

**Town and County of Nantucket  
Select Board • County Commissioners**

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



16 Broad Street  
Nantucket, Massachusetts 02554

Telephone (508) 228-7255  
Facsimile (508) 228-7272  
[www.nantucket-ma.gov](http://www.nantucket-ma.gov)

C. Elizabeth Gibson  
Town & County Manager

**AGENDA FOR THE MEETING OF THE  
SELECT BOARD  
MAY 20, 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 18, 2020\*\*\***

**YOU TUBE LINK:**  
<https://youtu.be/fRaalOQiLac>

***I. CALL TO ORDER***

***II. SELECT BOARD ACCEPTANCE OF AGENDA***

***III. ANNOUNCEMENTS***

1. The Select Board Meeting is Being Audio/Video Recorded.
2. Department of Public Works: May 17 - 23, 2020 National Public Works Week Proclamation.
3. Census Complete Count Committee Notice: 2020 Census is Ongoing and of Vital Importance to Nantucket.
4. 2020 Committee/Board/Commission Vacancies.

***IV. COVID-19 WEEKLY UPDATE***

1. Select Board Comments/Questions  
- Public Comment
2. Legislative Update on State Reopening.
3. Update from State's Reopening Advisory Board Local Member.

4. Report from Nantucket Cottage Hospital (NCH President/CEO; Medical Director)
  - Select Board Comments/Questions
  - Public Comment
  
5. Emergency Orders - Status
  - 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
  - Local No. 6 - Landscaping Phased Work Plan
  - Local No. 7 - Essential Worker Mask
  - Local No. 8 - Phase II Construction Back to Work Plan and Associated Construction Guidelines
  - Local No. 9 - Phase II Landscaping Back to Work Plan
  - State Stay at Home/Other Emergency Order(s) - Status
  - Select Board Comments/Questions
  - Public Comment
  
6. Economic Recovery Task Force Update
  - Select Board Comments/Questions
  - Public Comment
  
7. Public Information and Town Services Update
  - Outreach update
  - Dedicated email [covid19@police.nantucket-ma.gov](mailto:covid19@police.nantucket-ma.gov)
  - Dedicated phone line 508-325-4111
  - Town offices/public closure status
  - 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, WARRANTS AND PENDING CONTRACTS***

1. Approval of Minutes of April 15, 2020 at 6:00 PM (Tabled from May 13, 2020).
2. Approval of Payroll Warrants for May 17, 2020.
3. Approval of Treasury Warrants for May 20, 2020.
4. Approval of Pending Contracts from May 20, 2020 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

***VIII. PUBLIC HEARINGS***

1. Public Hearing to Consider Revisions to Chapter 336, Sewer Regulations (Formerly Chapter 200) Pursuant to Chapter 396 of the Acts of 2008 (Nantucket Sewer Act), Section 9.

***IX. TOWN MANAGER'S REPORT***

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

1. Discussion/Action Regarding Rescheduling 2020 Annual Town Meeting (Continued from May 12, 2020).
2. Discussion Regarding Development of System to Track COVID19-related Metrics.
3. Discussion Regarding Potential Additional License/Permit Fee Relief for Businesses/Residents.
4. Committee Reports.

***XI. ADJOURNMENT***

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

*Select Board Agenda Protocol:*

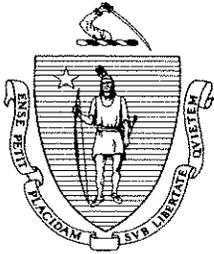
- **Roberts Rules:** *The Select Board follows Roberts Rules of Order to govern its meetings as per the Town Code and Charter.*
- **Public Comment:** *For bringing matters of public interest to the attention of the Board. The Board welcomes concise statements on matters that are within the purview of 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.*

**EXHIBIT 1**  
**AGREEMENTS TO BE EXECUTED BY TOWN MANAGER**  
**UNLESS RESOLUTION OF DISAPPROVAL BY SELECT BOARD**  
**May 20, 2020**

Type of Agreement/Description	Department	With	Amount	Other Information	Source of Funding	Term
Professional Service Agreement	DPW	Nantucket Septic, Inc.	\$209,045	Contract for 3-year supply & service of portable toilets & related septic service for public beaches	Facilities Budget	March 11, 2020 - March 10, 2023
Professional Service Agreement	DPW	Dagle Electrical Construction Corp.	\$123,480	Contract for supply & installation of traffic count & classification station at Goose Pond Ln. & Orange St.	A10/2019 ATM	May 20, 2020 - June 30, 2023



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

**CHARLES D. BAKER**  
GOVERNOR

**KARYN E. POLITO**  
LIEUTENANT GOVERNOR

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

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

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

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

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

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

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

**NOW THEREFORE**, I hereby order the following:

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

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

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

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

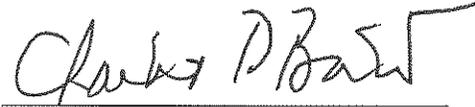
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby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

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

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

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

Given in Boston at 6:40 PM this 12th day of  
March, two thousand and twenty.

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

CHARLES D. BAKER  
GOVERNOR  
Commonwealth of Massachusetts

**Proclamation**  
**NATIONAL PUBLIC WORKS WEEK**  
**May 17 - 23, 2020**

**WHEREAS**, public works services provided in our community are an integral part of our citizen's everyday lives; and

**WHEREAS**, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, highways and drainage, public buildings, solid waste and recycling; and

**WHEREAS**, the health, safety and comfort of this community greatly depends on these facilities and services; and

**WHEREAS**, the quality and effectiveness of these facilities, as well as their planning, design, and construction, are vitally dependent upon the efforts and skill of public works officials; and

**WHEREAS**, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform,

**NOW, THEREFORE**, the Town of Nantucket Select Board does hereby proclaim the week of May 17 - 23, 2020 as "**National Public Works Week**" in the Town of Nantucket. We call upon all citizens and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works personnel make every day to our health, safety, comfort, and quality of life.

Dated this 20<sup>th</sup> day of May, 2020.

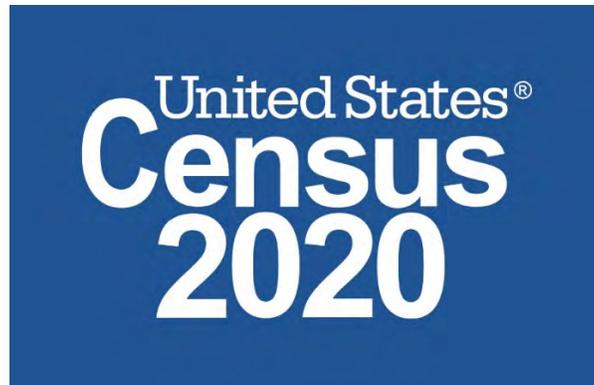
\_\_\_\_\_  
Dawn E. Hill Holdgate, Chair

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Rita Higgins, Vice Chair

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Jason Bridges

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Matt Fee

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Kristie L. Ferrantella



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 its 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](https://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.

2020 Committee Openings Information  
As of 4/27/2020

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

## 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 6<sup>th</sup>. The Board of Health is also recommending that all retail establishments that do stay open should only do so if they can assure customers will be able to maintain social distancing practices consistent with CDC guidelines.

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

So Ordered;



Board of Health

In Concurrence with;



Town Manager



Director, Office of Emergency Management

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

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

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

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

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

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

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

7. Definitions and Exemptions.

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

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

- residents providing essential government or health care services, or as overflow from healthcare operations as may be needed;<sup>1</sup>
- 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.

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<sup>1</sup> **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.<sup>2</sup>

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

- vii. Provided, further, that during the pendency of this order, any person travelling to the island for any of the purposes authorized hereunder shall be subject to the following additional requirements:
  - 1. Persons arriving on Nantucket by plane or boat may be asked to take their temperature, answer questions about where they have travelled, and to respond to any other precautionary questions of a similar nature considered appropriate by the CDC;
  - 2. No person shall knowingly travel to Nantucket during the period of this order after testing positive for COVID-19 unless they are also able to demonstrate that they have recovered therefrom through proof of two negative tests or otherwise in a manner meeting then-current CDC requirements;
  - 3. No person shall knowingly travel to Nantucket after being exposed to a person with COVID-19 unless they have been in quarantine for no less than 14 days since the knowing exposure and can provide evidence thereof;
  - 4. Any person travelling to Nantucket for purposes other than those that are emergency in nature under this order, shall self-isolate for no less than 14 days at their place of residence, ensuring that they are vigilant about social-distancing, even in their place of residence, until the self-isolation period ends;
  - 5. Any person travelling to Nantucket to provide healthcare services shall be exempt from paragraph 3 of this section, but shall exercise due care in accord with applicable CDC protocols to implement social distancing as described hereunder, other than during the treatment of patients or conduct of research.
  
- i. For purposes of this Order, “Social Distancing Requirements” includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.

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

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

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

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

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

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

**IT IS SO ORDERED:**

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Nantucket Select Board, by its Chair

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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 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](mailto: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](mailto: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.
- 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.

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. 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](mailto: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 perform 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



## NANTUCKET DEPARTMENT OF HEALTH & HUMAN SERVICES

3 EAST CHESTNUT STREET  
NANTUCKET, MASSACHUSETTS 02554

Telephone 508.228.7200

Tele fax 508.325.6117

### **DECLARATION OF PUBLIC HEALTH EMERGENCY - EMERGENCY ORDER 7**

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/2019ncov/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 19<sup>th</sup> 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

**EMERGENCY ORDER NO. 8  
EFFECTIVE MONDAY MAY 11, 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 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.

Beginning on Monday May 11, 2020, any allowable construction defined below may resume subject to the condition that there shall be no more than six (6) workers on a jobsite at any one time, unless a greater number is approved by the Building Commissioner, and that the work is conducted in accordance with the terms of Nantucket Construction Guidelines and Rules For Getting Back to Work.

All other construction is prohibited until further order of the Board of Health.

**ALLOWABLE CONSTRUCTION**

1. Unfinished construction, which 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. 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.
4. Work previously authorized under the Supplement to Emergency Order No. 1. As described in an addendum hereto may proceed as previously authorized.
5. Work previously authorized under Emergency Order No. 5, except that a single worker registration form is no longer required. Multi-worker application approvals will automatically become subject to the provisions of this Emergency Order No. 8
6. Any work, including work pursuant to the issuance of a building permit issued after March 20, 2020, for dwelling units or a building that contains dwelling units subject to a

deed restriction limiting ownership or rental to households earning 150% or less of area median income.

## **ENFORCEMENT**

This Order shall remain in effect until further order of the Board of Health and it shall be enforced in accordance with Nantucket Construction Guidelines Rules For Getting Back to Work.

## **NANTUCKET CONSTRUCTION GUIDELINES RULES FOR GETTING BACK**

All construction work undertaken in the Town of Nantucket shall be conducted in accordance with the following procedures, until further Order of the Board of Health:

### **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 Guideline 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. Any violation(s) of this order may be reported to the Building Commissioner, Paul Murphy, either via email [pmurphy@nantucket-ma.gov](mailto:pmurphy@nantucket-ma.gov), by telephone at 508-325-7587 extension 7057, or in writing by mail or hand-delivery to 2 Fairgrounds Road, Nantucket, MA 02554.
4. Each company shall designate one or more COVID-19 officer(s). 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.
5. 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.
- Equipment specific (beyond continual disinfecting of all surfaces):
  - All basic equipment, power and hand tools shall be assigned to individuals and not

shared. If it is impossible not to share equipment, it must be disinfected in between users.

- Equipment in need of repair will be left in an area designated by the COVID-19 officer. Workers will communicate equipment issues with the COVID-19 officer via phone or text.
- Equipment to be repaired must be sanitized prior to drop leaving or returning to the site.
- No more than two people shall be in a vehicle at one time and if more than one person is in a vehicle, both people shall be required to be wearing masks while in the vehicle. Assigning of vehicles is encouraged with disinfecting of vehicles in between each use. Vehicles that are shared shall be disinfected in between each user with the COVID-19 officer being notified of the transfer. Personal vehicles are encouraged to be used in place of sharing vehicles. Should an individual travel to a work site by alternative means (NRTA, bicycle, etc.) and not by vehicle, company or personal, the COVID-19 officer shall keep a list of these individuals for their company.
- All fuel tanks, fuel tank caps, door handles and steering wheels shall be disinfected upon any fueling activity of any equipment.
- Employees shall not share any food or drink.
- Employees should be encouraged not to leave the work site during their shift.
- Employees shall not be permitted on the jobsite unless they are on a shift.
- Employees shall be encouraged to bring any food and drink needed during the work day from home.
- Employees should avoid touching eyes, nose, and mouth with your hands.
- To avoid sharing germs, all persons must clean up after themselves. No person shall be responsible for moving, unpacking and packing up tools or other personal belongings of another person.
- All persons on a jobsite shall respect the privacy of others and shall not discuss symptoms or the diagnosis of any particular individual except for the purposes of making the disclosures required herein.
- Any training shall be done by video if possible, and if required, in as small a group as possible, held outside and following social distancing procedures.
- All gloves, masks or other personal protective equipment (PPE) shall be properly disposed of.
- No person on a jobsite site shall act in a manner which presents an unreasonable threat to the health and safety of other persons on the site or who may enter the site in the future.

## **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 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. 9**  
**EFFECTIVE Monday May 11, 2020**  
**OF THE NANTUCKET BOARD OF HEALTH**  
**COVID-19 BACK TO WORK**  
**PROGRAM FOR LANDSCAPING**  
**PHASE 2**

**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.

**Status of Emergency Order Nos. 1 and 6**

So much of Emergency Order No. 1, as supplemented on April 2, 2020 (“Emergency Supplemental Order”) that prohibits commercial landscaping was 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: [list]

**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](mailto: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. All notices must be translated for non-English speakers.
3. A copy of this Emergency Order No. 8 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 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).
- Equipment specific (beyond continual disinfecting of all surfaces):
  - All basic equipment, power and hand tools shall be assigned to individuals and not shared. If it is impossible not to share equipment, it must be disinfected in between users.
  - Equipment in need of repair will be left in an area designated by the COVID-19 officer. Workers will communicate equipment issues with the COVID-19 officer via phone or text.
  - Equipment to be repaired must be sanitized prior to drop leaving or returning to the site.
- No more than two people shall be in a vehicle at one time and if more than one person is in a vehicle, both people shall be required to be wearing masks while in the vehicle. One person per vehicle is still the preferred method of transportation. Assigning of vehicles is encouraged with disinfecting of vehicles in between each use. Vehicles that are shared shall be disinfected in between each user with the COVID-19 officer being notified of the transfer. Personal vehicles are encouraged to be used in place of sharing vehicles. Should an individual travel to a work site by alternative means (NRTA, bicycle, etc.) and not by vehicle, company or personal, the COVID-19 officer shall keep a list of these individuals and their mode of transportation 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.
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.
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.
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.
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]:

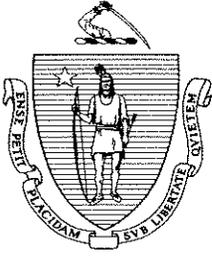
Stephen J. Visco, Chair

Malcolm W. MacNab, MD, PhD, Vice Chair

James A. Cooper, Member

Rita Higgins, Member

Helene M. Weld, RN, Member



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

**CHARLES D. BAKER**  
GOVERNOR

**KARYN E. POLITO**  
LIEUTENANT GOVERNOR

**ORDER IMPLEMENTING A PHASED REOPENING OF  
WORKPLACES AND IMPOSING WORKPLACE SAFETY  
MEASURES TO ADDRESS COVID-19**

COVID-19 Order No. 33

**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 advised 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 protecting oneself and others by minimizing personal contact with environments where this potentially deadly virus may be transmitted;

**WHEREAS**, on March 23, 2020, in order to restrict all non-essential person-to-person contact and non-essential movement outside the home as a means of combatting the spread of COVID-19 within the Commonwealth, I issued COVID-19 Order No. 13, which designated certain COVID-19 Essential Services, as defined in the Order, temporarily closed the brick-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 31, 2020, April 28, 2020, and May 15, 2020, I issued COVID-19 Orders No. 21, 30, and 32, respectively, which extended the period in which COVID-19 Order No. 13 would continue to restrict the operation of businesses and organizations that do not provide COVID-19 Essential Services;

**WHEREAS**, recent public health data indicate improvement in key areas of measurement as a result of the extraordinary efforts of health care providers in the Commonwealth and the public’s unselfish compliance with the restrictions imposed in COVID-19 Order No. 13 and other limitations imposed in response to the COVID-19 health crisis;

**WHEREAS**, the improving public health data permits a carefully phased relaxation of certain restrictions that COVID-19 Order No. 13 has placed on businesses and other organizations, provided that any adjustment can only be maintained or expanded on the basis of continuing improvements in the public health data, and further provided that any adjustment must reflect the reality that the Commonwealth remains in the midst of a public health emergency, as demonstrated by reporting from the Department of Public Health that as of May 17, 2020, 2,597 persons remain hospitalized in the Commonwealth as a result of COVID-19 and 702 of these patients are receiving treatment in intensive care units;

**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 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:

**1. Phase I Opening of Businesses and Other Organizations**

Beginning on the dates specified below, businesses and other organizations that are included within the Phase I categories below are permitted to operate from their physical workplaces and facilities (“brick-and-mortar premises”) and may open those premises to workers, customers, and the public provided they comply with all workplace safety rules and standards issued or maintained pursuant to Section 2 and all other terms of this Order.

Beginning May 18, 2020

- A. COVID-19 Essential Services: businesses and other organizations providing products and services identified as “COVID-19 Essential Services” in Exhibit A to COVID-19 Order No. 13 (as amended March 31, 2020)
- B. Manufacturing: businesses and other organizations engaged in the making, altering, repairing, finishing, or adapting for sale any article or part
- C. Construction
- D. Places of Worship: churches, temples, mosques, and other places of worship
- E. Firearms retailers and shooting ranges

Beginning May 25, 2020

- F. General Use Offices: businesses and other organizations operating within general use office spaces, provided that such offices located within the limits of the City of Boston shall not be open before June 1, 2020
- G. Car Washes
- H. Hair Salons and Barber Shops
- I. Pet Groomers
- J. Drive-In Movie Theaters
- K. Laboratories: businesses and other organizations operating within facilities equipped and used for scientific experiments, research, or for the manufacture of drugs or chemicals or similar products
- L. Certain Outdoor Recreational Facilities and Activities as specified in Attachment 1

As of the dates indicated above, businesses and other organizations included within categories B-L above are no longer subject to the restrictions imposed by COVID-19 Order No. 13.

Businesses and other organizations not included within categories A-L above remain subject to the restrictions imposed by COVID-19 Order No. 13.

**2. Adoption of Workplace Safety Rules**

**General Workplace Safety Rules:** All businesses and other organizations in the Commonwealth that are permitted to operate brick-and-mortar premises must immediately adopt and maintain the following generally applicable COVID-19 workplace safety rules.

