Public Affairs and Community Relations, Fidelity Investments
Stephanie Pollack, Transportation Secretary and CEO
Steve DiFillippo, CEO, Davios Restaurants
Wendy Hudson, Owner, Nantucket Book Partners

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Media Contact

Sarah Finlaw, Press Secretary, Governor’s Office

Phone
(617) 725-4025

Online
gov.press@state.ma.us

Office of Governor Charlie Baker and Lt. Governor Karyn Polito

Governor Charlie Baker, Lt. Governor Karyn Polito and the Baker-Polito Administration are working to respond to the ongoing COVID-19 outbreak and keep Massachusetts residents safe and healthy.

More
PRESS RELEASE

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

FOR IMMEDIATE RELEASE:
3/27/2020
Office of Governor Charlie Baker and Lt. Governor Karyn Polito
Governor’s Press Office
Department of Public Health
Executive Office of Health and Human Services
Massachusetts Department of Transportation

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

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

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

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

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

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

**Buoy Health Care Tool:** The Baker-Polito Administration announced the launch of Buoy Health’s new online resource for residents to check their symptoms and connect with the next appropriate health care resource. This tool does not replace emergency medical care, but it may be used as a support for residents during the COVID-19 outbreak to connect them with appropriate health care resources if they display coronavirus symptoms.
Buoy Health’s online 24/7 tool is free for Massachusetts residents and uses current COVID-19 guidance from the CDC and Massachusetts Department of Public Health. Visit Buoy.com/mass (http://www.buoy.com/mass) to learn more and use the tool.

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

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

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

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

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

**Health Care Professional Volunteers:** To support ongoing COVID-19 emergency response efforts, the Baker-Polito Administration has partnered with the Massachusetts Medical Society to match volunteers with our communities and health care providers based on skillsets and need. There is an immediate need for respiratory therapists and public health
nurses, and the administration is asking health care professionals interested in volunteering to sign up at MAResponds.org (/health-services-covid-19-volunteer-form).

###

Media Contact

Sarah Finlaw, Press Secretary, Governor’s Office

**Phone**

(617) 725-4025 (tel:6177254025)

**Online**

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

Office of Governor Charlie Baker and Lt. Governor Karyn Polito

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

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

More (/orgs/office-of-the-governor)
ORDER REQUIRING FACE COVERINGS IN PUBLIC PLACES WHERE SOCIAL DISTANCING IS NOT POSSIBLE

COVID-19 Order No. 31

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

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

WHEREAS, the Federal Centers for Disease Control have determined that COVID-19 is spread mainly by person to person contact and that the best means of slowing the spread of the virus is through practicing social distancing and by minimizing personal contact with environments where the virus may be spread;

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

WHEREAS, public health experts have determined that it is possible for an infected individual to transmit COVID-19 even when the individual does not exhibit symptoms of the virus;

WHEREAS, the Centers for Disease Control and Department of Public Health have advised individuals to wear cloth face coverings when they are out of the home and may be in close proximity to others in order to prevent transmission of this highly contagious virus;
WHEREAS, the number of confirmed cases of COVID-19 continues to rise in the Commonwealth. As of April 30, 2020, the Department of Public Health had reported 62,205 cases of COVID-19, including 3,562 deaths, with all counties across the Commonwealth affected;

WHEREAS, the eventual reopening of businesses and public places in the Commonwealth will require residents to continue to take precautions, including the wearing of masks or cloth face coverings; and

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

NOW, THEREFORE, I hereby Order the following:

Effective Wednesday, May 6, 2020, any person over age two who is in a place open to the public in the Commonwealth, whether indoor or outdoor, and is unable to or does not maintain a distance of approximately six feet from every other person shall cover their mouth and nose with a mask or cloth face covering, except where a person is unable to wear a mask or face covering due to a medical condition or the person is otherwise exempted by Department of Public Health guidance. A person who declines to wear a mask or cloth face covering because of a medical condition shall not be required to produce documentation verifying the condition. This requirement applies to all workers and customers of businesses and other organizations open to the public that are permitted to operate as COVID-19 Essential Businesses as defined in Appendix A of COVID-19 Order 13, as extended by COVID-19 Orders 21 and 30.