Social Distancing	<ul style="list-style-type: none"><li>• All persons, including employees, customers, and vendors should remain at least six feet apart to the greatest extent possible, both inside and outside workplaces</li><li>• Establish protocols to ensure that employees can practice adequate social distancing</li><li>• Provide signage for safe social distancing</li><li>• Require face coverings or masks for all employees</li></ul>
Hygiene Protocols	<ul style="list-style-type: none"><li>• Provide hand-washing capabilities throughout the workplace</li><li>• Ensure frequent hand washing by employees and adequate supplies to do so</li><li>• Provide regular sanitization of high touch areas, such as workstations, equipment, screens, doorknobs, restrooms throughout work site</li></ul>
Staffing and Operations	<ul style="list-style-type: none"><li>• Provide training for employees regarding the social distancing and hygiene protocols</li><li>• Employees who are displaying COVID-19-like symptoms do not report to work</li><li>• Establish a plan for employees getting ill from COVID-19 at work, and a return-to-work plan</li></ul>
Cleaning and Disinfecting	<ul style="list-style-type: none"><li>• Establish and maintain cleaning protocols specific to the business</li><li>• When an active employee is diagnosed with COVID-19, cleaning and disinfecting must be performed</li></ul>

	<ul style="list-style-type: none"> <li>• Disinfection of all common surfaces must take place at intervals appropriate to said workplace</li> </ul>
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The Director of the Department of Labor Standards (“DLS”) is hereby directed to post on the Department’s publicly accessible website a directive implementing these generally applicable COVID-19 workplace safety rules for all workplaces subject to this Order.

**Sector-Specific Rules:** The Director of Labor Standards, in consultation with the Commissioner of Public Health and subject to my approval, shall in addition issue COVID-19 workplace safety rules for certain, specific workplace sectors (“Sector-Specific Rules”) to address the particular circumstances and operational needs of those specific workplace sectors. Sector-Specific Rules shall supplement the generally applicable COVID-19 safety rules applicable to all workplaces in the Commonwealth. Businesses and other organizations shall adopt and comply with all Sector-Specific Rules applicable to their workplace.

*Phase I Sector-Specific Requirements:* The Director of Labor Standards is directed immediately to issue detailed Sector-Specific Rules for the following workplace sectors:

- Manufacturing
- Construction
- Places of Worship
- General Use Offices
- Car Washes
- Hair Salons and Barber Shops
- Pet Groomers
- Laboratories

*Earlier Issued DPH Sector-Specific Orders:* The Commissioner of Public Health, at my direction, has previously issued orders and mandatory guidance implementing detailed, sector-specific COVID-19 workplace safety standards for the workplaces indicated below that have been designated as Essential Services pursuant to COVID-19 Order No. 13. These previously issued orders and mandatory guidance, as they may be subsequently amended by the Commissioner, shall continue to apply to these businesses and organizations under the terms of this Order.

- Grocery Stores and Pharmacies
- Nurseries, Greenhouses, Garden Centers, and Agricultural Supply Stores
- Farmer’s Markets, Farm Stands, and Community-Supported Agriculture Programs (CSAs)

*Otherwise Applicable Health and Safety Standards:* These generally applicable COVID-19 workplace safety rules and any Sector-Specific Rules shall supplement and, except as

provided in Section 6 below, shall not displace otherwise applicable health and safety rules issued by any Federal, State, or Local authority acting within the scope of its lawful authority.

### **3. Compliance and Self-Certification**

*Newly Opened Workplaces:* Businesses and other organizations that are authorized under the terms of this Order to open their brick-and-mortar premises to workers, customers, and the public shall be required to certify compliance with all applicable general and applicable Sector-Specific rules. Before opening a brick-and-mortar premises under the terms of this Order, a business or other organization not previously authorized to operate as COVID-19 Essential Service pursuant to COVID-19 Order No. 13 shall be required to implement the following measures:

- a. Bring the workplace into full compliance with all generally applicable COVID-19 workplace safety rules and all Sector-Specific Rules that are applicable to the individual workplace
- b. Complete the required self-certification to verify compliance with all general and specific rules and make the self-certification available for inspection upon a request by State or Local authorities
- c. Post on the premises all public notices and advisories that are required to be displayed under the terms of this Order

The Director of Labor Standards shall establish the procedures and publish the forms of self-certification and public notice required to comply with these provisions.

*Re-starting Construction Projects:* In addition, before any construction project that is inactive as of May 17, 2020 re-opens pursuant to this Order, the general contractor shall:

- a. Ensure that all municipal permits are in place
- b. Satisfy all conditions that appear in the Sector-Specific Rules for Construction; and
- c. For all projects that do not involve construction or remodeling in 1 to 3 unit residences involving 5 or fewer workers, notify the City or Town in which the project is located of the date that construction will re-start and meet any City or Town requirements necessary to confirm that the project satisfies all of the conditions that appear in the Sector-Specific Rules for Construction.

*COVID-19 Essential Services:* A business or other organization that has prior to the issuance of this Order been authorized to remain open to workers, customers, and the public as a “COVID-19 Essential Service” shall have until May 25, 2020 to comply with and certify its compliance with any COVID-19 workplace safety rule issued pursuant to this Order or with the public notice provisions specified above.

Such businesses and other organizations shall, in any event, immediately undertake best efforts to comply with the generally applicable COVID-19 workplace safety rules adopted in Section 2 of this Order.

#### **4. Limitations on Gatherings**

A business or other organization that is authorized to open its brick-and-mortar premises to workers, customers, and the public under the terms of this Order shall not be subject to the 10-person limitation on gatherings established in Section 3 of COVID-19 Order No. 13 in its normal operations of those premises; provided, however, that such businesses and other organizations must comply with the general social distancing requirements and any more specific limitations on gatherings and meeting sizes established pursuant to the provisions of Section 2 of this Order.

Section 3 of COVID-19 Order No. 13 shall otherwise remain in effect.

#### **5. Limited Operations by Retail Stores not providing Essential Services**

Retail stores that do not provide Essential Services as defined in COVID-19 Order No. 13 (and Exhibit A to the Order) are not included in the Phase I Opening and may not open their brick-and-mortar premises. These retail businesses may, however, continue to provide limited remote fulfillment in accordance with guidance issued by the Executive Office of Housing and Economic Development, provided that they adopt and maintain the generally applicable COVID-19 workplace safety rules in Section 2. (Guidance available at <https://www.mass.gov/info-details/covid-19-essential-services-faqs#general-questions---essential-services-related->)

Additionally, I hereby direct the Executive Office of Housing and Economic Development to issue supplemental guidance specifying methods by which retail businesses may permissibly expand their current limited remote fulfillment operations to accommodate customer curbside pick-up. This guidance shall permit retail business customer curbside pick-up transactions beginning May 25, 2020.

#### **6. Enforcement and Authority**

The Department of Labor Standards, in consultation with the Department of Public Health (“DPH”), shall have general authority to promulgate directives, regulations, and guidance to implement and enforce the COVID-19 workplace safety rules established or authorized under this Order.

DPH shall have specific authority to promulgate directives, regulations, and guidance to implement and enforce the terms of this Order as it applies to businesses, organizations, and workplaces subject to the sanitary code established pursuant to section 127A of chapter 111 of the General Laws and where DPH otherwise has existing regulatory authority.

A municipal board of health or authorized agent pursuant to G. L. c. 111, § 30 shall have concurrent authority with DLS and DPH to enforce the terms of this Order and any directives, regulations, or guidance issued by DLS and DPH under the authority of this Order.

This Order is intended to establish a uniform set of COVID-19 workplace safety rules for all businesses and other organizations operating brick-and-mortar premises across the Commonwealth. No municipal or other local authority should adopt or enforce any workplace

health or safety rule to address COVID-19 that is in addition to, stricter than, or otherwise in conflict with any COVID-19 workplace safety rule adopted in this Order or under the implementing directives, regulations, and guidance issued by DLS or DPH under the authority granted by this Order. DLS, DPH, and each municipal or local authority shall uniformly apply any enforceable COVID-19 workplace safety rule.

Violation of the terms of this Order or any directives, regulations, or guidance issued by DLS or DPH pursuant to this Order may result in a civil fine of up to \$300 per violation. This Order may also be enforced by injunction. A motion for an injunction to enforce this Order or any directives, regulations, or guidance issued on its authority may be filed in the district court or other any court of competent jurisdiction for the municipality in which the violation has been charged.

In issuing directives, regulations, or guidance under the terms of this Order, (a) the Director of Labor Standards shall act under the authority G. L. c. 149, §§ 6 & 6½; and (b) the Commissioner of Public Health shall act under the authority of G. L. c. 17, § 2A and G. L. c. 111, §§ 6 & 127A, insofar as those statutes are consistent with the provisions of this Order and authority is available thereunder. The Director of Labor Standards and the Commissioner of Public Health may issue regulations implementing the terms of this Order pursuant to the processes generally provided in G. L. c. 30A, §§ 2-6.

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

## **7. Exceptions**

This Order shall not apply to any of the following businesses, organizations, workplaces, or facilities:

- a. Any municipal legislative body, the General Court, or the Judiciary
- b. Federal governmental entities
- c. Any health care facility or provider licensed by the Department of Public Health
- d. Any of the following workplaces or facilities with specialized functions and populations, provided that DPH shall in each case consult with the responsible authority and provide COVID-19 health and safety guidance as needed:
  - Public and private elementary and secondary (K-12) schools
  - Residential and day schools for special needs students
  - Licensed, approved, or exempt child care programs and any emergency child care centers and emergency residential programs operating under emergency authorization
  - Facilities operated by the Department of Correction or any Sheriff

- Facilities operated or licensed by the Department of Mental Health or the Department of Developmental Services
- And any other facilities or workplaces that the Commissioner of Public Health may in writing exempt from the terms of this Order

COVID-19 Order No. 32 is hereby rescinded.

COVID-19 Order No. 13 as modified by this Order is hereby extended and shall remain in effect until rescinded or until the state of emergency is ended, whichever occurs first.

This Order is effective immediately and shall remain in effect until rescinded or until the state of emergency is ended, whichever occurs first.

Given in Boston at 9:50 AM this 18th  
day of May, two thousand and twenty



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CHARLES D. BAKER  
GOVERNOR  
Commonwealth of Massachusetts

Attachment 1 to COVID-19 Order No. 33

Defining Certain Outdoor Recreational Activities and Facilities  
included in the Phase I Opening

“Certain Outdoor Recreational Activities and Facilities” means the following:

- a. **campgrounds**; provided, however, that individual campsites, including campsites with cabins and campsites for self-contained recreational vehicles, be occupied and used only by single household groups, and provided further that all common areas, excluding restrooms, remain closed
- b. **recreational boating facilities**, solely for the purpose of enabling recreational boating, including rowing and sailing facilities, yacht clubs, boat clubs, and boat rentals; provided, however, that the occupants of a vessel be limited to a single household group and that no more than 10 people are aboard a single vessel at any one time
- c. **for hire and charter fishing**; provided, however, that no more than 10 people, including any captain and crew, are aboard a single vessel at any one time
- d. **white water rafting**; provided, however, that the occupants of a raft or kayak be limited to a single household group and, if applicable, a guide
- e. **zoos, botanical gardens, nature centers, and outdoor wildlife reserves**; provided, however, that buildings, other than restrooms, remain closed to the public; and provided, further that admission be capped at not more than 20% of overall outdoor capacity
- f. **businesses providing outdoor recreational experiences and educational activities**, including ski area summer activities, alpine slides, zip-lines, horse riding schools and stables, mountain biking, and archery ranges



May 18, 2020

## EMERGENCY ALERTS

**Coronavirus Update**

Stay informed about COVID-19: Latest on cases, guidance, regulations *May. 19th, 2020, 9:00 am*

[Read more](#) 

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Reopening Massachusetts - learn more about the phased approach *May. 18th, 2020, 11:00 am*

[Read more](#) 

HIDE ALERTS



Mass.gov

## NEWS

# Safer-at-Home Advisory

## DPH Public Health Advisory

5/18/2020

Department of Public Health

### Phase 1

- People over the age of 65 and people who have underlying health conditions – who are at high risk for COVID-19 – should continue to stay home except for essential errands such as going to the grocery store and to attend to healthcare needs

- All residents are advised to leave home only for healthcare, worship and permitted work, shopping, and outdoor activities
- When going to the pharmacy ask if you can fill your prescriptions for 90 days if possible; for some medications this is not allowed. If you are at high-risk, try to use a mail-order service
- Don't participate in close contact activities such as pick-up sports games
- All residents are **REQUIRED** to cover their face when they cannot maintain six feet of social distance in public
- Parents should limit play dates for children
- Refrain from visiting nursing homes, skilled nursing facilities, or other residential care settings
- All residents are advised to wash their hands frequently for at least 20 seconds with soapy water
- All residents are advised to be vigilant, monitor for symptoms and stay home if you feel sick
- Use remote modes of communication like phone or video chat instead of visiting friends or family who are high risk for COVID-19

## Resources

- **Wear a Mask in Public**
  - [Order and Guidance \(/news/wear-a-mask-in-public\)](#)
  - [Video \(https://www.youtube.com/watch?v=HtUJPizQVPI\)](https://www.youtube.com/watch?v=HtUJPizQVPI)
- **Stop the Spread of Germs**
  - [Fact Sheets \(/info-details/covid-19-printable-fact-sheets#prevention-\)](#)
  - [Video \(https://www.youtube.com/watch?v=atoYsk9IFXs\)](https://www.youtube.com/watch?v=atoYsk9IFXs)
- **Social Distancing**
  - [Fact Sheets \(/info-details/covid-19-printable-fact-sheets#prevention-\)](#)

- [Video](https://www.youtube.com/watch?v=TkW72NwcOUg) (<https://www.youtube.com/watch?v=TkW72NwcOUg>)
- **Stay Home. Stay Safe. Save Lives.**
  - [Video](https://www.youtube.com/watch?v=jQLOTdjHjn8) (<https://www.youtube.com/watch?v=jQLOTdjHjn8>)
- **Self- Quarantine**
  - [Information sheet](/doc/information-sheet-how-to-self-quarantine-and-self-isolate/download) (</doc/information-sheet-how-to-self-quarantine-and-self-isolate/download>)
  - [Infographic](#)  
(</info-details/covid-19-printable-fact-sheets#at-home-quarantine-or-self-monitoring->)
  - [Video](https://youtu.be/QIRd6F9BWUA) (<https://youtu.be/QIRd6F9BWUA>)
- **Coping with Stress and Anxiety**
  - [Fact Sheets](/info-details/covid-19-printable-fact-sheets#coping-with-stress-and-fear-) (</info-details/covid-19-printable-fact-sheets#coping-with-stress-and-fear->)
  - [Video](https://www.youtube.com/watch?v=jSGIsQkrP-U) (<https://www.youtube.com/watch?v=jSGIsQkrP-U>)

If you or a family/household member does not feel safe at home, please call **1-800-799-7233** for live support. If you are unable to speak safely, you can log onto [thehotline.org](http://thehotline.org) to chat online, or text **LOVEIS** to **22522**.

If you or a family/household member have another concern or need regarding this stay-at-home advisory, please call **2-1-1**.

You can sign up to get the most up-to-date information sent to your phone by texting **COVIDMA** to **888-777**.



**150 YEARS**  
OF ADVANCING  
**PUBLIC**  
**HEALTH**

## [Department of Public Health \(/orgs/department-of-public-health\)](/orgs/department-of-public-health)

DPH promotes the health and well-being of all residents by ensuring access to high-quality public health and healthcare services, and by focusing on prevention, wellness, and health equity in all people.

[More \(/orgs/department-of-public-health\)](/orgs/department-of-public-health)

### RELATED

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#### NEWS

## [Order and Guidance: Wear a Mask in Public \(/news/wear-a-mask-in-public\)](/news/wear-a-mask-in-public)

**5/01/2020** | *Department of Public Health*

Learn about wearing face coverings and cloth masks in public, to slow the spread of COVID-19, as required in Governor Baker's Executive Order

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#### PRESS RELEASE

## [Reopening Massachusetts: Baker-Polito Administration Initiates Transition to First Phase of Four-Phase Approach](/news/reopening-massachusetts-baker-polito-administration-initiates-transition-to-first-phase)

[\(/news/reopening-massachusetts-baker-polito-administration-initiates-transition-to-first-phase\)](/news/reopening-massachusetts-baker-polito-administration-initiates-transition-to-first-phase)

**5/18/2020** | *Office of Governor Charlie Baker and Lt. Governor Karyn Polito*

Public health data, key metrics established to track real-time progress, determine advancement to future phases while mandatory workplace safety standards, sector-specific guidance issued to all Phase 1 industries, businesses, customers and activities

Did you find what you were looking for on this webpage?

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EMERGENCY ALERTS

## Coronavirus Update

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

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Mass.gov

PRESS RELEASE

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

FOR IMMEDIATE RELEASE:

3/27/2020

Office of Governor Charlie Baker and Lt. Governor Karyn Polito

Governor's Press Office

Department of Public Health

Executive Office of Health and Human Services

Massachusetts Department of Transportation

MEDIA CONTACT

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

###

## Media Contact

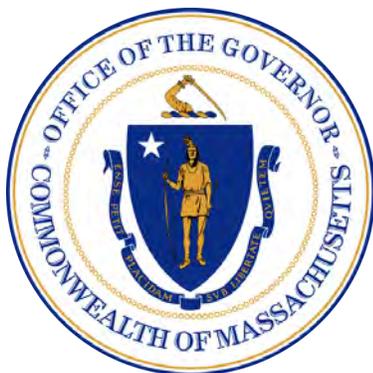
**Sarah Finlaw, Press Secretary, Governor's Office**

### Phone

(617) 725-4025 (tel:6177254025)

### Online

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

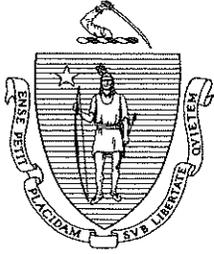


### Office of Governor Charlie Baker and Lt. Governor Karyn Polito

[\(/orgs/office-of-the-governor\)](https://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.

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

**CHARLES D. BAKER**  
GOVERNOR

**KARYN E. POLITO**  
LIEUTENANT GOVERNOR

**ORDER 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 9:30 AM this 1st day of  
May, two thousand and twenty



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CHARLES D. BAKER  
GOVERNOR  
Commonwealth of Massachusetts

Economic Recovery Group	5/12/2020
<b>Sector</b>	<b>Representative</b>
Select Board (Chair)	Jason M. Bridges
Interim President, Chamber	Kristie Ferrantella
Culture & Tourism Director	Janet E. Schulte
Retail	Bess Clarke
	Julie Biondi
Lodging	Jamie Holmes
	Scott Thomas
ReMain	Cecil Barron Jensen
Builders	Pat Levesque
	Kevin Dineen
Non Profits	Margaretta Andrews
	Joe Hale
Real Estate	Marion Roland-Conley
	Gary Winn
Private Clubs	Stephen Creese
Restaurants	Orla Murphy-LaScola
	Patrick Ridge
Event Planners	Maggie Stewart
Transportation/Delivery	Dave Fredericks
Marine/Boating	Catherine Slattery
	Carl Bois
Hospital	Chris Glowacki
Entertainment	Packy Norton
<b>Town Staff</b>	
Town Administration	Rachel Day
Licensing	Amy Baxter
PLUS	Leslie Snell
Human Services	Taylor Hilst
Fin Com	Peter Schaeffer
Board of Health	Malcom MacNab
<b>Other</b>	
Tourism & Travel expert/seasonal resident	Elliot Lees
Facilitator	Julia Novak

# Economic Recovery Task Force

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Recommendations to the Select Board

May 19, 2020



Town & County of  
**NANTUCKET, MA**



A PART OF

 **RAFTELIS**

# Economic Roundtables

- Communication
- Use of Public Spaces
- Permitting and Temporary Regulations



Town & County of  
**NANTUCKET, MA**



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**RAFTELIS**

# ECONOMIC RECOVERY TASK FORCE

## Select Board Recommendations

### COMMUNICATION

more  
POSITIVE  
MESSAGE



AMBASSADORS



WHAT'S OPEN

MASK  
USAGE



COLLABORATE  
to ENCOURAGE  
KIDS to COMPLY

### PERMITTING

#### PARKING

- other options and uses...
- valet
- fee reductions

#### ALCOHOL & EVENTS

- renew restaurants
- extend to 2021



### PUBLIC SPACES

PARKING  
LOTS  
MULTI-USE



CLOSE  
SOME  
STREETS



OUTDOOR  
ALCOHOL  
PERMITS

NO  
10 PM  
CURFEW

TENT  
PERMIT  
EXPANSION

CURB  
SIDE  
OPTIONS



PUBLIC  
BEACH  
LOOSEN  
RESTRICTIONS

# Communications



Town & County of  
**NANTUCKET, MA**



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 **RAFTELIS**

# Communications

- Tone
  - › Be positive – stress that the Island is safe and people are welcome here!
  - › Stress personal responsibility – physical distancing and wearing masks where physical distancing is not possible, following current advisories, etc.
- Actions
  - › Share the Governor’s Reopening Advisory Board Guidelines regarding regulations for business reopening – and clarify if there are any restrictions unique to Nantucket
  - › Develop a video promoting the Island and allow businesses to share the video on their websites and provide it to clients.
  - › Develop a comprehensive written communication for visitors and seasonal residents that describe the situation on the Island and reviews orders.
  - › Post signage regarding mask requirements and recommendations in high visibility public locations and provide signage for businesses and share appropriate exceptions
  - › Collaborate with schools, camps, and other child service agencies to encourage parents to educate their children on wearing masks as required.
  - › Encourage use of alternative modes of transportation to minimize need for parking throughout the Island.
- Services
  - › Hire and place ambassadors at all points of entry (airport, ferry terminals) and provide information on orders and requirements.