All persons are required to wear masks or cloth face coverings at all times when inside grocery stores, pharmacies, and other retail stores. All persons are also required to wear masks or cloth face coverings when providing or using the services of any taxi, car, livery, ride-sharing, or similar service or any means of mass public transit, or while within an enclosed or semi-enclosed transit stop or waiting area.

All persons are strongly discouraged from using medical-grade masks to meet the requirements of this Order, as medical-grade masks should be reserved for healthcare workers and first responders.

The Commissioner of Public Health is directed to issue guidance, subject to my approval, to implement the terms of this Order, which shall include guidance for the use of face coverings by children between the ages of two and five years old.

If a customer refuses to wear a mask or cloth face covering for non-medical reasons, a business may decline entry to the individual.
The Department of Public Health, local boards of health and authorized agents pursuant to G. L. c. 111, § 30 are authorized to enforce this Order and if necessary may do so with the assistance of State or municipal police. Violation of the terms of this Order or Department of Public Health Guidance may result in a civil fine of up to $300 per violation, in the manner provided for non-criminal disposition of violations of municipal by-law, ordinance, rule, or regulation pursuant to G. L. c. 40, § 21D.

This Order is effective Wednesday, May 6, 2020, and shall remain in effect until rescinded or until the emergency is terminated, whichever happens first.

Given in Boston at 9:30AM this 1st day of May, two thousand and twenty

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts
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 c 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
# SAMPLE COVID-19 Officer Application

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<tr>
<td>Mobile Phone:</td>
<td></td>
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<tr>
<td>E-Mail:</td>
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</table>

I affirm that the above is true 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.

<table>
<thead>
<tr>
<th>Printed Name</th>
<th>Signature</th>
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</thead>
<tbody>
<tr>
<td>Date:</td>
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**FOR OFFICE USE ONLY**

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<tbody>
<tr>
<td>Date:</td>
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Economic Recovery Group Sectors
5/5/2020 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
Entertainment
Hospital
Town Staff
Town Administration
Licensing Administrator
PLUS
Human Services
Finance Committee
Board of Health
Night Work. Completion of last fall line painting effort (see attached list).

Last fall, our vendor (Hi-Way Safety Systems, Inc.) never completed our annual line painting effort (long lines, centerlines and edge lines only). In addition to completing the scope, the vendor needs to correct some errors that they made.

Recommend allowing night work (noise waiver) to our vendor, beginning May 10, 2020, in order to complete the work left from Fall last.

Due to scheduling conflicts initially, and later, poor weather conditions, our vendor (Hi-Way Safety Systems, Inc.) never completed our annual line painting effort (long lines, centerlines and edge lines only). In addition to completing the scope, the vendor needs to correct some errors that they made.

Please note that Finance is currently bidding this year’s line painting services for the third time. For many reasons, DPW has increased the scope of services requested to include centerlines and edgelines, crosswalks, and stop lines. Finance is scheduling this latest bid opening now.

Roadway safety issue.

**Impact:** Environmental ☐ Fiscal ☐ Community ☐ Other ☐

**Board/Commission Recommendation**

n/a

**Public Outreach**

Information will be circulated via the Town Public Information Officer

**Connection to Existing Applicable Plan (i.e., Strategic Plan, Master Plan, etc.)**

Complete DPW Annual Activity

**Attachments**

Remaining Work List
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<td>White Paint Length (feet)</td>
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**Total**

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<th>Total Yellow Paint Length (miles)</th>
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Roads with Fog lines (White Lines)

GROUP 1

1. Polpis Rd – From Milestone Rd to Sankaty Rd
2. Wauewinet Rd – From Polpis Rd to Trustees Parking Lot
3. Hoicks Hollow Rd – From Polpis Rd to Dead End
4. Sankaty Rd – From Polpis Rd to Shell St
5. Tom Nevers – From Milestone Rd to Tom Nevers Fields

GROUP 2 (Night Only: 10pm – 5am)