# Use of Public Spaces



Town & County of  
**NANTUCKET, MA**



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# Use of Public Spaces – Streets & Sidewalks

- Develop a circulation and use plan for public right of way in the downtown and mid-Island:
  - › Close selected downtown streets at certain times to promote retail/restaurant activity.
  - › Create marked curbside pick up zones for retail and restaurants. East and West sides of Downtown.
  - › Establish one-way street periods on mid-island streets to allow parking for mid-island restaurants/venues.
- Advocate for a late night SSA freight boat to allow deliveries to be made early morning before streets are closed.



# Use of Public Spaces – Outdoor Access

- Advocate for additional flexibility to allow venues to use parking lots for outdoor dining & permit alcohol licenses to extend to outdoor space.
- Expedite local permitting process to allow alcohol in outdoor spaces where it is currently prohibited if permitted by State Law.
- Permit and encourage use of downtown pocket parks for carryout dining.
  - › Approach private organizations (St Paul's/Atheneum/Dreamland) to use their open spaces for dining/take out.
- Provide picnic benches in open spaces (closed streets/pocket parks) for take out dining.



# Use of Public Spaces – Parking Changes

## (To allow street closures)

- Encourage use of Valet by partnering with local merchants to share the cost of subsidizing the valet.
- Utilize parking lot at Saltmarsh Center for public use.
- Explore allowing parking at mid-island fire station for use as a potential park and ride and for local restaurant use (to allow restaurants to use their lots for dining).
- Advocate with RTA to allow private shuttles from Park & Rides to different locations.
- Create longer-term parking outside of Core district.
- Encourage public transportation/reduce NRTA fees.



# Permitting and Temporary Regulations



Town & County of  
**NANTUCKET, MA**



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# Permitting and Temporary Regulations – Proposed Changes

- Relax parking lot requirements to allow other temporary uses to occur in parking lots.
- Relax time constraints and uses on tent requirements for the 2020 season
  - › Allow for open air markets/dining; and
  - › Allow private home tent permits cancelled in 2020 to carryover to 2021 without impacting the number of allowable permits for 2021
- Expand hours at restaurants to allow late seating.
- Loosen restrictions on food truck locations.
- Relax sidewalk merchandise and wares by-law.
- Loosen permitting to allow more catering on beaches.



# Permitting and Temporary Regulations – Safety matters

- Follow state guidelines and procedures to assist businesses with contact tracing for employees, guests and customers.
- Provide local businesses with information on sourcing necessary PPE.
- Develop and publish procedures to keep public spaces clean and sanitized.



# Permitting and Temporary Regulations – Child Care

- Assist summer camps with rapid re-openings when orders permit.
- Assist day care centers and summer camps with implementing appropriate safety and health precautions.



## Executive Summary

### Revisions to Chapter 336 (formerly Chapter 200)

Current	Revised
<b>ARTICLE I Use of Common Sewers; Regulations</b>	<b>ARTICLE I Use of Common Sewers; Regulations</b> (added purpose and introductory language pertaining to modifications to regulations)
§ 336-1. Definitions.	§ 336-1. Definitions.
§ 336-2. Building sewers and connections.	§ 336-2. Building sewers and connections.
§ 336-3. Use of public sewers.	§ 336-3. Use of public sewers.
§ 336-4. Protection from damage.	§ 336-4. Protection from damage.
§ 336-5. Powers and authority of inspectors.	§ 336-5. Powers and authority of inspectors.
<del>§ 336-6. Penalties.</del>	§ 336-6. Validity.
§ 336-7. Validity.	§ 336-7. Septic tank waste.
§ 336-8. Regulation in force.	<b>§ 336-8. Sewer Easements</b>
§ 336-9. Septic tank waste.	§ 336-9. Regulation in force.
<b>ARTICLE II Sewer User Fees</b>	<b>ARTICLE II Sewer User Fees</b>
§ 336-10. Definitions.	§ 336-10. Definitions.
§ 336-11. Schedule of rates—residential and general commercial users.	§ 336-11. Sewer service connection fees.
§ 336-12. Special charges.	§ 336-12. Other fees and charges.
§ 336-13. <del>Determination of annual O&amp;M costs.</del>	§ 336-13. Sewer capacity fee.
§ 336-14. <del>Determination of the user EQR.</del>	§ 336-14. Bills for sewage services.
§ 336-15. Bills for sewage services.	§ 336-15. Utility fees appeal process.
§ 336-16. Severability clause.	§ 336-16. Exemptions.
§ 336-17. Effective date.	<b>§ 336-17. Waivers.</b>
§ 336-18. Utility fees appeal process.	§ 336-18. Severability clause.
§ 336-19. Exemptions.	§ 336-19. Regulation in force.
<b>ARTICLE III Sewer Service Connections</b>	<b>ARTICLE III Permitting and Enforcement</b>
§ 336-20. Introduction.	<b>§ 336-20. Permit required.</b>
§ 336-21. Definitions.	<b>§ 336-21. Permit issuance, modification and expiration.</b>
§ 336-22. Required sewer service connection; connection fee assessment.	<b>§ 336-22. Violations and penalties.</b>
§ 336-23. Permits.	<b>§ 336-23 Exemptions.</b>
§ 336-24. Sewer service connection fees.	<b>§ 336-24. Regulation in force.</b>
§ 336-25. Capacity utilization fee.	
§ 336-26. Regulation in force.	
§ 336-27. Allocation system for issuance of sewer connection permits.	
<b>ARTICLE IV Sanitary Sewer Standards and Specifications—</b>	<b>ARTICLE IV Fats, Oils and Greases - Reserved</b>

## Exhibits

Existing	Revised
<del>Article II, Exhibit 1, For Non Metered Sewered Customers</del>	Article I, Exhibit 1, Town of Nantucket, Massachusetts Policy for Sewer Stubs and Reconnection
<del>Article II, Exhibit 2, For Metered Sewered Customers</del>	Article II, Exhibit 1, Sewer Permit Application Fee Schedule
<del>Article III, Exhibit 1, Information Needed for Local Sewer Permits</del>	Article II, Exhibit 2, Other Fees and Charges
Article III, Exhibit 2, Sewage Flow Estimates (now Article II, Exhibit 3)	Article II, Exhibit 3, 310 CMR 15.203
	Article II, Exhibit 4, Nantucket Sewer System – Capacity Fee System Recommendations
	Article II, Exhibit 5, Residential Sewer Capacity Fee Schedule
	Article II, Exhibit 6, Policy for Sewer Fee Waiver Requests
	Article III, Exhibit 1, Proposed Fines

## Introduction

Following is the most recent update to the Sewer Regulations following legal review of the Draft Sewer Regulations by Town’s Legal Consultant John Georgio. At this time, we recommend the Town Sewer Commissioners review these regulations for adoption. Following adoption of the Sewer Regulations by the Town, it is the intent of the Sewer Department, with the assistance of its sewer regulations consultant Hazen and Sawyer, to meet with various stakeholder groups such as the Builders Association to present the adopted regulations.

The most substantial revisions to Chapter 336 are as follows:

- Consolidation of provisions related to permitting, violations and penalties into a new Article, III, Permitting and Enforcement
- The elimination of Article III, Sewer Service Connections and the incorporation of its provisions into Article I, § 336-2. Building sewers and connections, Article II, Sewer User Fees and the new Article III, Permitting and Enforcement.
- Deletion of Article IV, Sanitary Sewer Standards and Specifications to be replaced with a stand-alone document entitled, The Town of Nantucket Sewer Standards and Specifications
- Reserving a new Article IV for regulations pertaining to Fats, Oils and Greases

## ARTICLE I Use of Common Sewers; Regulations

### § 336-1. Definitions

Added definitions for the following:

- The Act (Clean Water Act)
- DEP (Massachusetts Department of Environmental Protection)
- Director

- EPA
- FOG
- Grinder Pump
- Leachate
- Licensed Utility Installer
- Lot
- Low Pressure Sewer
- Low Pressure Sewer Service
- Mixed Use Development
- Multiple Dwelling Units
- Municipal Sewer
- Municipal Sewer Force Main
- Municipal Sewer System
- Needs Area
- **Outbuilding**
- Pollution
- Pretreatment
- Pretreatment Coordinator
- Pretreatment Requirements
- Property
- POTW
- POTW Treatment Plant
- Right of Entry
- Secondary Dwelling
- Sewage Ejector Pump
- Sewer Districts
- Substantially Complete
- Tertiary Dwelling.

Replaced Building Drain and Building Sewer with Building Sewer and Sewer Service Lateral, respectively.

Revised definitions for Sanitary Sewer, Septage, Sewer Commission and Storm Drain.

Deleted definitions for May, Properly Shredded Garbage, Public Sewer, Sewage Treatment Plant, Sewage Works, Shall, Superintendent and Town.

#### § 336-2. Building sewers and connections

Incorporated provisions from the former Article III, Sewer Service Connections and added provisions related to low pressure sewers and maintenance of building sewers and laterals in addition to miscellaneous revisions.

#### § 336-3. Use of public sewers.

Includes a requirement that industrial or commercial sewer users with flows greater than 25,000 gpd to have a holding tank and meter their flow into the sewer system.

Includes requirements for hauled waste of landfill leachate, brewery, cannabis processing or other industrial wastewaters.

§ 336-4. Protection from damage, § 336-5. Powers and authority of inspectors and § 336-6. Validity.

No revisions

§ 336-7. Septic tank waste.

Moved from § 336-9 and revised to limit disposal to the Surfside WWTF.

§ 336-8. Sewer Easements

This new section establishes easement size and prohibits structures or trees from being placed within easements. Includes a provision requiring that easements be obtained from a property owner when an individual service connection for another property crosses the first owner's property.

§ 336-9. Regulation in force.

Moved from § 336-8.

## **ARTICLE II Sewer User Fees**

Per Select Board, added statement that fees will be adjusted annually.

§ 336-10. Definitions.

Deleted definitions for EQR and Operating and Maintenance Costs.

§ 336-11

Replaced "Schedule of rates – residential and general commercial users" with "Sewer service connection fees." Refers to Article II, Exhibit 1, Sewer Permit Application Fee Schedule.

Per Select Board, added provision that requires permits for any dwelling or dwelling unit.

Per Select Board

§ 336-12. Special charges (now "Other charges")

Revised and now refers to Article II, Exhibit 2, Other Fees and Charges.

§ 336-13, § 336-14 and § 336-15

Deleted provisions related to annual O & M costs and EQR. Added provisions related to Sewer capacity fees with reference to Article II, Exhibit 5, Residential Sewer Capacity Fee Schedule. Revised Bills for sewage services and Utility fees appeal process. Renumbered as follows:

§ 336-13. Sewer capacity fee.

This new section adopts the Sewer Capacity Fee Policy. The sewer capacity fee replaces the sewer privilege fee and the capacity utilization fee.

§ 336-14. Bills for sewage services.

Added a provision that describes the methods for billing for metered and non-metered customers. Deleted reference to obsolete rate calculations. Added a provision that references the Sewer Department's authority to assess back charges for unbilled sewer users

§ 336-15. Utility fees appeal process.

Deleted the reference to the obsolete appeal process flow chart. Revised the provisions related to hardship and deleted the requirement for payment in full prior to an appeal hearing.

§ 336-16 through § 336-19

Added Waivers and Regulation in force provisions and renumbered as follows:

§ 336-16. Exemptions. – no change

§ 336-17. Waivers

Added a specific waiver provision that references the Policy for Sewer Fee Waiver Requests

§ 336-18. Severability clause.

§ 336-19. Regulation in force.

### **ARTICLE III (formerly) Sewer Service Connections**

§ 336-20. Introduction.

Deleted and replaced with "Permit required"

Per Board of Health comment, added "B. For properties not previously connected to the sewer, a sewer connection permit, with appropriate fee, must be obtained for the primary residence prior to application for a sewer connection permit for any additional dwellings on the property."

§ 336-21. Definitions.

Deleted definitions for Accessory Apartment, Availability of Nantucket Sewer System and Wastewater Facilities. Moved, and in some cases, revised remaining definitions to § 336-1. Definitions.

§ 336-22. Required sewer service connection; connection fee assessment.

Subsection A, revised and moved to § 336-2. Subsections B-D, F and G, revised and moved to Article III. Subsection E, moved to § 336-3.

§ 336-23. Permits.

Revised and moved to § 336-20 and 21.

§ 336-24. Sewer service connection fees.

Revised and moved to § 336-11.

§ 336-25. Capacity utilization fee.

Deleted and replaced with § 336-13, Sewer capacity fee

§ 336-26. Regulation in force.

Deleted

§ 336-27. Allocation system for issuance of sewer connection permits.

Deleted

### **ARTICLE III Permitting and Enforcement**

§ 336-20. Permit required.

Prohibits connections without permits. Sets out application submittal process and requires payment of a connection fee.

§ 336-21. Permit issuance, modification and expiration.

Sets out permitting process, reporting requirements and permit term.

§ 336-22. Violations and penalties.

Describes activities that constitute violations and sets out associated penalties and fines.

§ 336-23 Exemptions.

Sets out the authority of the Sewer Commission to grant exemptions from the regulations

§ 336-24. Regulation in force.

Replaced the Effective Date section.

### **Exhibits**

Deleted outdated exhibits related to metered and non-metered customers. Retained Sewage Flow Estimates from 310 CMR 15.203. Added the Town of Nantucket, Massachusetts Policy for Sewer Stubs and Reconnection and the Sewer Capacity Fee Policy. Added schedules for permit application fees, sewer capacity fees and other fees and charges. New and/or revised fees and charges are shown in the following tables.

Per Select Board, set the residential sewer repair fee at \$150.00.

SEWER PERMIT APPLICATION FEE SCHEDULE [Article II, Exhibit 1]

<b>SEWER PERMIT FEES</b>	<b>CURRENT FEES</b>	<b>PROPOSED</b>	<b>Explanation of fee or increase</b>
Residential Sewer Permit (NEW)	\$2,000.00	<b>\$4,000.00</b>	<b>Fee includes town installed connection to property line</b>
Residential Disconnect Permit	\$0.00	<b>\$300.00</b>	<b>Requires staff services and field Inspection</b>
Residential Re-Connect Permit	\$0.00	<b>\$300.00</b>	<b>Requires staff services and field Inspection</b>
Residential Sewer Repair	\$0.00	<b>\$150.00</b>	<b>Requires staff services and field Inspection</b>
Residential Validation Permit	\$0.00	<b>\$100.00</b>	<b>Requires staff services and documentation</b>

Commercial Sewer Permit (NEW)	\$1.00 per sq ft Min \$2,000.00	<b>\$1.00 per Sq Ft</b> <b>Min \$4,000.00</b>	
Commercial Disconnect Permit	\$0.00	<b>\$300.00</b>	<b>Requires staff services and field inspection</b>
Commercial Re-connect Permit	\$0.00	<b>\$300.00</b>	<b>Requires staff services and field inspection</b>

\* The sewer permit fee for applications in the Shimmo area is \$500.00 until April 19, 2021.

SCHEDULE OF FEES FOR SERVICE REQUESTS [Article II, Exhibit 2]

SERVICE REQUEST	FEE	Equipment Charges MATERIALS
7801-1 Sewer Backup Response Not a Town issue Normal Business Hours Pickup Truck	\$0	
7801-2 Sewer Backup Response Not a Town issue Normal Business Hours Rodder Truck	\$0	\$250.00
7801-3 Sewer Backup Response Not a Town issue Normal Business Hours Vac/Jet Truck	\$0	\$450.00
7801-4 Sewer Backup Response Not a Town issue Normal Business Hours Jet Truck	\$0	\$350.00
<b>SERVICES AFTER NORMAL BUSINESS HOURS</b>		
7802-1 Sewer Backup Response Not a Town issue after Normal Business Hours (MIN + OT min 2 hrs.) Rodder Truck	\$220.00	\$250.00
7802-2 Sewer Backup Response Not a Town issue after Normal Business Hours (MIN + OT min 2 hrs.) Vac/Jet Truck	\$220.00	\$450.00
7802-3 Sewer Backup Response Not a Town issue after Normal Business Hours (MIN + OT min 2 hrs.) Jet Truck	\$220.00	\$350.00
7802-4 Sewer Backup Response Not a Town issue after Normal Business Hours (MIN + OT min 2 hrs.) Pickup Truck	\$220.00	\$100.00
7802-5 Sewer Backup Response Not a Town issue after Normal Business Hours (MIN + OT min 2 hrs.) disinfection with bleach	\$220.00	\$45.00 per gallon
7802-6 Sewer Backup Response Not a Town issue after Normal Business Hours (MIN + OT min 2 hrs.) disinfection with lime	\$220.00	\$8.00 per bag
7802-7 Sewer Backup Response Not a Town issue after Normal Business Hours (MIN + OT min 2 hrs.) CCTV Truck	\$220.00	\$400.00
<b>NON- TOWN SEWER CCTV INSPECTION, REPAIRS OR REPLACEMENTS WITHIN RIGHTS OF WAYS FOR PRIVATE SANITARY SEWER OVERFLOW RESPONSE DURING NORMAL BUSINESS HOURS</b>		
7803-1 Sewer Dept. Response Private lateral blockage during Business Hours Rodder Truck from cleanout to main	\$0	\$250.00
7803-2 Sewer Dept. Response Private lateral blockage during Business Hours Jet Truck from cleanout to main	\$0	\$350.00
7803-3 Sewer Dept. Response Private lateral blockage during Business Hours CCTV truck from cleanout to main	\$0	\$450.00
7803-4 Sewer Dept. Response Private lateral repair within right of way during Business Hours Flat Rate **** less than 50 feet	\$1,500.00	Cost plus
7803-5 Sewer Dept. Response Private lateral repair within right of way during Business Hours Flat Rate **** More than 50 feet	\$2,500.00	Cost plus
7803-6 Sewer Dept. Response Private Force Main repair within right of way during Business Hours Flat Rate ****less than 50 feet	\$2,000.00	Cost plus
7803-7 Sewer Dept. Response Private lateral repair within right of way during Business Hours Flat Rate **** less than 50 feet	\$1,500.00	Cost plus
7803-8 Sewer Dept. Response Private lateral repair within right of way during Business Hours Flat Rate **** More than 50 feet	\$2,500.00	Cost plus
7803-9 Sewer Dept. Response Private Force Main repair within right of way during Business Hours Flat Rate****More than 50 feet	\$3,000.00	Cost plus
<b>NON- TOWN SEWER CCTV INSPECTION, REPAIRS OR REPLACEMENTS WITHIN RIGHTS OF WAYS FOR PRIVATE SANITARY SEWER OVERFLOW RESPONSE AFTER REGULAR BUSINESS HOURS.</b>		
7804-1 Sewer Dept. Response Private lateral repair within right of way after Business Hours Flat Rate **** less than 50 feet	\$2,500.00	
7804-2 Sewer Dept. Response Private lateral repair within right of way after Business Hours Flat Rate**** More than 50 fee	\$3,500.00	
7804-3 Sewer Dept. Response Private Force Main repair within right of way after Business Hours Flat Rate ****less than 50 feet	\$3,000.00	Cost Plus

SERVICE REQUEST	FEE	Equipment Charges MATERIALS
7804-5 Sewer Dept. Response Private Force Main repair within right of way after Business Hours Flat Rate**More than 50 feet	\$4,000.00	Cost Plus
7804-6 Sewer Dept. Response 10-wheel Dump Truck	\$0	\$76.00 per hour
7804-7 Sewer Dept. Response Small Roll Off Truck	\$0	\$76.00 per hour
7804-8 Sewer Dept. Response Large Roll Off Truck	\$0	\$96.00 per hour
7804-9 Sewer Dept. Response Rodding truck with 2 operators	\$0	\$133.00 per hour
7804-10 Sewer Dept. Response Jetter truck with 2 operators	\$0	\$133.00 per hour
7804-11 Sewer Dept. Response Vac-Jet combo truck with 2 operators	\$0	\$133.00 per hour
7804-12 Sewer Dept. Response Small Roll Off Truck container daily rate	\$0	\$100.00 per day
7804-13 Sewer Dept. Response Large Roll Off Truck container daily rate	\$0	\$200.00 per day
7804-14 Sewer Dept. Response Mini excavator with 1 operator	\$0	\$165.00 per hour
7804-15 Sewer Dept. Response track machine with 1 operator	\$0	\$165.00 per hour
7804-16 Sewer Dept. Response equipment trailer daily rate	\$0	\$100.00 per day
7804-17 Sewer Dept. Response Gas powered cut off saw flat fee daily	\$0	\$55.00 per day
7804-18 Sewer Dept. Response other specialized equipment IE: smoker	\$0	\$45.00 per hour

**INSPECTION SERVICES [Article II, Exhibit 2]**

INSPECTION SERVICES	FEE	SEWER DEPARTMENT RESOURCES
Dye test to confirm connection	<b>\$300.00</b>	<b>Collections Crew inspection</b>
Lateral CCTV inspection	<b>\$400.00</b>	<b>Collections Crew inspection</b>
Mainline CCTV to locate Laterals	\$500.00	<b>Collections Crew inspection</b>
Re-inspection fee	\$150.00	<b>Collections Crew inspection</b>

LINE CLEANING- CCTV INSPECTIONS	Per Hour Rate	Linear Foot Rate
4"-6" Sewer Pipe CCTV Inspection Per HR+LF	CCTV Truck \$350.00	\$1.50
4"-6" Sewer Pipe Light Cleaning Per HR+LF	Jetter Truck \$450.00	\$2.50
4"-6" Sewer Pipe Light Cleaning Per HR+LF	Rod Truck \$400.00	\$2.00
4"-6" Sewer Pipe Heavy Cleaning Per HR+LF	Jetter Truck \$450.00	\$4.50
8"-15" Sewer Pipe CCTV Inspection Per HR+LF	CCTV Truck \$350.00	\$2.50
8"-15" Sewer Pipe Light Cleaning Per HR+LF	Jetter Truck \$450.00	\$3.50
8"-15" Sewer Pipe Heavy Cleaning Per HR+LF	Jetter Truck \$450.00	\$5.50
8"-15" Sewer Pipe Heavy Cleaning Per HR+LF	Rod Truck \$400.00	\$2.00

**SHIMMO GRINDER PUMPS [Article II, Exhibit 2]**

SYSTEM TYPE	PURCHASE PRICE
No prior innovative and alternative system	\$1,500.00
With prior innovated and alternative system	\$500.00

Per Select Board, added a note to Article II, Exhibit 5 that clarified that outbuildings with sanitary facilities are considered bedrooms.

**RESIDENTIAL SEWER CAPACITY FEE SCHEDULE**  
**(FEE'S SUBJECT TO CPI INCREASES ANNUALLY)**

<b>Single Family Residential</b>	6 bedrooms \$13,411.20	5 bedrooms \$11,176.00	4 Bedrooms \$8,940.80	≤ 3 Bedrooms \$6,705.60
<b>Multi – Family residential</b>		5 Bedrooms Per Unit \$11,176.00	4 Bedrooms Per Unit \$8,940.80	≤ 3 Bedrooms Per Unit \$6,705.60
<b>Existing structure Bedroom Additions Alterations</b>	Ea. additional bedroom above 3 will be charged \$20.32 per gpd	Ea. additional bedroom above 3 will be charged \$20.32 per gpd	Ea. additional bedroom above 3 will be charged \$20.32 per gpd	Ea. additional bedroom above 3 will be charged \$20.32 per gpd

Per 310 CMR 15.203, the minimum allowable volume for system design is 330 gallons per day. The volume allowed for each additional bedroom is 110 gallons per day. **Outbuildings with sanitary facilities are counted as bedrooms for the purpose of the sewer capacity fee.**

Per Select Board, corrected the fine for sewer installation without a permit from \$6000 to \$8000.

SCHEDULE OF FINES [Article III, Exhibit 1]

<b>PROPOSED FINES</b>	<b>PROPOSED</b>	<b>Responsible for fines</b>
Sewer installation without permit including 2 x the residential permit fee	<b>\$8000.00</b>	<b>Person or contractor performing work</b>
Sewer installation without permit including 2 x the commercial permit fee	<b>\$10,000 max</b>	<b>Person or contractor performing work license suspension until meeting with director</b>
Sewer Repair without permit including 2x the permit fee	<b>\$600.00</b>	<b>Person or contractor performing work licenses revoked for 1 year</b>
Work covered before inspection All work to be uncovered for inspection	<b>\$150.00</b>	<b>Person or contractor performing work per offense after 3<sup>rd</sup> offense license suspension</b>
Failure to schedule Inspectional services Each Offense	<b>\$150.00</b>	<b>Person or contractor performing work per offense after 3<sup>rd</sup> offense license suspension</b>
Failure to perform work according to approved plan	<b>\$250.00</b>	<b>Person or contractor performing work per offense after 3<sup>rd</sup> offense license suspension</b>

## Chapter 336

### SEWERS

#### ARTICLE I Use of Common Sewers; Regulations

- § 336-1. Definitions.
- § 336-2. Building sewers and connections.
- § 336-3. Use of public sewers.
- § 336-4. Protection from damage.
- § 336-5. Powers and authority of inspectors.
- § 336-6. Validity.
- § 336-7. Septic tank waste.
- § 336-8. Sewer Easements
- § 336-9. Regulation in force.

#### ARTICLE II Sewer User Fees

- § 336-10. Definitions.
- § 336-11. Sewer service connection fees.
- § 336-12. Other fees and charges.
- § 336-13. Sewer capacity fee.
- § 336-14. Bills for sewage services.
- § 336-15. Utility fees appeal process.
- § 336-16. Exemptions.
- § 336-17. Waivers.
- § 336-18. Severability clause.
- § 336-19. Regulation in force.

#### ARTICLE III Permitting and Enforcement

- § 336-20. Permit required.
- § 336-21. Permit issuance, modification and expiration.
- § 336-22. Violations and penalties.
- § 336-23 Exemptions.
- § 336-24. Regulation in force.

#### ARTICLE IV Fats, Oils and Greases

##### Reserved

Article I, Exhibit 1, Town of Nantucket, Massachusetts Policy for Sewer Stubs and Reconnection

Article I, Exhibit 2, Best Management Practices for Cannabis Facilities

Article II, Exhibit 1, Sewer Permit Application Fee Schedule

Article II, Exhibit 2, Other Fees and Charges

Article II, Exhibit 3, 310 CMR 15.203

Article II, Exhibit 4, Sewer Capacity Fee Policy

Article II, Exhibit 5, Residential Sewer Capacity Fee Schedule

Article II, Exhibit 6, Policy for Sewer Fee Waiver Requests

Article III, Exhibit 1, Proposed Fines

[HISTORY: Adopted by the Town of Nantucket  
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## ARTICLE I

### **Use of Common Sewers; Regulations**

#### Purpose

The purpose of the Rules and Regulations of the Sewer Department of the Town of Nantucket are:

- A. To establish the technical and administrative procedures for making connections to the sanitary sewer system including in accordance with the Nantucket Sewer Standards and Specifications;
- B. To establish requirements, restrictions, and controls on the quantities and quality of what may be discharged to the sanitary sewer system; such as discharges that may:
  - (1) Interfere with the operation of the publicly owned treatment works (POTW) in any way;
  - (2) Pass through the POTW, to the groundwaters, inadequately treated effluent that may cause contravention of standards for these waters or surface waters or cause violation of the POTW's Groundwater Discharge Permit (GWDP) or negatively impact the watershed into which treated effluent is discharged;
  - (3) Reduce the opportunity to reclaim or recycle treated wastewater and/or sludge from the system;
  - (4) Increase the cost or otherwise hamper or limit the disposal of sludges and other residuals;
  - (5) Endanger municipal employees or the public;
  - (6) Cause, directly or indirectly, any public nuisance condition;
- C. To prevent new sources of inflow and infiltration and eliminate private source inflow;
- D. To provide for equitable distribution to all users of the POTW, all costs associated with the collection, transmission, treatment, and residuals disposal, and to provide for the collection of such costs; and
- E. To provide for the orderly planning, implementation, and operation of sewer systems' and treatment systems' components to improve the health and environmental quality of the Town of Nantucket and its people and resources.

The following rules and regulations are a part of the contract with every person who discharges water and waste into the Nantucket Sewer System and governs the relationship between the Sewer Department and its consumers, contractors and/or developers, and all other persons who install sewers, discharges wastewater, are connected into the sewer system or apply for a connection to the sewer system.

#### Modifications

Modifications, additions to or rescinding of these Rules and Regulations may take place from time to time as authorized by a Town Meeting as required by Massachusetts General Laws, Chapter 83, Section 10. The aforesaid Rules and Regulations and all the Previous Amendments shall be deemed to be valid and in full force and affect; and Notwithstanding anything to the contrary which may be contained therein, all further amendments, changes, modifications, revisions, additions, or rescission of the aforesaid Rules and Regulations and Previous Amendments shall not be valid without the approval and authorization of a majority vote of Town Meeting. Or take any other action in relation thereto.

### **§ 336-1. Definitions.**

Unless the context specifically indicates otherwise, the meaning of the terms used in this regulation shall be as follows:

**ACT or THE ACT** – The Federal Water Pollution Control Act, also known as the "Clean Water Act," as amended, 33 U.S.C. § 1251 et seq., and the regulations promulgated thereunder, as amended from time to time.

**BIOCHEMICAL OXYGEN DEMAND** — or “BOD” is the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

**BUILDING SEWER** – That part of the lowest horizontal piping of a building plumbing system that receives the discharge of wastewater from inside the walls of the building and conveys it to the sewer service. The building sewer extends 10 feet beyond the building foundation.

**COMMERCIAL ESTABLISHMENT** – A structure, room, enclosed floor space, or combination of the aforementioned used in the course of providing professional, public and/or private services. An existing commercial establishment is defined in this regulation as being substantially complete prior to the availability of the Nantucket Sewer System or Siasconset Sewer System Areas or those that received construction approvals prior to December 31, 2017. A new commercial establishment is defined in this regulation which as not being substantially complete prior to the availability of the Nantucket Sewer System or Siasconset Sewer System Areas, those that received construction approvals on or after December 31, 2017.

**CONNECTION TO SEWER** – A connection shall exist where any tie-in is made to the Nantucket Sewer System or appurtenance thereof which has the potential to contribute wastewater flow.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION** – or “DEP” shall mean the Massachusetts Department of Environmental Protection or, where appropriate, the Administrator or other duly authorized official of said agency.

**DIRECTOR** – shall mean the person appointed by the Nantucket Town Manager as the Director of the Nantucket Sewer Department who is vested with the authority and responsibility for the implementation and enforcement of these rules and regulations or their authorized deputy, agent, or representative.

**DWELLING** – A structure used or intended to be used by one family or household for living, sleeping, cooking and eating. An existing dwelling is defined in this regulation which as being substantially complete prior to the availability of the Nantucket Sewer System, or Siasconset Sewer System Areas, those that received construction approvals prior to December 31, 2017. A new dwelling is defined in this regulation as not being substantially complete prior to the availability of the Nantucket Sewer System or Siasconset Sewer System Areas, those that received construction approvals on or after December 31, 2017.

**DWELLING UNIT** – A room or enclosed floor space within a dwelling used by or forming a habitable unit for one family with facilities for living, sleeping, cooking and eating. A dwelling may consist of one or more dwelling units. An existing dwelling unit is defined in this regulation which as being substantially complete prior to the availability of the Nantucket Sewer System or Siasconset Sewer System Areas, those that received construction approvals prior to December 31, 2017. A new dwelling unit is defined in this regulation as not being substantially complete prior to the availability of the Nantucket Sewer System or Siasconset Sewer System Areas, those that received construction approvals on or after December 31, 2017.

ENVIRONMENTAL PROTECTION AGENCY – or “EPA” shall mean the United States Environmental Protection Agency, or, where appropriate, the Administrator or other duly authorized official of said Agency.

FATS, OIL, AND GREASE – or “FOG” are organic polar compounds derived from animal and/or plant sources and accumulate in the sewer system. These are substances that may solidify or become viscous at temperatures above 32 degrees Fahrenheit. These substances are detectable and measurable using analytical procedures established in 40 CFR 136.

GARBAGE – Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

GRINDER PUMP- A wastewater conveyance device. Wastewater and water from water-using household appliances flows through the home’s pipes into the grinder pump’s exterior holding tank. Once the wastewater inside the tank reaches a specific level, the pump will turn on, grind the waste into a fine slurry, and pump it to the Municipal Sewer System.

LEACHATE – a liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such waste.

LICENSED UTILITY INSTALLER – or “L.U.I.” shall mean a person, who upon submitting a License and Permit Bond, Certificate of Insurance, and pays the Utility Installer’s License fee, all of which are approved by the Director, is permitted to perform the installation of sanitary sewers or building sewers.

LOT – Is a tract of land in common ownership, including land under water, not divided by a street, which may include multiple parcels of adjacent land in common ownership.

LOW-PRESSURE SEWER- A pressure pipe that receives wastewater from low-pressure sewer services and conveys it to the Municipal Sewer System.

LOW-PRESSURE SEWER SERVICE - A small diameter pipe that connects an individual grinder pump to a low-pressure sewer or to a gravity sewer. A low-pressure sewer service is privately-owned.

MAY – When used in these regulations, this term is permissive.

MIXED USE DEVELOPMENT - Mixed use properties, such as buildings with separate residential and commercial units.

MULTIPLE DWELLING UNITS – More than one dwelling unit on a single property or common property with each unit having a separate service connection, except for tertiary dwellings that may have a common service connection.

MUNICIPAL SERVICE CONNECTION – The point at which the sewer service lateral connects to the municipal sewer.

MUNICIPAL SEWER - A publicly-owned pipe or conduit used for transporting municipal wastewater.

MUNICIPAL SEWER FORCE MAIN – A pipe that is used to convey wastewater from a Municipal wastewater pumping station to a gravity sewer or directly to a wastewater treatment facility.

**MUNICIPAL SEWER SYSTEM** – Publicly-owned structures, facilities, and conduits intended for the purpose of collecting and conveying municipal wastewater to a wastewater treatment facility. Lateral sewer lines that connect private sewer systems to the municipal sewer system are considered privately-owned.

**MUNICIPAL WASTEWATER** - means the wastewater that enters a municipal sewer system from domestic, commercial and industrial sources.

**NANTUCKET SEWER SYSTEM** – All structures, equipment, and processes required to collect, transport and treat municipal wastewater on Nantucket.

**NATURAL OUTLET** – Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

**NEEDS AREA**- Based on the most recent Comprehensive Wastewater Management Plan (CWMP), a study area where a majority of the developed or developable properties located within the study area will not be able to utilize a conventional Title 5 septic system to effectively dispose of wastewater throughout and beyond the 20-year planning period.

**OUTBUILDING** –Detached structures such as pool houses, sheds or garages on the same lot as a primary dwelling. Outbuildings with sanitary facilities are treated as bedrooms in these regulations.

**PERSON** – Any individual, firm, company, association, society, corporation, or group.

**pH** – The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

**POLLUTION** – The presence of pollutants or contaminants in quantities or with characteristics that may alter the physical, chemical, or biological properties of receiving waters that:

- A. Result or will likely result in harm or detriment of the health, safety, or welfare of humans, animals, birds, or aquatic life;
- B. Render or will likely render the waters substantially less useful for domestic, municipal, industrial, agricultural, recreational, or other reasonable uses; or
- C. Leave or likely leave the waters in such condition as to violate any state water quality standards.

**PREMISE** – means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling.

**PRETREATMENT OR TREATMENT**–The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, biological processes, or process changes or other means, except through dilution as prohibited by 40 CFR section 403.6(d).

**PRETREATMENT COORDINATOR** – The person designated by the Director to supervise the operation of the pretreatment program.

**PRETREATMENT REQUIREMENTS** – Any substantive or procedural requirements related to pretreatment, that are imposed on an industrial user.

**PROPERTY** – Unless otherwise indicated, the term property means lot.

**PUBLICLY OWNED TREATMENT WORKS** – or “POTW” means a treatment works as defined by section 212 of the Act, which is owned by a State or municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.

The term **POTW TREATMENT PLANT** means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

**RIGHT OF ENTRY/ACCESS** – For purposes of inspections and service, properties that are connected to the Nantucket Sewer System shall grant, Town of Nantucket personnel in a timely manner access to any structure connected to the Sewer. The Town of Nantucket determines a timely manner as 24 and no longer than 48 hours from request.

**SANITARY SEWER** – A sewer that carries sewage from residences, commercial buildings, industries, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

**SECONDARY DWELLING** - A detached single-family dwelling located on the same lot as a primary dwelling unit.

**SEPTAGE** – That material removed from any part of an on-site sewage disposal system. [including, but not limited to, the solids, semi-solids, scum, sludge and liquid contents of a septic tank, tight tank, privy, chemical toilet, cesspool, holding tank, or other sewage waste receptacle. It does not include any hazardous substances as defined in 40 CFR § 116. .