1. Milestone Rd – From Rotary at Sparks Av to Rotary at Sconset
2. Monomoy Rd – From Milestone Rd to Dead End
3. Old South Rd – From Milestone Rd to Arrowhead Dr
4. Airport Rd – From Old South Rd to Airport Gate #31
5. Macy Ln – From Old South Rd to Hinsdale Rd
6. Nobadeer Farm Rd – From Milestone Rd to Old South Rd

GROUP 3 (Night Only: 10pm – 5am)

1. Fairgrounds Rd – From Old South Rd to Surfside Rd
2. South Shore Rd – From Surfside Rd to Hillside Av
3. Surfside Road – From Sparks Av to Surfside Beach Parking Lot
4. Sparks Av – From Surfside Rd to Old South Rd

GROUP 4

1. Prospect St – From Milk St to Surfside Rd
2. Milk St – From Hummock Pond Rd to Mount Vernon St
3. Bartlett Farm Road – From Hummock Pond Rd to the farm entrance
4. Cliff Road – From Madaket Rd to Center St
5. Madaket Rd – From Main St to Ames Av

GROUP 5 (Night Only: 10pm – 5am)

1. Union St – From Orange St to Francis St
2. Washington St - From Coffin St to Francis St
3. Orange Street - From Union St to Milestone Rd
Roads with yellow lines

GROUP 1

1. Polpis Rd – From Milestone Rd to Sankaty Rd
2. Wauewinet Rd – From Polpis Rd to Trustees Parking Lot
3. Pocomo Rd – From Wauewinet Rd to Weetmo Rd
4. Quidnet Rd - From Polpis Rd to Driveway #40
5. Hoicks Hollow Rd - From Polpis Rd to Dead End
6. Sankaty Rd - From Polpis Rd to Shell St
7. Coffin St (Sconset) – From Shell St to Sankaty Rd
8. New St (Sconset) – From Burnell St to Milestone Rd
9. Morey Ln – From Main St to Lily St
10. Tom Nevers – From Milestone Rd to Tom Nevers Fields

GROUP 2 (Night Only: 10pm – 5am)

1. Milestone Rd – From Rotary at Sparks Av to Rotary at Sconset
2. New South Rd – From Milestone Rd to Bunker Rd
3. Monomoy Rd – From Milestone Rd to Dead End
4. Old South Rd – From Milestone Rd to Arrowhead Dr
5. Airport Road – From Old South Rd to Airport Gate #31
6. Macy Ln – From Old South Rd to Hinsdale Rd
7. Nobadeer Farm - From Milestone Rd to Old South Rd

GROUP 3 (Night Only: 10pm – 5am)

1. Fairgrounds Road – From Old South Rd to Surfside Rd
2. South Shore Rd – From Surfside Rd to Hillside Av
3. Surfside Rd – From Sparks Av to Surfside Beach parking lot
4. Nonantum Av – From Surfside Rd to Nobadeer Av
5. Sparks Av – From Surfside Rd. to Old South Rd
6. Pleasant Street – From Sparks Av Rotary to Atlantic Av
7. Hooper Farm Rd – From Sparks Av to Surfside Dr
8. Newtown Rd – From Hooper Farm Rd to Fairgrounds Rd
9. Bartlett Rd – From Surfside Rd to Raceway Dr
10. Raceway Dr – From Bartlett Rd to Somerset Ln
11. Somerset Ln – From Raceway Dr to Hummock Pond Rd

GROUP 4

1. Madaket Rd – From Main St to Ames Av
2. Eel point Rd – From Madaket Rd to Driveway #69
3. Cliff Rd – From Madaket Rd to Center St
4. Dukes Rd – From Madaket Rd to Driveway #22
5. New Ln – From Meadow Ln to Main St
6. Quaker Rd – From Milk St to Madaket Rd
7. Prospect St – From Milk St to Surfside Rd
8. York St - From Prospect St to Old Mill
9. Vesper Ln – From Surfside Rd to Hummock Pond Rd
10. Milk St – From Hummock Pond Rd to Mount Vernon St
11. Bartlett Farm Rd – From Hummock Pond Rd to the farm entrance

GROUP 5 (Night Only: 10pm – 5am)