**SEWAGE** – A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments.

**SEWAGE EJECTOR PUMP** – A high volume, low-pressure submersible solids handling pump used when a bathroom, laundry room or any other type of plumbing fixture is located below the level of the building sewer.

**SEWER** — A pipe or conduit for carrying sewage.

**SEWER COMMISSION** – Pursuant to Chapter 396 of the Acts of 2008, the entity that is responsible for the policies, finances, goals, operation and maintenance of the good order of the Nantucket Sewer System. The Nantucket Select Board may serve as the Sewer Commission.

**SEWER DISTRICTS** – Shall, for the purposes of these regulations, mean areas in Nantucket served by the Municipal Sewer System, and approved by Town Meeting, as enacted in Chapter 396 of the Acts of 2008.

**SEWER SERVICE LATERAL** – The portion of the privately-owned sewer system that connects the building sewer to the municipal sewer system, otherwise known as a sewer connection. A sewer service lateral is privately-owned.

**SHALL** – When used in these regulations, this term is mandatory.

SLUG – Any discharge at a flow rate or concentration which could cause a violation of prohibited discharge standards or any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge.

STORM DRAIN – A conduit or channel which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUBSTANTIALLY COMPLETE – A structure shall be defined as substantially complete as of the date of issuance of an occupancy permit.

SUSPENDED SOLIDS – Solids that either float on the surface or, are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

TERTIARY DWELLING – A third dwelling unit under the same ownership as at least one other owner-occupied dwelling unit on the lot.

TREASURER – The Treasurer of the Town of Nantucket.

WASTES – Shall be classified as follows:

A. INDUSTRIAL WASTES – Any water carried or liquid waste resulting from any process of industry, manufacture, trade, or business, or from the development or recovery of any natural resource.

B. INSTITUTIONAL WASTES – Any wastewater generated by schools, places of worship, correctional facilities, nursing homes, group homes and other community facilities

C. COMMERCIAL WASTES – The water carried wastes from nonmanufacturing establishments such as hotels, restaurants, stores, and places of business.

D. RESIDENTIAL WASTES – The water carried wastes from private dwellings.

WASTEWATER – The spent water of the community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.

WATERCOURSE – A channel in which a flow of water occurs, either continuously or intermittently.

### **§ 336-2. Building sewers and connections.**

A. It shall be unlawful to construct or repair any privy, privy vault septic tank, cesspool or other facility intended or used for the disposal of wastewater on or for the benefit of property to which the Nantucket Sewer System is available.

B. The Nantucket Sewer System will be deemed to be available to every property within a sewered subdivision or which abuts a way served by such sewers and such availability shall be:

(1) For active existing sewers, as of the date of adoption of these regulations and

(2) For new sewers, as of the date on which such new sewer line has been formally activated by the Town for the collection and pumping of wastewater flow.

- C. Connection to the Nantucket Sewer System is mandatory per Board of Health Regulation (69.03) within 2 years of sewer being available (unless required sooner due to site specific circumstances) pursuant to the following requirements;
- (1) Connections to the municipal sewer system must be made in accordance with the Town of Nantucket Sewer Standards and Specifications.
  - (2) No connections to municipal sewer force mains will be allowed.
  - (3) Low-pressure sewers must be connected to the nearest municipal gravity sewer manhole in accordance with the Town of Nantucket Sewer Standards and Specifications.
  - (4) Low-pressure sewer systems must be comprised of grinder pump systems meeting the Town of Nantucket Sewer Standards and Specifications. No solids handling pumps will be allowed on any low-pressure sewer systems.
  - (5) A septic abandonment permit is issued from the Board of Health.
- D. All costs and expense incident to the installation and connection of the sewer service lateral shall be borne by the property owner, who shall make his own arrangements with a Licensed Utility Installer approved by the Nantucket Sewer Department. The contractor shall do all cutting, patching, excavation, backfill, furnishing and installing pipe and making connection required. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the sewer service lateral.
- E. A separate and independent sewer service lateral shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the sewer service lateral from the front building may be extended to the rear building and the whole considered as one building sewer. Approval of the Nantucket Sewer Department and the Plumbing Inspector is required for this exception.
- F. Existing sewer service laterals may be used to connect new buildings only when they are found to be in acceptable condition by CCTV examination. A written report must be submitted by Email and approved by the Nantucket Sewer Department prior to any making any new connections. To meet all requirements of this regulation, any existing lateral that is Orangeburg, clay or other than Schedule 40 PVC pipe, must be replaced in its entirety to the main.
- G. In all buildings in which any building sewer is too low to permit gravity flow to the municipal sewer, sewage carried by such building sewer shall be lifted by an approved means as listed in 248CMR 10.15 (10) and discharged to the sewer service lateral. These types of pumps are NOT to be used to pump directly into any low-pressure sewer or other types of force mains that have grinder pumps installed.
- H. In areas serviced by low-pressure sewers, dwellings must install, operate and maintain an individual grinder pump unit meeting Town of Nantucket Sewer Standards and Specifications, and subject to the approval of the Director. The following policies apply to low-pressure sewer connections:
- (1) For lots with multiple sewer service connections for separate dwellings or building units, a separate individual grinder pump unit will be required for each service connection.

- (2) Property owners that wish to install multiple grinder pumps (e.g. duplex units) or larger basins or storage tanks will require separate approval for the installation and will be responsible for the full cost associated with these systems. Under no circumstance will the Town of Nantucket approve the purchase and installation of an indoor grinder pump unit.
  - (3) All property owners will be responsible for proper installation of the grinder pump units and ancillary equipment, including the complete connection to the public sewer per Town of Nantucket sewer standards and specifications and will be responsible for the full cost of such units. All property owners will be responsible for proper operation and maintenance of the grinder pump unit in perpetuity, including repair and replacement of such units.
  - (4) There shall be no individual grinder pump connections to a municipal force main. All such connections must be to the low-pressure sewer or to a gravity sewer, subject to Nantucket Sewer Department approval.
- I. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building directly or indirectly to the Nantucket Sewer System.
  - J. No person shall connect a basement sump pump to a municipal sewer either directly or indirectly through the service connection.
  - K. The connection of the sewer service lateral into the municipal sewer shall conform to the requirements of the Nantucket Sewer Standards and Specifications. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Nantucket Sewer Department before installation.
  - L. The applicant for the sewer connection permit shall notify the Nantucket Sewer Department when the sewer service lateral is ready for inspection and connection to the municipal sewer. Such notification must be made at least 48 hours prior to the requested inspection. The connection shall be made by the applicant's Licensed Utility Installer under the supervision of the Nantucket Sewer Department. Excavations shall not be closed until inspection is made. The Town reserves the right to inspect the entire service connection from the building sewer to the municipal sewer. The Town reserves the right to require all work to be uncovered if partially or totally backfilled before an inspection has been performed by the Nantucket Sewer Department.
  - M. All excavations for sewer service lateral installation shall be adequately guarded with barricades, and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of work shall comply with Chapter 127 Article 1 of the Town Code. Street opening permits must be obtained from the Nantucket Department of Public Works and must be signed by all applicable departments and town administration prior to starting any work.
  - N. Cleanouts shall be provided to allow cleaning in the direction of flow in accordance with The Town of Nantucket Sewer Standards and Specifications. Cleanouts shall be extended to an elevation at or above the finished grade level directly above the place where the cleanout is installed and protected from damage. Blockages on the property owner's side of the property line cleanout are the responsibility of the property owner. For grinder pump discharge lines greater than 100 feet, a flush port must be provided at the grinder pump wet well or chamber.
  - O. Prior to connection with a municipal sewer or the issuance of sewer connection permits, pursuant to § 336-20, Subsection A, the Director may, on receipt of written application, authorize design review of

plans and specifications and inspection of construction for a privately designed and constructed sewer. Any such review and/or inspection undertaken shall not relieve any party from any of the obligations arising under these regulations, as now in force or as may be amended from time to time, or any other obligations under applicable federal or state laws, rules or regulations. Nor shall any such review or inspection constitute any waiver by the Town of its rights and privileges under said regulations, laws or rules.

- (1) All costs and expense incident to any design review and/or inspection under Subsection O shall be borne by applicant therefor. Applicant will indemnify and hold harmless the Town and all its agents and employees of and from all costs and expenses incurred incident to such review, inspection and work relating thereto, including any professional, engineering and legal fees incurred. No such inspection or review under said Subsection O shall be undertaken unless the applicant therefor shall deposit with the Treasurer an amount determined by the Director (or other designee named by the Sewer Commission) as sufficient to cover all the costs of engineering, legal or other professional review and/or inspection. The account shall be administered and maintained as provided in Subsection O (2).
- (2) With respect to any account established pursuant to Subsection O (1) the Treasurer shall pay invoices pursuant to direction and approval of the Director (or other designee named by the Sewer Commission), who shall not direct any payment unless the Town gives 14 days' notice (including a copy of such invoice) to the applicant. The balance of the account shall at no time until completion, be less than 1/2 of the initial deposit, and applicant shall deposit with the Treasurer such additional funds as are required to restore the account to the amount of the initial deposit upon notice from the Town that the amount on deposit has been decreased by the expenditures described below to an amount at or near 1/2 of the initial deposit. The account shall be closed, and the remaining funds returned to applicant when, in the opinion of the Director, all work required and any subsequently approved modifications including all inspections required, have been completed, and all costs of same have been paid from said account. All notices herein shall be by first class mail.

P. Maintenance of building sewers and sewer service laterals:

- (1) Each individual property owner shall be entirely responsible for the construction, maintenance, repair or replacement of the building sewer/sewer service lateral as deemed necessary by the Sewer Director to meet specifications of the town. Owners failing to maintain or repair building sewers/sewer service laterals or who allow stormwater or ground water to enter the municipal sewer may face enforcement action as outlined in § 336-22.
- (2) The town may inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with.
- (3) The point of division between the sewer service lateral and the municipal service connection shall be at the property line or right-of-way line. The municipal service connection cannot extend onto private property except that minimal distance necessary to cross or be unencumbered by other utility lines.

Q. Sanitary sewer main extensions: Persons desiring sewer main extensions must pay all of the cost of making such extensions after review and approval of the Nantucket Sewer Department.

- (1) Sanitary sewer mains shall be designed in accordance with the Nantucket Sewer Standards and Specifications and to accommodate any future flows from areas tributary to the proposed sewer extension. Municipal service connections shall be included at each buildable parcel along the length of the extension.
- (2) All such extensions shall be installed either by the town or by Licensed Utility Installers working directly under the supervision of the town in accordance with plans and specifications prepared by an engineer registered with the State of Massachusetts. Upon completion of such extensions and approval by the town, such sewer mains shall become the property of the town.
- (3) The overall cost of the sewer extension shall include the installation cost of the required sanitary sewer stubs. Persons paying the cost of constructing such mains shall execute any written instruments requested by the town to provide evidence of the Town's title to such mains.
- (4) In consideration of such mains being transferred to it, the Town shall incorporate said mains as an integral part of the municipal sewer systems and shall furnish sewer service therefrom in accordance with these rules and regulations, subject always to such limitations as may exist because of the size and elevation of the mains, downstream capacity and capacity at any POTW that receives wastewater from the mains.

- R. Sewer connections in the Shimmo, Nantucket Harbor and Plus Areas must be made in accordance with the Town's August 2017 Policy for Sewer Stubs and Reconnections (Article I, Exhibit 1).
- S. No sewer extension shall be allowed outside of existing Sewer Districts or Needs Areas as defined in the latest version of the Comprehensive Wastewater Management Plan (CWMP) unless otherwise approved by vote at an Annual or Special Town Meeting.

**§ 336-3. Use of public sewers.**

- A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, non-contact cooling water or condensate to any sanitary sewer.
- B. Stormwater and all other unpolluted drainage shall be discharged to storm drains or to a natural outlet approved by the Department of Public Works (DPW). Non-contact cooling water or treated process waters may be discharged, on approval of the DPW, to a storm drain, or natural outlet. Such discharges may also require approval under the National Pollutant Discharge Elimination System (NPDES) Program.
- C. Discharges of industrial or commercial wastes into the municipal sewer system that exceed 25,000 gpd will at a minimum, be required to have a holding tank and regulated discharge flowrate. The Town may also require treatment prior to discharge into the municipal sewer system and may establish limitations and requirements for industrial discharges that:
- (1) result in additional treatment costs; and
  - (2) have the potential to harm the POTW or otherwise cause non-compliance.
- D. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- (1) Any petroleum products including but not limited to gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid, or gas.

- (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment facility.
  - (3) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the POTW.
  - (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, personal wipes including "flushable wipes," etc., either whole or ground by garbage grinders.
- E. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Director that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving waters, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Director will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the wastewater treatment facility, degree of treatability of, wastes in the wastewater treatment facility, and other pertinent factors. The substances prohibited are:
- (1) In no case shall heat, heated liquid or vapor be discharged to the sanitary sewer, in such quantities that the temperature at the POTW exceed 104° (40° C.)
  - (2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° F. and 150° F. (0° C. and 65° C.).
  - (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric) or greater shall be subject to review and approval of the Director or their authorized deputy, agent, or representative.
  - (4) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
  - (5) Any waters or wastes containing iron, chromium, copper, lead, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the wastewater treatment facility exceeds the limits established by the Director for such materials.
  - (6) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Director as necessary, after treatment of the composite sewage to meet the requirements of the State, Federal, or other public agencies or jurisdiction for such discharge to the receiving waters.
  - (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Director in compliance with applicable State or Federal regulations.

- (8) Any waters or wastes having a pH in excess of 9.5.
- (9) Materials which exert or cause:
  - (a) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
  - (b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  - (c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment facility.
  - (d) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (10) Water or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment process employed or are amenable to treatment only to such degree that the wastewater treatment facility effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (11) Basement Sump pumps, outside area drains, Outside Shower Drains or any other external drains that are subject to surface ponding, flooding or rain.
- (12) Dewatering from ANY surfaces, basement foundations, crawl spaces, construction sites, swimming pool or hot tub construction activities.
- (13) There shall be NO discharge from swimming pools or hot tubs into any public sewer.
- (14) Hauled Waste:
  - (a) Landfill Leachate shall only be accepted at the Surfside Wastewater Treatment Facility in quantities of a maximum of 25,000 gallons per day unless these amounts cause treatment issues identified by the Chief Wastewater Operator who can stop the acceptance of such wastes.
  - (b) Brewery or other industrial wastes MUST be discharged under supervision or direction of the Chief Wastewater Operator or the Operator on duty. Before any discharge can begin, the driver must ensure the loads are identified and logged by the Chief Wastewater Operator or the Operator on duty.
  - (c) Cannabis cultivation, production and processing wastewaters – Any wastewaters generated from cannabis cultivation, production or processing (washing, oil extraction, manufacturing of cannabis-based products) may only be discharged into the Surfside WWTF under supervision or direction of the Chief Wastewater Operator or the Operator on duty. The operator of the cannabis facility must certify in writing that the facility is implementing the best management practices established in Article I, Exhibit 2. Before any discharge can begin the driver must ensure the loads are identified and logged by the Chief Wastewater Operator or Operator on duty.

F. Action in the event of prohibited discharges.

- (1) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Subsection E, and which

in the judgement of the Director may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Director may:

- (a) Reject the wastes,
  - (b) Require pretreatment to an acceptable condition for discharge to the public sewers,
  - (c) Require control over the quantities and rate of discharge, and/or
  - (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Subsection K.
- (2) If the Director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Director, and subject to the requirements of all applicable codes, regulations, and laws.
- G. Grease, oil, and sand interceptors and/or standard active grease recovery units shall be provided for all multiple unit dwellings, commercial kitchens, food service establishments, and when, in the opinion of the Director or their authorized deputy, agent, or representative, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients. All interceptors shall be of a type and capacity approved by the Director and shall be located as to be readily and easily accessible for cleaning and inspection.
- H. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at their expense.
- I. When required by the Director, the owner of any property serviced by a sewer service lateral carrying industrial wastes shall install a suitable control manhole together with such necessary meters, and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Director. The manhole shall be installed and maintained by the owner at owners' expense and shall be safe and accessible at all times.
- J. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this regulation shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association. All samples and measurements shall be taken at the control manhole provided. In the event that no control manhole has been provided, samples and measurements shall be collected at the downstream public sewer manhole that is nearest to the point at which the sewer service lateral is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property.
- All industries discharging into a public sewer shall perform such monitoring of their discharges as the Director may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Director. Such records shall be made available upon request by the Director to other Agencies having jurisdiction over discharges to the receiving waters. All monitoring and sampling costs are the responsibility of the owner.
- K. No statement contained in this article shall be construed as preventing any special agreement or Town and County arrangement between the Town of Nantucket and any industrial concern whereby an

industrial waste of unusual strength of character may be accepted by the Town and County for treatment, subject to payment therefore by the industrial concern.

**§ 336-4. Protection from damage.**

- A. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the POTW. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct and/or vandalism.

**§ 336-5. Powers and authority of inspectors.**

- A. Pursuant to 314 CMR 12.03(5) and M.G.L. c. 21, §§ 27(12) and 34, The Director and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this regulation. The Director or his representatives shall have authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for wastes treatment.
- B. While performing the necessary work on private properties referred to in Subsection A above, the Director or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town employees and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 336-3I.
- C. The Director and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the measurement, sampling, repair, and maintenance of any portion of the POTW located within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved. Measurement and sampling easements shall be 10 feet plus 10 feet working space totaling 20 feet, or 10 feet plus 20 feet working space totaling 30 feet.

**§ 336-6. Validity.**

- A. All regulations or parts of regulations in conflict herewith are hereby repealed.
- B. The invalidity of any section, clause, sentence, or provision of this regulation shall not affect the validity of any other part of this regulation which can be given effect without such invalid part or parts.

**§ 336-7. Septic tank waste.**

The Director shall determine, assign and maintain a facility for the discharge of septic tank waste to the Surfside WWTF of the Town of Nantucket. Such facility shall be the only point allowed for the discharge of septic tank waste and its use shall be governed by the following:

- A. Only carriers licensed by the Board of Health and approved by the Sewer Commission may discharge septage at the treatment facility.
- B. Septic tank waste which does not meet the definition of sewage established in the regulations will not be accepted.
- C. Discharge of septic tank waste is limited to the hours of normal operations for the Surfside WWTF; Monday through Friday from 7:00 a.m. to 3:30 p.m. unless otherwise arranged with the Chief Operator and approved by the Director or their designee.
- D. The pumping, hauling, discharge of septic tank waste shall be in accordance with the Commonwealth of Massachusetts State Environmental Code (310 CMR 15).
- E. All septage waste must be tested for pH to determine compliance with existing Sewer Regulations. The Chief Operator must be notified before industrial or commercial loads are discharged.
- F. Haulers must provide a manifest of the origin of the septic waste on forms provided by the sewer department.
- G. Clean up of the septage receiving area is required after each septage discharge.
- H. Failure of the hauler to comply with these regulations, including failure to make payments as required shall be cause for the Sewer Commission to revoke its permit to discharge at the facility.

**§ 336-8. Sewer Easements.**

- A. Municipal Sewers shall be constructed within existing public rights of way when applicable to the extent physically and legally possible. If, upon determination by the Sewer Commission, a public sewer must be constructed within a private way or across private property, a permanent easement of no less than twenty-five (25) feet in width, for the construction, maintenance and operation of said public sewer shall be conveyed to the Town by appropriate persons possessing an interest in such private way or property. Sewer easements on private property are subject to the following requirements:
  - (1) Owner shall not place or permit to be placed any trees or other deep-rooted landscaping directly over or within twelve and one-half (12.5) foot horizontal distance of the sewer main, pump station, or any other sewer facility. The Town reserves the right to remove any trees or landscaping placed within an easement or right of way.
  - (2) Owner shall not place or permit to be placed any permanent or temporary structures, mounding, lighting, fencing, signs, retaining/landscaping/entrance walls, irrigation lines, propane tanks etc. directly over or within twelve and one-half (12.5) foot horizontal distance of sewer main, pump station, or any other sewer facility. The Town reserves the right to require the owner to remove or relocate (outside the easement) any of the above listed items that have been placed within an easement or right-of-way.
  - (3) The Town shall be held harmless for any damage to items listed in numbers 1 and 2 above that are located within easement.
  - (4) The Town may periodically perform field inspections to verify compliance with the above-mentioned requirements. If a violation exists, then the Town will notify the owner and require appropriate corrective action.

- B. If an individual service connection must cross another property, the owner of the property being served by the sewer must obtain a construction and maintenance easement from the owner of the property that is being crossed. A permit will not be issued until the easement has been gained.

**§ 336-9. Regulation in force.**

- A. This regulation shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.
- B. Passed and adopted by the Select Board of the Town of Nantucket, State of Massachusetts, on the \*\*\*th day of 2019.

## ARTICLE II

### Sewer User Fees

#### **Purpose.**

The purpose of this regulation is to establish a fair and equitable method of connecting with the Town of Nantucket Sewer System. The fees will be adjusted annually based on the cost of living or other appropriate index.

#### **§ 336-10. Definitions.**

**RESIDENTIAL AND GENERAL COMMERCIAL USERS** – All residential and commercial land use activities connected to the Nantucket Sewage System which introduce no more than the equivalent of 25,000 gallons per day of domestic sanitary wastes to the treatment works.

**SPECIAL USERS** – All land use activities connected to the Nantucket Sewage System which introduce more than the equivalent of 25,000 gallons per day of domestic sanitary wastes to the treatment works based on a combination of volume, strength and toxic waste factors.

#### **§ 336-11. Sewer service connection fees.**

The Nantucket Sewer System connection fees shall be as follows:

- A. Sewer permit application fees for new residential connections to the Nantucket Sewer System shall be as shown in Article II, Exhibit 1, Sewer Permit Application Fee Schedule and shall be subject to periodic reviews and adjustments as the Sewer Commission deems appropriate. Applications for Sewer Permits are per dwelling or dwelling unit.

Sewer permit application fees for any existing residential property connecting to the Nantucket Sewer System within the time frame established by the Board of Health shall be as shown in Article II, Exhibit 1 and shall be subject to periodic reviews and adjustments as the Sewer Commission deems appropriate. Applications for sewer permits are per dwelling, dwelling unit or any outbuilding with sanitary facilities

- B. For commercial establishments and licensed lodging establishments (hotels, motels, licensed inns and guest houses), the sewer service connection fee shall be as shown in Article II, Exhibit 1 and shall be subject to periodic reviews and adjustments as the Sewer Commission deems appropriate. Applications for sewer permits are per dwelling or dwelling unit.
- C. For mixed use developments, the residential connections will be subject to the fees established in subsection A and commercial connections will be subject to the fees established in Article II, Exhibit 1.
- D. Where multiple dwellings or dwelling units exist on a single property, a sewer permit fee, as defined herein, shall be assessed per dwelling or dwelling unit.
- E. For all residential dwellings, dwelling units, outbuildings with sanitary facilities and commercial establishments currently connected to the existing sewer system, no sewer service connection fee will be assessed; however, these existing connections are subject to the following fees as applicable shown in Article II, Exhibit 1 and shall be subject to periodic reviews and adjustments as the Sewer Commission deems appropriate. Applications for sewer permits are per dwelling or dwelling unit.

**§ 336-12. Other fees and charges.**

A. The Sewer Commission shall enact other fees and charges in accordance with Article II, Exhibit 2.

**§ 336-13. Sewer Capacity Fee.**

The Sewer Capacity Fee (SCF) is established in addition to the Sewer Service Connection Fees and other fees and charges, as follows:

- A. Such fee applies to all properties that implement changes which, based on 310 CMR 15.203 [Article II, Exhibit 3], have the potential to increase flows into the Nantucket Sewer System including new developments or new properties connected to the sewer, as well as changes to existing properties connected to the sewer system.
- B. The minimum Sewer Capacity Fee for residential and non-residential users is calculated using the using the sewer flows established in 310 CMR 15.203 [Article II, Exhibit 3] and is described in detail in the Sewer Capacity Fee Policy [Article II, Exhibit 4].
- C. Payment of the Sewer Capacity Fee is required before issuance of a sewer connection permit. The property owner may pay the fee in full up front. The Town of Nantucket will also allow the fee payment to be apportioned over time on the property owner's tax bill as follows:
  - (1) The property owner must pay at least 10% of the fee up front and sign a Voluntary Lien Agreement which gets recorded at the Registry of Deeds.
  - (2) The remaining amount must be paid in annual installments at a rate established by the Sewer Commission, for a period not to exceed twenty years.
- C. A schedule of residential SCFs is provided in Article II, Exhibit 5.

**§ 336-14. Bills for sewage services.**

- A. Rates for sewage services (base fee plus fee per unit of consumption for metered uses; and base fee plus a bedroom-based per-capita fee pursuant to 310 CMR 15.203 [Article II, Exhibit 3]for well users) shall be established by the Town of Nantucket. The Town will review the cost of providing sewer service periodically and will adjust the rates accordingly.
- B. Charges for sewage services shall be billed to each customer in a minimum of semiannual installments to the extent possible, quarterly bills coinciding with the Water Company meter readings may be implemented.
- C. Bill is considered delinquent 30 days after mailing date. Delinquent notice sent 15 days thereafter. Sixty days after mailing date a 1.5% interest charge per month on any outstanding balance more than 30 days in arrears will be assessed.
- D. Payment in full of any outstanding balance must be made prior to any hearing for an appeal of any sewer fees.
- E. Residential property owners over the age of 65 are permitted to make periodic payments of the bill provided that the bill is paid within one year following issuance. There shall be no interest charged or demand notices sent during this period.

- F. If a sewer bill shows an obvious accounting or classification error, the Director may allow an adjustment of the bill without prior payment.
- G. In accordance with M.G.L c. 83 § 16B, should the Nantucket Sewer Department become aware of a previously unknown sewer connection that has not been billed, the Nantucket Sewer Department has the authority to assess back charges from the previous 6-year period in accordance with the rates and procedures established under this section or the applicable rate(s) during the unbilled period.

**§ 336-15. Utility fees appeal process.**

- A. User fees must be paid no later than 30 days from the date of billing; any abatement authorized will later be returned to the applicant. Requests for a reduction in the amount billed must be filed with the Director no later than 30 days from the date of billing.
- B. Request for reductions must be submitted on forms provided by the Nantucket Sewer Department. Such requests will be checked for a billing error, either a classification issue (reviewed by the Assessor) or a non-classification issue. If there is an obvious error, the Director or their authorized deputy, agent, or representative can authorize the proper abatement, otherwise, the Director or their authorized deputy, agent, or representative shall send a letter with the reason of disapproval to the applicant, which can then be appealed within 30 days from the date of disapproval to the Sewer Commission.
- C. The Sewer Commission may designate sub-committee of its members to hear appeals of utility fee assessments. The Sewer Commission shall make its best efforts to determine if an abatement of the amount billed to the applicant is warranted on the basis of the existence of a hardship. Once the Sewer Commission has received notice that an appeal is requested of the applicant, it shall make its best efforts to notify the applicant within 10 days of the hearing date. The Sewer Commission shall then record the outcome of its vote and send a letter to the applicant to confirm the decision of the Sewer Commission. If the appeal has been denied, the applicant will also be sent a denial notice from the Sewer Commission. A final appeal from the decision of the Sewer Commission may be made in writing within 30 days to the Sewer Commission.

**§ 336-16. Exemptions.**

Commencing Fiscal Year 1995, unless otherwise adopted or amended, sewer user fees will not be assessed to properties that have been determined to be exempt from local taxation pursuant to the Town Assessor's records in accordance with Massachusetts General Laws Chapter 59, section 5, clauses 1 through 15 as of July first of each year.

**§ 336-17. Waivers.**

The Sewer Commission will consider, on a case-by-case basis, waivers of the Town's fees relating to the connection of dwellings in accordance with the Policy for Sewer Fee Waiver Requests [Article II, Exhibit 6] and the Sewer Capacity Fee Policy [Article II, Exhibit 4].

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**§ 336-18. Severability clause.**

If any provision of these regulations or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these regulations which can be given effect without such invalid provisions or applications.

**§ 336-19. Regulation in force.**

This regulation shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

Passed and adopted by the Select Board of the Town of Nantucket, State of Massachusetts, on the \*\*\*th day of 2019.

## ARTICLE III

### Permitting and Enforcement

#### § 336-20. Permit required.

- A. No unauthorized person shall uncover, make any connections with or opening into, use alter, or disturb any municipal sewer or appurtenance thereof without first obtaining a written permit from the Director. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Nantucket Sewer Department no less than forty-five days prior to the proposed change or connection; and must engage the services of a Licensed Utility Installer.
- B. For properties not previously connected to the sewer, a sewer connection permit, with appropriate fee, must be obtained for the primary residence prior to application for a sewer connection permit for any additional dwellings on the property.
- C. An application, on forms prescribed by the Nantucket Sewer Department approved by the Sewer Commission, shall be made with respect to each sewer connection required or permitted hereby. Each such application shall be submitted to the Nantucket Sewer Department for review and approval or shall be denied by the Director. Appeals of denials shall be submitted to the Sewer Commission through the town's administration for a scheduled public hearing.
- D. Upon the approval of an application for a connection to the Nantucket Sewer System, a connection fee shall, pursuant to Article II of this chapter, be due and payable as set forth.

#### § 336-21. Permit issuance, modification and expiration.

- A. Action on application. The Director shall examine or cause to be examined all applications for permits and amendments thereto within 30 days after filing. If the application does not conform to applicable sewer regulations and pertinent laws, the Director shall reject such application in writing. Once satisfied that the proposed work conforms to the regulations and pertinent laws applicable thereto, the Director shall issue a permit. If the applicant receives no written answer within such 30 days, the permit shall be deemed denied.
- B. Report to building department. The Director shall give to the Building Department of the municipality a copy of each permit issued within 30 days of issuance. Such notice shall state the name of the person to whom the permit was granted and the location of the property (Assessor's map and parcel number).
- C. Expiration of permit. Any permit issued shall be deemed abandoned and invalid unless a building permit has been issued for the property within 24 months after its issuance. This permit may be extended for periods not exceeding six months each, but only to the same extent as the related building permit is extended, as may be determined in writing by the Director with a \$100.00 renewal fee charged for any such extension of time.

#### § 336-22. Violations and penalties.

- A. Any sewer connection made in violation of these regulations shall be disconnected and/or removed and properly installed, in accordance with these regulations as determined by the Nantucket Sewer Department. All costs incurred by the Town in the enforcement of this regulation, including

disconnection and reconnection costs, shall be assessed as an additional fee. No reconnection will be allowed until all applicable fees and/or fines have been paid.

- B. Any person making sewer connections without benefit of a sewer connection permit must pay all applicable fees and shall be fined in accordance with Article III, Exhibit 1.
- C. Any person failing to maintain or report building sewers or sewer service laterals is subject to the requirements of Subsections D and E, and at the discretion of the Director, discontinuation of service.
- D. Any person found to be violating any provision of this regulation except § 336-4 shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the time period stated in such notice, permanently cease all violations.
- E. Any person who shall continue any violation beyond the time limit provided for in Subsection D shall be fined in the amount not exceeding \$100 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- F. Any person violating any of the provisions of this regulation shall become liable to the Town for any expense, loss, or damage occasioned to the Town by reason of such violation.
- G. For violations other than exceedances of the time limits established in Subsection D, the Board of Health/ Sewer Commission may impose a civil penalty not to exceed \$5,000 per day for each violation.
- H. Contractors found to be violating any provision of these rules and regulations may be subject to License suspension or revocation and will NOT be able to work within the Towns Rights of ways until the matter is resolved. Contractors with numerous violations that exceed 3 separate violations are subject to having their licenses revoked for life.
- I. Any violation of these regulations shall be subject to fines in accordance with MGL c 83, s 10.

#### **§ 336-23. Exemptions.**

The Sewer Commission may grant exemptions from these regulations.

#### **§ 336-24. Regulation in force.**

- A. This regulation shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.
- B. Passed and adopted by the Select Board of the Town of Nantucket, State of Massachusetts, on the \*\*\*th day of 2019.

**Article I**  
**EXHIBIT 1**

08/01/17

TOWN OF NANTUCKET, MASSACHUSETTS  
POLICY FOR SEWER STUBS AND RECONNECTION

Effective August 2017

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This policy was developed specifically for the Nantucket Harbor Shimmo & Plus Areas Sewer Project.

1. Each developed lot fronted by a municipal sewer will be provided with one sewer connection stub (unless otherwise indicated herein). Connection stubs will be located, as much as practicable, in coordination with property owner's requests. Lacking a request for other location, connections will be provided at the driveway to the dwelling.
2. Vacant developable lots fronted by the municipal sewer will be provided with one sewer connection stub (unless otherwise indicated herein). Connection stubs will be located, as much as practicable, in coordination with property owner's requests.
3. Vacant lots identified by the Town of Nantucket as undevelopable will not be provided with a sewer connection stub.
4. Each developed or vacant developable lot with sufficient land area and road frontage to subdivide the property may be provided with a second building connection stub, at the request of the property owner, and as approved by the Town.
5. Developed properties with two existing dwelling units (or multiple permitted sewer connections) will be left one service connection stub for each dwelling unit or permitted sewer connection, unless otherwise approved by the Town.
6. Mixed use properties, such as buildings with separate residential and business uses, will be considered as separate units, and each unit will require a separate service connection, unless otherwise approved by the Town.
7. All permitted sewer connections will be subject to the applicable sewer connection fee and privilege fee. Existing dwellings sewerered directly by the Nantucket Harbor Shimmo & Plus Areas Sewer Project will not be subject to a Capacity Utilization Fee (CUF). Existing dwellings will be those dwellings that have received all approvals for construction prior to December 31, 2017, for the Nantucket Harbor Shimmo & Plus Areas Sewer Project, which date shall be formally identified and posted by the Town through the Nantucket Sewer Department.
8. In accordance with Nantucket Board of Health regulations, all properties must complete connection to the sewers within two years from the time of notification that the sewer line is approved for use. Properties located within environmentally sensitive areas must have filed a complete sewer service application for connection within six months from the time of notification that the sewer line is approved for use, unless an extension is granted to that property by the Nantucket Board of Health.
9. Dwellings previously connected to sewer (excluding dwellings connected prior to 2004) and fronted by a new municipal sewer extension will be subject to the connection and privilege fee if these fees were not previously paid. Requirement to reconnect to the new sewer and abandon the existing connection will be at the Town's discretion. In general, properties previously connected and provided with the ability to connect to the new sewer will not be required to reconnect, unless it is deemed in the best interest of the Town and/or the property owner.

**Article I**  
**EXHIBIT 1**

10. In areas serviced by low-pressure sewers, dwellings must install, operate and maintain an individual grinder pump unit meeting specifications established by the Town, and subject to the approval of the Town. The following policies apply to low-pressure sewer connections:
- a. For lots with multiple sewer service connections for separate dwellings or building units, a separate individual grinder pump unit will be required for each service connection.
  - b. Permitted sewer connections serviced directly by the Nantucket Harbor Shimmo & Plus Areas Sewer Project will be eligible for purchase of individual grinder pump units at a reduced price based on a Town managed procurement program. The Town will procure individual grinder pump units of simplex (single pump) design residential type, along with ancillary control panel, and will contract for these units to be provided to eligible (existing dwellings) properties by an approved manufacturer and supplier. The Town will offer to the owners of eligible dwellings the option to purchase a grinder pump unit and associated electrical control panel unit from the Town for a discounted cost of \$1,500. For dwellings that have installed an innovative/alternative (I/A) Title 5 system approved by the Nantucket Health Department, the discounted cost for the grinder pump unit will be reduced to \$500. Properties with two permitted sewer service connections, and that have paid two sewer connection fees and two privilege fees shall be eligible to purchase two grinder pump units at the reduced price. The Town will prepare and distribute documentation for the property owner to either accept or reject the reduced price offer. Acceptance of the offer by a property owner must be completed within 60 days of the mailing of said documentation. Failure by the homeowner to respond within 60 days shall constitute a rejection of the Town's offer. Property owners accepting the offer have two years from the time of notification that the sewer line is approved for use to have the grinder pump installed and the building connection to the public sewer completed. The Town will release the grinder pump to be picked up by an authorized drainlayer licensed by the Town of Nantucket upon approval of the sewer connection permit and payment of all municipal sewer connection fees.
  - c. Properties developed or dwellings that are constructed after the date of December 31, 2017 for the Nantucket Harbor Shimmo & Plus Areas Sewer Project will not be eligible to purchase grinder pump units through the Town at the reduced prices.
  - d. Properties that wish to install multiple grinder pumps (e.g. duplex units) or larger basins or storage tanks will require separate approval for the installation and will be responsible for the full cost associated with these systems. Under no circumstance will the Town of Nantucket approve the purchase and installation of an indoor grinder pump unit.
  - e. All property owners will be responsible for proper installation of the grinder pump units and ancillary equipment, including the complete connection to the public sewer per Town of Nantucket standards. All property owners will be responsible for proper operation and maintenance of the grinder pump unit in perpetuity, including repair and replacement of such units.

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**EXHIBIT 2**

**BEST MANAGEMENT PRACTICES FOR CANNABIS FACILITIES**

Indoor cannabis cultivation and processing activities will generate wastewater such as hydroponic solutions, irrigation tail water, sanitation activities, high strength waste similar to food processing activities. The wastewater may contain elevated concentrations of nutrients; biochemical oxygen demand; salinity; metals; or sanitation chemicals containing biocides, bleach mixtures, or other chemical waste streams.

In addition to compliance with the Massachusetts Regulation and Taxation of Marijuana Act cannabis operations must employ the following are a list of best management practices:

**CHEMICAL STORAGE, HANDLING AND DISPOSAL**

- All chemicals must be stored in a manner, method, and location that ensure that there is no threat of discharge to the community sewer, which includes providing adequate secondary containment:
- Seal all floor drains in chemical storage areas to prevent contaminated wastewater from discharging to the community sewer. Make sure to check with your landlord and local fire and building departments prior to sealing the drain.
- If floor drains cannot be sealed, all chemicals must be stored in secondary containment.
- Ensure that employees do not pour toxic, corrosive, or flammable chemicals down sinks, toilets, or floor drains. Signage provided by the Nantucket Sewer Department must be posted to remind employees not to dispose these substances to the community sewer. For example:
- Solvents used in cannabinoid extraction like hexane are highly flammable and present a hazard when disposed to the community sewer.
- Always ensure safe disposal of fertilizers, insecticides, plant growth regulators, and other chemicals. Do not dispose of these materials to the community sewer.
- Hire a certified waste hauler to properly dispose of spent wastes.
- Ensure all chemicals are properly labeled and immediately replace any damaged or otherwise illegible labels.
- Have a written spill procedure posted in areas where spills may occur. Train your employees on how to respond to a spill.
- Employ closed loop cannabinoid extraction systems. Closed-loop extraction systems keep chemicals from being discharged into the community sewer.