1. N Beach St – From Easton St to Bathing Beach Rd
2. Bathing Beach Rd – From N Beach St to Jetties Beach parking lot
3. Jefferson Av- From N Beach St to Cobblestone Hill
4. Francis St – From Washington St to Union St
5. Union St – From Orange St to Francis St
6. Washington St – From Coffin St to Francis St
7. Orange St – From Union St to Milestone Rd
Agenda Item Summary

Staff
Tucker Holland, Municipal Housing Director

Subject
Request for Approval and Execution of Mortgage Release for 18 Wood Hollow Road (Patricia Dew)

Executive Summary
In 2005 Nantucket received a Small Cities Community Development Block Grant for funding for a Housing Rehabilitation Program. This was originally administered by Housing Nantucket which subsequently assigned the responsibility to the Town. The amount in each loan was covered by a 15-year, 0% interest rate mortgage that was to be forgiven at the rate of 1/15 of the principal amount per year as long as the homeowner or their families remain in the home and remain income qualified. As the loan forgiveness is scheduled to be complete in June 2020 simply by the owner continuing to live in the house, they have requested a release from the nominal obligation in order for the owner’s son, Sean Dew, a full-time resident and small business owner on the Island, to secure financing to construct his family’s year round residence at the same locale.

Staff Recommendation
Recommend the approval and execution of the mortgage release.

Background/Discussion
This is similar to requests in recent years which the Board has granted. In these prior instances, the mortgage was subordinated. Because of the very short duration left on this mortgage, the recommendation is to simply release it now (one month early from a 180-month program).

Impact: Environmental ☒ Fiscal ☐ Community ☒ Other ☐
Allows another year-round resident to create a year-round dwelling.

Board/Commission Recommendation
N/A

Public Outreach
N/A

Attachments
Original mortgage; Mortgage release; Background provided by Patricia Dew’s attorney
Mortgage

THIS MORTGAGE ("Security Instrument") is given on June 3, 2005. The mortgagor is Patricia A. Dew (aka Pattie A. Dew) with a mailing address of PO Box 983, Siasconset, Massachusetts 02564 ("Borrower"). This Security Agreement is given to NHA Properties, Inc d/b/a Nantucket Housing Office (NHO) a duly organized non-profit corporation under the laws of the Commonwealth of Massachusetts, whose address is 15 Teasdale Circle, Nantucket, Massachusetts, 02554 ("Lender").

Background and Granting Clause

Borrower is indebted to Lender in the principal sum of THIRTY THOUSAND Dollars ($30,000) (the "Loan") which indebtedness is evidenced by Borrower's Promissory Note of even date herewith (the "Note") providing for repayment of the Loan under certain conditions and providing for other conditions of the Loan.

This Security Instrument secures to the Lender the repayment under the Note and the performance of the covenants and agreements of the Borrower contained in this Security Instrument and in the Declining Loan Agreement of even date between Borrower and Lender ("Loan Agreement"). For this purpose, Borrower does hereby mortgage, grant, and convey to Lender, with power of sale, the following property located in the Town of Nantucket, County of Nantucket, Massachusetts:

For legal description, see Exhibit A attached hereto and incorporated herewith.

Which has a property address of 18 Wood Hollow Road, Nantucket, Massachusetts. ("Property Address").

TOGETHER with all the buildings and improvements now or hereafter erected on such real property, and all fixtures, easements, rights, licenses, apurtenances and rents, all of which shall be deemed to be and remain a part of the property covered by this Security Instrument; and all of the foregoing, together with said real property are hereinafter referred to as the "Property".

Borrower covenants that Borrower is lawfully seized of the estate hereby conveyed and has the right to mortgage, grant, and convey the Property, and that the Property is unencumbered, except for that certain mortgage by and between Borrower and (the "Senior Mortgage"). Borrower warrants and covenants to defend generally the title to the Property against all claims and demands, subject to encumbrances of record.