**FERTILIZERS**

- Evaluate irrigation water, soils, growth media, and plant tissue to optimize plant growth and avoid over-fertilization.
- Fertilizers must be applied at rates no greater than listed on the product label.

**PESTICIDES AND PEST MANAGEMENT**

- • Before using any pesticide, always read and follow the pesticide label. The label is the law.

**Article I**  
**EXHIBIT 2**

- 
- Indoor cultivation operations must comply with the pesticide manufacture's re-entry interval time periods when applying pesticides.
- Implement an integrated pest management program which includes monitoring for pests and developing treatment protocols utilizing the least toxic strategies.
- Refer to the guidance such as the that provided by the California Department of Pesticide Regulation when considering pesticides for your cannabis cultivation operations - <http://cdpr.ca.gov/docs/cannabis/index.htm>.

FATS, OILS AND GREASE (FOG)

- Use a FOG scraper for removing and properly disposing of FOG from cookware before washing.
- A FOG removal device (grease trap/grease interceptor) must be installed and maintained to prevent fats from clogging the community sewer or causing sewage to back-up.
- Establish and maintain contract with a licensed FOG waste hauler to routinely clean and maintain grease removal devices.

WATER SUPPLY AND WATER EFFICIENCY

- Water system must be equipped with backflow prevention devices and shutoff valves to prevent cross- contamination of the drinking water supply
- If the irrigation is not on a separate irrigation meter, consider installing a sub-meter to better understand the irrigation use and quickly detect costly leaks.
- Irrigating by hose has a potential to be wasteful. Frequent staff education on best practices and the establishment of standard operating procedures is recommended.
- Implement water recycling and reuse practices where feasible to irrigate crops efficiently.

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EXHIBIT 1**

**SEWER PERMIT APPLICATION FEE SCHEDULE**

<b>SEWER PERMIT FEES</b>	
<b>TYPE</b>	<b>AMOUNT</b>
Residential Sewer Permit (NEW)	<b>\$4,000.00</b>
Residential Disconnect Permit	<b>\$300.00</b>
Residential Re-Connect Permit	<b>\$300.00</b>
Residential Sewer Repair	<b>\$300.00</b>
Residential Validation Permit (complex)	<b>\$300.00</b>
Commercial Sewer Permit (NEW)	<b>\$1.00 per Sq Ft Min \$4,000.00</b>
Commercial Disconnect Permit	<b>\$300.00</b>
Commercial Re-connect Permit	<b>\$300.00</b>

\* The sewer permit fee for applications in the Shimmo area is \$500.00 until April 19, 2021.

**Article II  
EXHIBIT 2**

OTHER FEES AND CHARGES

- A. Special charges for "Special Users" including high strength industrial wastes, special difficult to handle wastes, septage tank pumpings, and other special wastes that reflect the added O&M cost of handling these materials are as follows:

<b>SEPTAGE RECEIVING WASTE TYPES</b>	<b>Rate Per 1000/Gallon</b>
Type 1 Septage Billable	\$150.00
Type 2 Septage Non- Billable	\$0.00
Type 3 Waste Type 3 Industrial Wastes	\$110.00
Type 4 Waste Type 4 Residential Tight Tanks	\$60.00
Type 5 Waste Type 5 Grease Traps/Interceptor Tanks	\$0.00
Type 6 Waste Type 6 Plant uses	\$0.00
Type 7 Animal Grooming Trucks	\$50.00
Type 8 Carpet Cleaner Wastes 120 Gallons or less	\$50.00
Type 9 Mobile Food Truck waste	\$50.00
Type 10 Carpet Cleaner Wastes 120 Gallons or More	\$10.00

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EXHIBIT 2**

SCHEDULE OF FEES FOR SERVICE REQUESTS

<b>SERVICE REQUEST (NON-TOWN ISSUE) DURING NORMAL BUSINESS HOURS MONDAY THRU FRIDAY 7-3:30</b>	<b>SERVICE FEE</b>	<b>EQUIPMENT/ MATERIALS CHARGES</b>
7801-1 Sewer Backup Response Pickup Truck	\$0	\$250.00
7801-2 Sewer Backup Response Rodder Truck	\$0	\$350.00
7801-3 Sewer Backup Response Vac/Jet Truck	\$0	\$350.00
7801-4 Sewer Backup Response Jet Truck	\$0	\$350.00

<b>SERVICE REQUEST (NON-TOWN ISSUE) AFTER NORMAL BUSINESS HOURS, HOLIDAYS AND WEEKENDS</b>	<b>SERVICE FEE</b>	<b>EQUIPMENT/ MATERIALS CHARGES</b>
7802-1 Sewer Backup Response (MIN + OT min 2 hrs.) Rodder Truck	\$220.00	\$250.00
7802-2 Sewer Backup Response (MIN + OT min 2 hrs.) Vac/Jet Truck	\$220.00	\$450.00
7802-3 Sewer Backup Response (MIN + OT min 2 hrs.) Jet Truck	\$220.00	\$350.00
7802-4 Sewer Backup Response (MIN + OT min 2 hrs.) Pickup Truck	\$220.00	\$100.00
7802-5 Sewer Backup Response (MIN + OT min 2 hrs.) disinfection with bleach	\$220.00	\$45.00 per gallon
7802-6 Sewer Backup Response disinfection with lime	\$220.00	\$8.00 per bag
7802-7 Sewer Backup Response (MIN + OT min 2 hrs.) CCTV Truck	\$220.00	\$400.00

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SERVICE REQUEST (NON-TOWN ISSUE) DURING NORMAL BUSINESS HOURS MONDAY THRU FRIDAY 7-3:30	SERVICE FEE	EQUIPMENT/ MATERIALS CHARGES
7803-1 Sewer Dept. Response Private lateral blockage Rodder Truck from cleanout to main	\$0	\$250.00
7803-2 Sewer Dept. Response Private lateral blockage Jet Truck from cleanout to main	\$0	\$350.00
7803-3 Sewer Dept. Response Private lateral blockage CCTV truck from cleanout to main	\$0	\$450.00
7803-4 Sewer Dept. Response Private lateral repair within right of way Flat Rate **** less than 50 feet	\$1,500.00	Cost plus
7803-5 Sewer Dept. Response Private lateral repair within right of way Flat Rate **** More than 50 feet	\$2,500.00	Cost plus
7803-6 Sewer Dept. Response Private Force Main repair within right of way Flat Rate ****less than 50 feet	\$2,000.00	Cost plus
7803-7 Sewer Dept. Response Private lateral repair within right of way Flat Rate **** less than 50 feet	\$1,500.00	Cost plus
7803-8 Sewer Dept. Response Private lateral repair within right of way Flat Rate **** More than 50 feet	\$2,500.00	Cost plus
7803-9 Sewer Dept. Response Private Force Main repair within right of way Flat Rate****More than 50 feet	\$3,000.00	Cost plus

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EXHIBIT 2**

SERVICE REQUEST (NON-TOWN ISSUE) AFTER NORMAL BUSINESS HOURS, HOLIDAYS AND WEEKENDS	SERVICE FEE	EQUIPMENT/ MATERIALS CHARGES
7804-1 Sewer Dept. Response Private lateral repair within right of way Flat Rate **** less than 50 feet	<b>\$2,500.00</b>	
7804-2 Sewer Dept. Response Private lateral repair within right of way Flat Rate**** More than 50 feet	<b>\$3,500.00</b>	
7804-3 Sewer Dept. Response Private Force Main repair within right of way Flat Rate ****less than 50 feet	<b>\$3,000.00</b>	<b>Cost Plus</b>
7804-5 Sewer Dept. Response Private Force Main repair within right of way ***More than 50 feet	<b>\$4,000.00</b>	<b>Cost Plus</b>
7804-6 Sewer Dept. Response 10-wheel Dump Truck	<b>\$0</b>	<b>\$76.00 per hour</b>
7804-7 Sewer Dept. Response Small Roll Off Truck	<b>\$0</b>	<b>\$76.00 per hour</b>
7804-8 Sewer Dept. Response Large Roll Off Truck	<b>\$0</b>	<b>\$96.00 per hour</b>
7804-9 Sewer Dept. Response Rodding truck with 2 operators	<b>\$0</b>	<b>\$133.00 per hour</b>
7804-10 Sewer Dept. Response Jetter truck with 2 operators	<b>\$0</b>	<b>\$133.00 per hour</b>
7804-11 Sewer Dept. Response Vac-Jet combo truck with 2 operators	<b>\$0</b>	<b>\$133.00 per hour</b>
7804-12 Sewer Dept. Response Small Roll Off Truck container daily rate	<b>\$0</b>	<b>\$100.00 per day</b>
7804-13 Sewer Dept. Response Large Roll Off Truck container daily rate	<b>\$0</b>	<b>\$200.00 per day</b>
7804-14 Sewer Dept. Response Mini excavator with 1 operator	<b>\$0</b>	<b>\$165.00 per hour</b>
7804-15 Sewer Dept. Response track machine with 1 operator	<b>\$0</b>	<b>\$165.00 per hour</b>
7804-16 Sewer Dept. Response equipment trailer daily rate	<b>\$0</b>	<b>\$100.00 per day</b>
7804-17 Sewer Dept. Response Gas powered cut off saw flat fee daily	<b>\$0</b>	<b>\$55.00 per day</b>
7804-18 Sewer Dept. Response other specialized equipment IE: smoker	<b>\$0</b>	<b>\$45.00 per hour</b>

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EXHIBIT 2**

<b>LINE CLEANING- CCTV INSPECTIONS</b>	<b>EQUIPMENT</b>	<b>Per Hour Rate</b>	<b>Linear Foot Rate</b>
4"-6" Sewer Pipe CCTV Inspection Per HR+LF	<b>CCTV Truck</b>	<b>\$350.00</b>	<b>\$1.50</b>
4"-6" Sewer Pipe Light Cleaning Per HR+LF	<b>Jetter Truck</b>	<b>\$450.00</b>	<b>\$2.50</b>
4"-6" Sewer Pipe Light Cleaning Per HR+LF	<b>Rod Truck</b>	<b>\$400.00</b>	<b>\$2.00</b>
4"-6" Sewer Pipe Heavy Cleaning Per HR+LF	<b>Jetter Truck</b>	<b>\$450.00</b>	<b>\$4.50</b>
8"-15" Sewer Pipe CCTV Inspection Per HR+LF	<b>CCTV Truck</b>	<b>\$350.00</b>	<b>\$2.50</b>
8"-15" Sewer Pipe Light Cleaning Per HR+LF	<b>Jetter Truck</b>	<b>\$450.00</b>	<b>\$3.50</b>
8"-15" Sewer Pipe Heavy Cleaning Per HR+LF	<b>Jetter Truck</b>	<b>\$450.00</b>	<b>\$5.50</b>
8"-15" Sewer Pipe Heavy Cleaning Per HR+LF	<b>Rod Truck</b>	<b>\$400.00</b>	<b>\$2.00</b>

<b>INSPECTION SERVICES</b>	<b>FEES</b>
Dye test to confirm connection	<b>\$300.00</b>
Lateral CCTV inspection	<b>\$400.00</b>
Mainline CCTV to locate Laterals	<b>\$500.00</b>
Re-inspection fee	<b>\$150.00</b>

<b>SHIMMO GRINDER PUMPS</b>	
<b>TYPE</b>	<b>PURCHASE PRICE</b>
No prior innovative and alternative system	\$1,500.00
With prior innovated and alternative system	\$500.00

**Article II  
EXHIBIT 3**

**310 CMR 15.203**

TYPE OF ESTABLISHMENT	UNIT	GALLONS PER DAY	MINIMUM ALLOWABLE GPD FOR SYSTEM DESIGN
<b>(2) RESIDENTIAL</b>			
Bed & Breakfast	per bedroom	110	440
Bed & Breakfast	per bedroom	110	
with restaurant open to public add	per seat	35	1000
Camp, resident, mess hall, washroom and toilets	per person*	35	
Camp, day, washroom and toilets	per person	10	
Camp, day, mess hall, washroom and toilets	per person	13	
Campground, showers and toilets	per site	90	
Family Dwelling, Single including, but not limited to, single family condominiums & cooperatives	per bedroom	110	330**
Family Dwelling, Multiple	per bedroom	110	***
Family Mobile Home Park	per mobile home	300	
Motel, Hotel, Boarding House	per bedroom	110	
Retirement Mobile Home Park	per site	150	
Housing for the Elderly	per two bedroom unit	150****	
Work or Construction Camp	per person	50	
* Person in the context of 310 CMR 15.203 means an individual.			
** A system may be designed for flows of not less than 220 gpd, if a deed restriction essentially identical to the model Grant of Title 5 Bedroom Count Deed Restriction developed by the Department, is provided that limits the dwelling to two bed rooms as the term "bedroom" is defined in 310 CMR 15.002. A home office or home retail business whose only employees reside in the home, where no additional wastewater is generated other than toilet and hand washing waste, is not considered a change in the type of establishment and does not require the addition of flow for the purpose of designing the system.			
*** The number of bedrooms in a condominium shall be as specified in the Master Deed. Establishment of bedrooms in excess of the specified number shall be considered an increase in design flow. A home office or home retail business whose only employees reside in the home, where no additional wastewater is generated other than toilet and hand washing waste, is not considered a change in the type of establishment and does not require the addition of flow for the purpose of designing the system.			
**** One bedroom unit Housing for the Elderly, and units with more than two bedrooms shall be designed based on 110 gallons per day per bedroom.			
<b>(3) COMMERCIAL</b>			
Airport	per passenger	5	150
Barber Shop/Beauty Salon	per chair	100	
Bowling Alley	per alley	100	
Country Club, dining room	per seat	10	
Country Club, snack bar or lunch room	per seat	10	
Country Club, lockers and showers	per locker	20	
Doctor Office	per doctor	250	
Dentist Office	per dentist	200	

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EXHIBIT 3**

**310 CMR 15.203**

TYPE OF ESTABLISHMENT	UNIT	GALLONS PER DAY	MINIMUM ALLOWABLE GPD FOR SYSTEM DESIGN
(3) COMMERCIAL (continued)			
Factory, Industrial Plant, Warehouse or Dry Storage Space without cafeteria	per person	15	
Factory, Industrial Plant, Warehouse or Dry Storage Space with cafeteria	per person	20	
Gasoline Station with service bays	per island***** per bay	75 125	300
***** Plus flows for bays, if any			
Kennel/Veterinary Office	per kennel	50	
Lounge, Tavern	per seat	20	
Marina	per slip	10	500
Movie Theater	per seat	5	
Non-single family/ automatic clothes washer	per washing machine	400	
Office building	per 1000 sq.ft.	75	200
Retail Store (except supermarkets)	per 1000 sq.ft.	50	200
Restaurant	per seat	35	1000
Restaurant, thruway service area	per seat	150	1000
Restaurant, Fast Food	per seat	20	1000
Restaurant, kitchen flow [for sizing of grease trap only]	per seat	15	
Service Station [no gas]	per bay	150	450
Skating Rink	per seat	5	3000
Supermarkets	per 1000 sq.ft.	97	
Swimming Pool	per person	10	
Tennis Club	per court	250	
Theater, Auditorium	per seat	3	
Trailer, dump station	per trailer	75	
(4) INSTITUTIONAL			
Place of worship without kitchen	per seat	3	
with kitchen	per seat	6	
Correctional Facility	per bed	200	
Function Hall	per seat	15	
Gymnasium	per participant	25	
Gymnasium	per spectator	3	
Hospital	per bed	200	
Nursing Home/Rest Home	per bed	150	
Assisted Living Facilities	per bed	150	
Public Park, toilet waste only	per person	5	

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EXHIBIT 3**

**310 CMR 15.203**

TYPE OF ESTABLISHMENT	GALLONS UNIT	MINIMUM ALLOWABLE GPD FOR SYSTEM PER DAY	DESIGN
<b>(4) INSTITUTIONAL (continued)</b>			
Public Park, bathhouse, showers and flush toilets	per person	10	
Day Care Facility	per person	10	
<b>(5) SCHOOLS*****</b>			
Elementary School, without cafeteria, gymnasium or showers	per person	5	
Elementary School, with cafeteria but no gymnasium with showers	per person	8	
Elementary School, with cafeteria, gymnasium and showers	per person	10	
Secondary/Middle School, without cafeteria, gymnasium or showers	per person	10	
Secondary/Middle School, with cafeteria but no gymnasium or showers	per person	15	
Secondary/Middle School, with cafeteria, gymnasium and showers	per person	20	
Boarding Schools, Colleges	per person	65	

\*\*\*\*\* All schools to be served by an alternative technology approved pursuant to 310 CMR 15.280 through 15.288 shall have an equalization basin as part of the system design and have it installed prior to the treatment device.

**Article II**  
**EXHIBIT 4**

***Sewer Capacity Fee Policy***

**I. Purpose and Authority**

a. The purpose of this policy is to formalize and clarify the use of a revised policy for charges to properties connecting to the Nantucket sewer system which are part of a designated and approved Sewer District. Connecting properties are responsible for a portion of the project cost of wastewater facilities construction based on Town Meeting votes. Properties served by private sewer extensions shall be responsible for a proportionate share of the expended cost of all wastewater facilities and facilities needed to serve the proposed property or properties. It is intended that the “new” sewer capacity fee shall be established for the Town to assess and collect a portion of the wastewater collection and treatment system capital cost, based on commonly used and generally accepted criteria (e.g., 310 CMR 15.203 of Title 5); acknowledging that existing similar fees that have been established by the Town but may not have been consistently applied to all properties connected to the public sewer system.

b. Authority

This policy is adopted in accordance with Chapters 80 and 83 of the Massachusetts General Laws (MGLs), and relevant Session Acts approved by the General Court, including:

- Chapter 169 of the Acts of 1965; Act Authorizing the Town of Nantucket to establish a Board of Public Works Exercising the Powers of Certain Other Boards, Commissions, Departments, and Town Offices.
- Chapter 396 of the Acts of 2008; An Act Authorizing the Establishment of the Nantucket Sewer Commission and Sewer Districts in the Town of Nantucket.

Further, pertinent sections of the Town Charter apply, including:

- Chapter 41 - Board of Sewer Commissioners
- Chapter 120 - Sewers and Wastewater Facilities

Chapter 41 references include numerous subsequent amendments to Chapter 41 as approved by Town Meeting votes to expand the Sewer District, and thereby include additional properties.

c. Responsibility for Administration

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**EXHIBIT 4**

The Board of Selectmen, acting as Sewer Commissioners, are responsible for the administration of this policy. The authority for that policy is reflected in Chapter 169 of the Acts of 1965 and Chapter 396 of the Acts of 2008, as well as Chapters 41 and 120 of the Nantucket Town Charter.

**II. Definitions**

“Capacity Utilization Fee”- Shall mean a one-time charge for a property that has access to a public sewer by virtue of its location within a designated Sewer District. This fee shall be similar to a sewer betterment assessment, special assessment or sewer privilege fee as described in Section 7 of Chapter 396 of the Acts of 2008. While this fee serves a similar purpose as a Sewer Privilege Fee, it is separate and distinct from a Sewer Privilege Fee, as was established and described in Section 120-6 of the Town Charter. The Nantucket Capacity Utilization Fee basis differs from the Sewer Privilege Fee in that the assessment is based on design flow and does not use assessments based on the uniform unit method as described in Chapter 120-2 of the Town Charter.