The Lender has a mailing address of P.O. Box 3149, Nantucket, MA 02584. All notices and payments to the Lender under this Security Instrument or the Loan Documents shall be made to the Lender at this address.
Covenants

Borrower and Lender agree as follows:

1. **Repayment:** In the event the Borrower sells or transfers the property or fails to rent to low or moderate income tenants at an affordable rent before the fifteenth anniversary of the Note or is in default under any other provisions of this Note or Mortgage, the Borrower shall repay to the Lender an amount as calculated under this Note.

2. **Prior Mortgages; Charges; Liens:** Borrower shall perform all of Borrower’s obligations under the Senior Mortgage, including Borrower’s covenants to make payments when due. Borrower shall pay or cause to be paid all taxes, assessments, and other charges, fines and impositions attributable to the Property which may attain a priority over this Mortgage and leasehold payments or ground rents, if any.

3. **Hazard Insurance:** Borrower shall keep improvements now existing or hereafter erected on the Property insured against loss by fire, hazards as Lender may require and in such amounts and for such periods as Lender may require, subject to the terms and conditions of the Senior Mortgage.

All insurance policies and renewals thereof shall include a standard mortgage clause in favor of the Lender. Lender shall have the right to hold the policies and renewals thereof, subject to the terms of any mortgage or other security agreements with a lien which has priority over this Security Instrument.

In the event of loss, Borrower shall give prompt notice to the insurance carrier and to Lender. Lender may make proof of loss if not made promptly by Borrower.

If the Property is abandoned by the Borrower, or if the Borrower fails to respond to Lender within Thirty (30) days from the date notice is mailed by Lender to Borrower that the insurance carrier offers to settle a claim for insurance benefits, subject to the rights of the mortgagor under the Senior Mortgage, Lender is authorized to collect and apply the insurance proceeds at Lender’s option either to restoration or repair of the Property or to the sums secured by this Security Instrument.

4. **Preservation and Maintenance of Property, Protection of Lender’s Security:** Borrower shall keep the Property in good repair and shall not commit waste or permit impairment or deterioration of the Property.

   If borrower fails to perform the covenants and agreements contained in this Security Instrument, or there is a legal proceeding that may significantly affect Lender’s rights in the Property (such as proceeding in bankruptcy, probate, for condemnation or forfeiture or to enforce laws or regulations), then Lender may do and pay for whatever is necessary to protect the value of the Property and Lender’s rights in the Property. Lender’s actions may include paying any sums secured by a lien which has priority over this Security Instrument, appearing in court, paying reasonable attorney’s fees and entering on the Property to make repairs. Although Lender may take action under this paragraph 4, Lender does not have to do so.
Any amounts disbursed under this paragraph 4 shall become additional debt of the Borrower secured by this Security Instrument.

5. **Rental Restrictions (if applicable):** Regulation of the Federal Department of Housing and Urban Development (HUD) relating to the use of rental rehabilitation funds as from time to time shall be in effect shall be complied with by the Borrower. These restrictions shall endure for a period of Fifteen (15) years from the date of this Security Instrument. Such regulations include, but are not limited to, the following: (I) restriction of occupancy of units in the Property to individuals or families whose annual incomes, at the time of the Loan Closing, do not exceed various percentages of the median family income as determined by HUD; (II) prohibition of rental increases for a Two (2) year period following the signing of this Security Instrument; (III) establishment of a ceiling on rents which may be charged for such units; and (IV) requirement of annual certification of tenant income, rents charged and utility allowance.

6. **Inspection:** Lender may make or cause to be made reasonable entries upon and inspections of the Property, provided that Lender shall give Borrower reasonable notice prior to any such inspection specifying reasonable cause therefore relating to Lender’s interest in the Property.

7. **Condemnation:** The proceeds of any award of any claim for damages, direct or consequential, in connection with any condemnation or other taking of the Property, or part thereof, or for conveyance in lieu of condemnation are hereby assigned and shall be paid to the Lender to the extent of the Lender’s interest in the Property, subject to the terms and conditions of the Senior Mortgage.

8. **Borrower Not Released; Forbearance by Lender Not a Waiver:** Extension of the time for payment or modification of the conditions of the terms for payment of the sums secured by this Security Instrument granted by the Lender to any successor in interest of Borrower shall not operate to release, in any manner, the liability of the original Borrower and Borrower’s successors in interest. Lender shall not be required to commence proceedings against such successor or extend time for payment or otherwise modify amortization of the sums secured by this Security Instrument by reason of any demands made by the original Borrower and Borrower’s successors in interest. Any forbearance by Lender in exercising any right or remedy hereunder, or otherwise afforded by applicable law, shall not be a waiver of or preclude the exercise of any right or remedy.

9. **Successors and Assigns Bound; Joint and Several Liability; Co-Signers:** The Borrower’s interest under the Note and this Security Instrument may not be transferred, assigned, or assumed without the written consent of the Lender. The covenants and agreements herein contained shall bind, and the rights hereunder shall inure to, the respective successors and assigns of Lender and Borrower. All covenants and agreements of Borrower shall be joint and several.

10. **Notice:** Except for any notice required under applicable law to be given in another manner, (a) any notice to Borrower provided for in this Security Instrument shall be given
by delivering it or mailing such notice by certified mail addressed to Borrower at the Property Address, and (b) any notice to the Lender shall be given by hand delivery or certified mail to Lender’s address stated herein or to such other address Lender may designate by notice to the Borrower as provided herein. Any notice provided for in this Security Instrument shall be deemed to have been given to Borrower or Lender when given in the manner designated herein.

11. **Governing Law; Severability:** This Security Instrument shall be governed by the laws of the Commonwealth of Massachusetts. The foregoing sentence shall not limit the applicability of Federal law to this Security Instrument. In the event that any provision or clause of this Security Instrument or the Note conflicts with applicable law, such conflict shall not affect other provisions of this Security Instrument or the Note which can be given effect without the conflicting provision, and to this end the provisions of this Security Instrument and the Note are declared to be severable. As used herein, “costs,” “expenses,” and “attorneys’ fees” include all sums to the extent not prohibited by applicable law or limited herein.

12. **Breach; Remedies:** Subject to the terms and conditions of the Senior Mortgage, upon Borrower’s breach of the Statutory Condition or any covenant or agreement of Borrower in the Note, the Loan Agreement or this Security Instrument including the covenant to pay sums when due secured by this Security Instrument, Lender, prior to acceleration shall give notice to Borrower as provided in paragraph 10 hereof specifying: (1) the breach; (2) the action required to cure such breach; (3) a date, not less than 10 days from the date the notice is mailed to Borrower, by which such breach must be cured; and (4) that failure to cure such breach on or before the date specified in the notice may result in acceleration of sums secured by this Security Instrument and the sale of the Property. The notice shall further inform Borrower of the right to reinstate after acceleration and the right to bring a court action to assert the nonexistence of a default or any other defense of Borrower to acceleration and sale.

If the breach is not cured on or before the date specified in the notice, Lender, at Lender’s option, may declare all of the sums secured by this Security Instrument to be immediately due and payable without further demand and may invoke the Statutory Power of Sale and any other remedy permitted by applicable law. Lender shall be entitled to collect all reasonable costs and expenses incurred in pursuing the remedies provided in this paragraph 12, including, but not limited to, reasonable attorneys’ fees, all of which shall be secured by this Security Instrument.

If Lender invokes the Statutory Power of Sale, Lender shall mail a copy of a notice of sale to Borrower, and to any other person required by applicable law, in the manner provided by applicable law. Lender shall publish the notice of sale and the Property shall be sold in the manner provided by applicable law. Lender or Lender’s designee may purchase the property at any sale. The proceeds in the sale shall be applied in the following order: (a) to all reasonable costs and expenses of the sale, including reasonable attorneys’ fees and costs of title evidence; (b) to all sums secured by any mortgage with a lien which has priority over this Security Instrument; (c) to all sums secured by this Security Instrument; and (d) the excess, if any, to the person or persons legally entitled thereto.
13. **Borrower’s Right to Reinstate:** Notwithstanding Lender’s acceleration of the sums secured by this Security Instrument due to Borrower’s breach, subject to the terms and conditions of the Senior Security Instrument, Borrower shall have the right to have any proceedings begun by the Lender to enforce this Security Instrument discontinued at any time prior to the earlier to occur of (i) sale of the Property pursuant to the Statutory Power of Sale contained in this Security Instrument, (ii) entry of a judgment enforcing this Mortgage if: (a) Borrower cures all breaches of covenants or agreements of Borrower contained in the Note, the Loan Agreement, and this Security Instrument; (b) Borrower pays all reasonable expenses incurred by Lender in enforcing the covenants and agreements of Borrower contained in this Security Instrument and in enforcing Lender’s remedies as provided in paragraph 12 hereof; including, but not limited to, reasonable attorneys’ fees; and (c) Borrower takes such action as Lender may reasonably require to assure that the lien of this Security Instrument, Lender’s interest in the Property and Borrower’s obligations to pay the sums secured by this Security Instrument shall continue unimpaired. Upon such payment and cure by Borrower, the Note, the Loan Agreement, this Security Instrument and the obligations secured hereby shall remain in full force and effect as if no acceleration had occurred.

14. **Release:** Upon the expiration of the term of the Note or upon proper payment of all sums secured by this Security Instrument, Lender shall discharge this Security Instrument without any cost to Borrower. Borrower shall pay the recording fee to have the discharge recorded.

[Signature: Patricia A. Dew]

Patricia A. Dew 
Borrower

Co-Borrower

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**COMMONWEALTH OF MASSACHUSETTS**

**Nantucket County, ss.**

June 3, 2005

Then personally appeared the above named [Signature: Patricia A. Dew], probed to me through satisfactory evidence of identification, which was/were the person whose name(s) is/are signed on the preceding document and acknowledged that he/she/they executed the foregoing instrument voluntarily for its stated purpose.

[Signature: Notary Public]

Leedah Zola
Notary Public
Commonwealth of Massachusetts
My Commission Expires November 3, 2006

My Commission expires: Nov 3, 2006
PROPERTY DESCRIPTION

The land together with the structures thereon situate at 18 Wood Hollow Road, Nantucket Town and County, Massachusetts, bounded and described as follows:

WESTERLY by Wood Hollow Road, on a curved line with a radius of five hundred forty-seven and 94/100 (547.94), two hundred three (203.00) feet;

NORTHWESTERLY by Lot 766 on plan hereinafter mentioned, three hundred ten and 75/100 (310.75) feet;

EASTERLY by land now or formerly of Nantucket Cranberry Co., two hundred eight and 35/100 (208.35) feet; and

SOUTHEASTERLY by Lot 764 on said plan, four hundred ten and 37/100 (410.37) feet.

All of said boundaries are determined by the Court to be located as shown upon plan numbered 5004-48, Sheet 2, drawn by Hayes Engineering, Inc., Surveyors, dated April 18, 1975, and filed with Certificate of Title No. 7588 at the Registry District of Nantucket County. Said land is shown thereon as Lot 765.

Subject to rights, easements and restrictions of record as set out in Certificate of Title No. at said Registry District.

For Grantors' title see Certificate of Title No. 19032 at said Registry District.
DISCHARGE OF MORTGAGE

Town of Nantucket, a Massachusetts municipal corporation, acting by and through its Select Board, having an address of Town & County Building, 16 Broad Street, Nantucket, Massachusetts (“the “Town”), holder of a Mortgage dated June 3, 2005, registered with the Nantucket Registry District for the Land Court as Document No. 112531 as modified by Agreement registered as Document No. 115983 from Patricia A. Dew, a/k/a Patie A. Dew (the “Mortgagor”) to NHA Properties, Inc. d/b/a Nantucket Housing Office, a Massachusetts non-profit corporation, having an address of 15 Teasdale Circle Nantucket, Massachusetts (the “Mortgagee”), on property located at 18 Wood Hollow Road, Nantucket, Massachusetts to secure the payment of Twenty-Seven Thousand Five and 00/100 ($27,500.00) Dollars (the “Mortgage”), by virtue of an Assignment of Mortgage from the Mortgagee to the Town dated February 25, 2010, registered with said Registry District as Document No. 129879, which Assignment was accepted by the Town by Acceptance of Assignment of Mortgages dated December 3, 2014, registered with said Registry District as Document No. 146511, does hereby acknowledge satisfaction of the debt and claim secured thereby and discharges and releases the same.

Signature Page to Follow
Signed under seal on the __________ day of ____________________, 2020

TOWN OF NANTUCKET
By its Select Board

_____________________________
Dawn E. Hill Holdgate

_____________________________
Rita Higgins

_____________________________
Jason Bridges

_____________________________
Matthew G. Fee

_____________________________
Kristie L. Ferrantella

COMMONWEALTH OF MASSACHUSETTS
Nantucket, ss.

On this __________ day of ____________________, 2020, before me, the undersigned notary public, personally appeared the above-named Dawn E. Hill Holdgate, Rita Higgins, Jason Bridges, Matthew G. Fee and Kristie L. Ferrantella, Members of the Select Board of the Town of Nantucket, personally known to me to be the persons whose names are signed on the foregoing instrument, and acknowledged to me that they signed it voluntarily, as duly elected members of the Select Board for the Town of Nantucket, for its stated purpose and as the free act and deed of the Town of Nantucket.

_____________________________
Notary Public
Printed Name:
My Commission Expires:
SUPPLEMENTAL BACKGROUND AND SUMMARY OF CONTEMPLATED TRANSACTION WITH REGARD TO REQUEST FOR MORTGAGE DISCHARGE

The subject mortgage was granted on June 3, 2005 to allow Patricia A. Dew to make renovations and repairs to the residence at 18 Wood Hollow Road. The original mortgage was in the amount of $30,000.00 and was subsequently reduced to $27,005.00 on March 27, 2006, and by its terms is set to expire and terminate on June 3, 2020. At the present time, Patricia A. Dew intends to transfer title to herself and her son, Sean Dew, as joint tenants with right of survivorship and Sean is borrowing money to build a secondary dwelling on the premises to reside in.
<table>
<thead>
<tr>
<th>DEPARTMENT</th>
<th>LICENSE/PERMIT</th>
<th>CURRENT EXP DATE</th>
<th>RECOMMENDATION</th>
<th>FINANCIAL IMPACT</th>
<th>OTHER INFO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town Clerk</td>
<td>Junk Dealer</td>
<td>5/1/2020</td>
<td>Extend to 6/15/20</td>
<td>N/a</td>
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<tr>
<td></td>
<td>Taxi/Charter/Tour/Limo</td>
<td>5/31/2020</td>
<td>Extend renewals for licenses and waitlist to 6/30/20</td>
<td>N/a</td>
<td>• Recommended waive requirement that taxis must be on the road this summer; they should still pay for &amp; acquire the actual license.</td>
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<tr>
<td></td>
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<td></td>
<td></td>
<td>• Waitlist fee waive impact based on 95 submissions received in 2019</td>
</tr>
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<td></td>
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<td></td>
<td>• Waive fingerprint requirement for previous license holders</td>
</tr>
<tr>
<td></td>
<td>Fuel Storage Registrations</td>
<td></td>
<td>Extend annual registration to 6/15/20</td>
<td></td>
<td>Permits already awarded, this is just annual registration</td>
</tr>
</tbody>
</table>

**Licensing**

<table>
<thead>
<tr>
<th></th>
<th>LICENSE/PERMIT</th>
<th>CURRENT EXP DATE</th>
<th>RECOMMENDATION</th>
<th>FINANCIAL IMPACT</th>
<th>OTHER INFO</th>
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<tbody>
<tr>
<td>Seasonal Liquor License</td>
<td>Delay rate increase one year</td>
<td>5/1/2020</td>
<td>$60,100.00</td>
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<td>Beach Permits</td>
<td>Leave rates at $50.00/no increase on June 1st</td>
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<tr>
<td>Parking Permits</td>
<td>Resident rates remain $50.00/no increase on June 1st</td>
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<td>$45,000.00</td>
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<td></td>
<td>Non-Resident rates remain $100/no increase July 1st</td>
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<td>$51,500.00</td>
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</tbody>
</table>

*Only the Licenses/Permits listed here are recommended for extension; the others are either set by statute & cannot be changed by the Town; or, are not recommended for extension*