“Sewer Capacity Fee”- Similar to the existing Sewer Privilege Fee and Capacity Utilization Fee, and authorized by the same Special Acts, Town Charter Sections and Town Meeting Votes; this “new” fee will be used in place of the two existing capacity-related fees more recently established in 2004 and 2008. This fee shall closely mirror the requirements of the Capacity Utilization Fee as established more recently in 2008, by using a cost per gallon per day assessment basis. As provided in Section 14 of Chapter 83, this fee (or assessment) shall be a proportional part of the cost of collection and treatment facilities construction, and of the costs, not already assessed, of making and repairing other common sewers and facilities.

“Sewer Connection Fee”- Shall mean a one-time cost paid at the time of issuance of a sewer connection permit, to reimburse the Town for costs associated with administering the Sewer Connection program including processing permit applications, sewer capacity fee, connection fee, and user charge billing, inspection of the sewer connection construction, record-keeping and related Sewer Department coordination efforts. The standard fee may be adjusted to account for added or increased Town costs of the services included.

“Sewer Connection Permit”- Shall mean approval from the Town, issued by the Director of the Nantucket Sewer Department, for the installation of a new sewer service or the modification of an existing sewer service, with application being made on specific form(s) as provided by the Town.

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**EXHIBIT 4**

“Sewer District”- As defined in Section 336-1, the Nantucket Sewer Regulations, and meaning the areas and designated properties within those areas of Nantucket that abut public or private ways and that can be served by public sewers. Such districts may be expanded from time to time as designated and established by Town Meeting vote, in accordance with Chapter 396 of the Acts of 2008.

“Sewer Privilege Fee”- Shall mean a one-time fee assessed to a property that is served by, and connects to, a public sewer as provided in MGL Chapter 83, Sections 15 and 17; and Chapters 120-1 and 120-6 of the Nantucket Town Charter, originally approved in 1999 and amended in 2004.

**III. Basis for Sewer Capacity Fee**

a. General

The Sewer Capacity Fee shall be assessed to all properties that have connected and/or will connect to the public sewer system that have yet to pay either the Sewer Privilege Fee or the Capacity Utilization Fee.

The Capacity Fee will initially be set using the most recently determined Capacity Utilization Fee rate of \$20.32 per gallons per day of capacity. Future fee calculations will be completed by or on behalf of the Board of Sewer Commissioners.

b. Flow Basis

Design flows for each property for the purpose of calculating the Sewer Capacity Fee shall be maximum daily flows reflected in 310 CMR 15.203 (Title 5 of the MA Environmental Code), as reflected in the Town’s Sewer Rules and Regulations, Section 336-13, and Article II, Exhibit 3. That design flow basis shall be used for calculating sewer capacity fees for all existing and proposed properties. No multiplier of actual water use/metered flow shall be used in determining the flow basis for the calculation of the Sewer Capacity Fee.

In cases where a dwelling, building or connected property has bathrooms in excess of the number of bedrooms, or water using fixtures not associated with a kitchen or bathroom, the following design flows apply in addition to those found in 310 CMR 15.203:

1. 55 gallons per day for each bathroom or half bathroom that exceeds the total

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**EXHIBIT 4**

number of bedrooms.

2. 55 gallons per day for each water using fixture connected to the sewer system, which is not associated with a kitchen or a bathroom.
- c. For all new construction, there shall be a minimum Sewer Capacity Fee, equivalent to the connection of a 3-bedroom residence and a design flow rate of 110 gpd per bedroom. Using the current capacity utilization fee rate of \$20.32 per gpd, that minimum charge is calculated at \$6,705.60 ( $\$20.32 \times 3 \text{ bedrooms} \times 110 \text{ gpd/bedroom}$ ). This minimum applies to residential as well as any mixed use, commercial, business or other non-residential uses. This minimum charge shall not apply to a Sewer Capacity Fee assessed for a change in use.
- d. **Changes in Use and Renovation/Improvements to Properties**  
A Sewer Capacity Fee shall also be assessed for any changes in use or improvements/renovations of a sewer property, including for any property that has already been assessed a Sewer Capacity Fee or its similar predecessor sewer fees. A change in use shall be defined as any building addition, modification, improvement or replacement that could reflect an increased design wastewater flow based on 310 CMR 15.203 Design Criteria. Sewer Capacity Fees assessed based on a change in use shall not be apportioned over time and shall be assessed and paid in advance of the start of the construction that is the basis of that change in use.
- e. **Apportionment**  
Payment of the Sewer Capacity Fee shall be paid up-front, in advance of the actual physical connection to the public sewer. However, at the discretion of the Board of Sewer Commissioners, the Sewer Capacity Fee may be paid over a number of years, not exceeding 20, at an interest rate to be determined by the Board, with input from the Town Assessor's office, in accordance with Section 120-5 of the Town Charter. Apportionment procedures shall include provisions for the interest rate assessed, and the lien and taxing processes. With regard to the lien process, because the Sewer Capacity Fee is not equivalent to a Sewer Betterment under MGL Chapter 80, the property Owner of Record must execute a Voluntary Lien Agreement, that runs with and is attached to the property, such legal document to be recorded at the Registry of Deeds.

The current interest rate that shall be applied to all apportioned Sewer Capacity Fees shall be set at 4.414%, unless and until that interest rate is modified by a vote of the Board.

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**EXHIBIT 4**

The methodology used in calculating annual principal and interest payments shall be at the discretion of the Board, in accordance with Paragraph 2 of MGL Chapter 80, Section 13, effective as of November 7, 2016.

f. Exemptions/Deferrals/Waiver

No exemptions or exclusions from this policy shall be issued by the Board, with the exception of properties that qualify, apply and are approved for a sewer fee waiver in accordance with the Policy for Sewer Fee Waiver Requests, as adopted by the Town of Nantucket on October 24, 2018. Waivers of the Sewer Capacity Fee shall be allowed under the Authority of the Board of Sewer Commissioners, in accordance with Chapter 396 of the Acts of 2008 and relevant Town Charter Articles. Procedures for Waiver requests shall be as approved by the Board of Sewer Commissioner in a separate policy to be developed and adopted by the Board and shall only be allowed upon a determination that the public interest so requires.

However, property owners eligible to receive an exemption from property taxes under clause 41A of Section 5 of Chapter 59 of the MGL's with respect to their property, shall upon application, be allowed to defer the Sewer Capacity Fee. The eligible property owner whose fee is deferred shall be required to enter into a deferral and recovery agreement with the Town of Nantucket.

**IV. Adoption of Sewer Capacity Fee**

Notwithstanding other provisions of these regulations, the Sewer Capacity Fee shall be in force as of the date of acceptance of these regulations by the Nantucket Select Board. As of that date, the Sewer Capacity Fee formally replaces the application of the town's Sewer Privilege Fee and Capacity Utilization Fee.

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EXHIBIT 5**

**RESIDENTIAL SEWER CAPACITY FEE SCHEDULE  
(FEE'S SUBJECT TO CPI INCREASES ANNUALLY)**

<b>Single Family Residential</b>	6 bedrooms \$13,411.20	5 bedrooms \$11,176.00	4 Bedrooms \$8,940.80	≤ 3 Bedrooms \$6,705.60
<b>Multi – Family residential</b>		5 Bedrooms Per Unit \$11,176.00	4 Bedrooms Per Unit \$8,940.80	≤ 3 Bedrooms Per Unit \$6,705.60
<b>Existing structure Bedroom Additions Alterations</b>	Ea. additional bedroom above 3 will be charged \$20.32 per gpd	Ea. additional bedroom above 3 will be charged \$20.32 per gpd	Ea. additional bedroom above 3 will be charged \$20.32 per gpd	Ea. additional bedroom above 3 will be charged \$20.32 per gpd

Per 310 CMR 15.203, the minimum allowable volume for system design is 330 gallons per day. The volume allowed for each additional bedroom is 110 gallons per day. Outbuildings with sanitary facilities are counted as bedrooms for the purpose of the sewer capacity fee.

**Article II  
EXHIBIT 6**



TOWN & COUNTY OF NANTUCKET  
*BOARD OF SELECTMEN*  
POLICY FOR SEWER FEE WAIVER REQUESTS

*Adopted: 07/20/2016*

*I. Policy.*

The Board of Selectmen, acting as the Nantucket Sewer Commission pursuant to Chapter 396 of the Acts of 2008, and in accordance with Chapter 38, Article III, section 38-3B of the Code of the Town of Nantucket, has the authority to waive any town fee or charge, upon a determination that the public interest so requires.

The Board of Selectmen hereby determines that it is in the public interest to encourage the production of affordable housing, including workforce housing units for the Island's working population. Therefore, the Board of Selectmen will consider, on a case-by-case basis, waivers of one or both of the Town's fees relating to the connection of dwelling units that are located in an existing Sewer District as established under Chapter 396 of the Acts of 2008.

*II. Sewer Connection and Sewer Privilege Fee Waivers.*

The Board of Selectmen may, at its discretion, waive the sewer connection fee or the sewer privilege fee upon the request of an individual, non profit organization, or public entity seeking to connect one or more dwelling units to the Town's sewer system if such unit or units are bound by a permanent affordable housing deed restriction in a form acceptable to the Town and enforceable by the Town, and provided that the dwelling unit or units are eligible for inclusion on the Town's Subsidized Housing Inventory ("SHI") as maintained by DHCD or any successor agency and provided that the developer and/or unit owner shall cooperate fully with the Town in obtaining SHI status for the unit or units by notifying the Town Manager when a building permit issues and when an occupancy permit issues. In the case of dwelling units that are subject to a permanent affordable housing covenant meeting the requirements of Chapter 301 of the Acts of 2002, and Chapter 100 of the Code of Nantucket, the Board of Selectmen may, in its discretion, only waive the sewer connection fee.

**Article III  
EXHIBIT 1**

**SCHEDULE OF FINES**

<b>VIOLATION</b>	<b>FINE</b>
Sewer installation without permit	<b>\$5000.00</b>
Sewer Repair without permit including 2x the permit fee	<b>\$600.00</b>
Work covered before inspection All work to be uncovered for inspection	<b>\$150.00</b>
Failure to schedule Inspectional services Each Offense	<b>\$150.00</b>
Failure to perform work according to approved plan	<b>\$250.00</b>

## **2020 Annual Town Meeting Update for Select Board – 5/20/20**

*As of 5/15/20*

### *Background*

Due to the COVID19 pandemic, the 4/14/20 ATM had to be rescheduled. Current law allows rescheduling by the Moderator, in “consultation” with the Select Board, in up to 30-day increments. Currently, the 2020 ATM is scheduled for Saturday, 5/30/20; however, that is not realistic. Town Admin has coordinated a group\* of staff and others to help formulate recommendations as to when and where to have the 2020 ATM, taking into consideration a variety of factors and assumptions. With regard to the location – we are in the process of evaluating what it would take and cost at either the High School (more than one space would have to be set up in anticipation of a certain # of attendees); or the Boys & Girls Club. Either location can accommodate \*most\* (but not all) of the dates below. The critical issue at hand is to determine the date.

The Select Board and Finance Committee met jointly on 5/12 to review dates and other issues (timing of election, ballot questions, essential vs non-essential articles, OIH override, need to ATM before June 30, the “Airport” problem, need for a pre-Town Meeting forum to inform the public as to what is proposed/planned). Town Counsel also reviewed the attached memo as to options. There was general consensus to hold Town Meeting before June 30.

*\*Town Mgr, Town Moderator, Town Clerk, School Admin, IT staff, the Novissimos, Public Health & Emergency Mgt staff, Town Counsel*

### *Assumptions*

- # Attendees: Scenario 1 – up to 500; Scenario 2 – 500-700\*
- Non-voters will not be permitted to attend
- This will be a “pared down” ATM, with articles divided into “Critical for Town Operations” and “Not Critical for Town Operations”\*\*\*
- This will last 1 night (or day)
- We figure out how to have a “pre-town meeting” using Zoom Webinar

\*Scenario 2 is viewed as unlikely

\*\*list will be available for the Board’s 5/20/20 meeting

### *Town Meeting Date Recommendations (in priority order)*

1. Any day the week of June 22 (if weekday, start at 4pm; weekend start at 9am)
2. Mon, June 29 – 4pm
3. Tues, June 30 – 4pm

### *Outstanding*

- Review OIH override pass/fail scenarios
- Are we still going to have a fall STM (that could be difficult with respect to use of the school)

- What to put on the Nov election ballot – if anything
- Would we consider a STE outside of the Nov election ballot

*Need from Select Board/FinCom*

- Agreement to “pare down” town meeting to all but the most critical articles – **this was agreed to at the 5/12/20 meeting**
- A date for ATM
- New motions for certain articles from FinCom
- Determination as to STM or hold off until 2021 ATM (or, hold on this?)
- Before Wed, 8/5, need to determine if we are putting ballot questions on the Nov election ballot (if so, which, can only do 3\*)

\*if any did not pass at the ATE and/or ATM & we want to “try again” (depending on the outcomes at ATE/ATM) (also only Prop 2 ½ questions can be on the November ballot, not non-binding)

\*\*\*\*\*

*Space Evaluations/Needs*

Facilities (School, Emergency Mgt? Public Health)

Review, Evaluate and Prioritize each space using a criteria checklist to include:

- Capacity of each space & capacity of each space\* with Social Distancing (example: MPW Auditorium holds 780, with SD it holds “X”)
- What is needed to make the space functional for ATM (# chairs & do we have them on hand, hand sanitizing stations, egress restrictions/limitations, is signage needed, restroom availability/limitations)
- Cleaning: what will be needed for each room & other spaces that people might use (bathrooms, hallways, the actual spaces including seats etc)
- Airflow assessment
- Security needs
- Technology (see below)
- Where do people go for a break?
- “Deep cleaning” (before & after?)
- Do we need PPE for the attendees?
- Do we screen the attendees? (who would do this?)

\*MPW Auditorium, NHS Gym, CPS Gym, LGI; B&G Club

Technology Team (Karen McGonigle, Mike Alvarez, NCTV, School IT & Facilities, Mary & Al)

Review & Evaluate, including what it would/will take to accomplish set-up, including:

- What equipment is needed for each space – what do we have & what do we need (between the Town, School, NCTV)
- Who will need to do what?

- Tech needs during ATM. What is needed? Someone assigned to each room to monitor and troubleshoot?
- E-voting requirements: if we have multiple spaces we are going to use, what additional equipment, resources and costs would there be?

Logistics/Attendee Issues (Moderator, Town Clerk & Asst, Town Manager)

- Availability of E-Voting technology (& associated cost)
- Need for “greeters”/“runners” (students?)
- Need for election/town meeting works to check people in?
- Location of the Town officials (SB, FC, PB, Town staff)
- How to divide people among the spaces (alphabet method? First come-first serve?)
- # Alternate Moderators
- # Alternate Clerks
- Id any voter participation issues – are there going to be speaking differences between “regular” ATM and this?
- Do we develop a handout for how ATM will run with COVID19 prevention measures in place?

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**TO:** C. Elizabeth Gibson, Nantucket Town Manager (*By Electronic Mail Only*)  
**FROM:** John W. Giorgio, KP-Law, Town Counsel  
**RE:** Covid 19 - Options for Scheduling Annual Town Meeting and Annual Town Election  
**DATE:** May 5, 2020

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You have asked me to outline the options that the Select Board may want to consider in terms of rescheduling the Annual Town Meeting and the Annual Town Election and how those options may affect the Proposition 2 and ½ ballot questions.

The current State of Emergency declared by the Governor has resulted in the enactment of two Acts so far. They are Chapter 45 of the Acts of 2020, which allows municipalities to postpone annual elections to a date that is on or before June 30, 2020, and Chapter 53 of the Acts of 2020, allowing towns to postpone annual town meetings beyond June 30, 2020. In my opinion, the Town has two viable options for the scheduling of the Annual Town Meeting and Annual Town Election. First, however, I would like to emphasize several considerations:

1. Because the combined town meeting and election warrant has already been posted, the Town Moderator has exercised her authority under G.L. c. 39, §10A, to issue successive declarations of recess and continuance of the Annual Town Meeting. Pursuant to Section 2 of Chapter 53, the law now allows the Moderator to issue an unlimited number of successive additional declarations of no more than thirty days each. Currently, the Moderator has, pursuant to G.L. c. 39, §10A, recessed the Annual Town Meeting until May 30, 2020, but an additional recess will likely be warranted.
2. If the Annual Town Meeting is further recessed to a date later than June 30, 2020, Section 5 of Chapter 53 includes provisions that would allow the Select Board to adopt a spending plan, without an appropriation by town meeting. The spending plan may designate expenditure of funds “from any fund or account of an amount sufficient for the operation of the town ... during the month of July [2020] not less than 1/12<sup>th</sup> of the total budget approved by the town... in the most recent fiscal year pursuant to a plan approved by the board of selectmen.” Any such plan requires the additional approval of the Department of Revenue, and the plan may continue for successive months while the emergency continues to prevent the adoption of a budget by town meeting.
3. Section 6 of Chapter 53 also allows the Town, with the approval of the Bureau of Accounts of the Department of Revenue, to appropriate the balance of its free cash certified as of June 30, 2019, as funding source for adoption of the Town’s Fiscal Year 2021 budget including the undesignated fund balance in an enterprise fund or

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special revenue account. This funding source will be available even if the Annual Town Meeting is held after June 30, 2020.

4. Section 8 of Chapter 53 allows the Town to expend in Fiscal Year 2021 from each revolving account in an amount not to exceed the spending limit established for Fiscal Year 2020. Once the Annual Town Meeting is held, the spending limits for FY 2021 must be voted.
5. Pursuant to Section 1 of Chapter 53 of the Acts of 2020, the Select Board has postponed the Annual Election until June 16, 2020. This year, in addition to the election of officers, the annual election ballot contains seven Proposition 2 and ½ questions, including an override for Our Island Home, and several debt and capital outlay exclusions.
6. There is a federal and state election scheduled for November 3, 2020. The Secretary of State allows a municipality to include on the state ballot up to three Proposition 2 and ½ questions. The Town is required to notify the Secretary of State, including providing the wording of the ballot questions, by the first week in August.
7. Although the two Acts discussed above provide some flexibility with respect to the annual town meeting and annual town election, there may be further legislative action in the future that could affect the options available to the Town. For example, the Massachusetts Senate is currently considering a bill, which, if enacted, would provide several tools to towns, including allowing the Select Board to reduce the quorum requirements at any town meeting. Although Nantucket does not have a quorum requirement for the Annual Town Meeting, it does have quorum requirements for a special town meeting. Although not applicable in Nantucket, the bill also provides for remote participation in a representative town meeting.

### **Option 1**

The Moderator, after consulting with the Select Board, issues further successive recesses of the Annual Town Meeting until a date in late September or early October. The Annual Election could be held on June 16, 2020 as currently planned, or the election could be further postponed to a date no later than June 30, 2020. (Please note that under current law, the annual town election must be held no later than June 30<sup>th</sup>.)

Under this option, the Town would submit a spending plan to the Department of Revenue that would allow the Town, beginning on July 1, 2020, to expend funds to continue municipal operations pursuant to a monthly 1/12<sup>th</sup> spending plan until a budget is adopted at the Annual Town Meeting held in September or October.

The Town could also consider scheduling its anticipated Fall Special Town Meeting for the same day as the delayed Annual Town Meeting.

Under this option, however, the voters will be voting on ballot questions at the June 16<sup>th</sup> Annual Election without having the benefit of learning about the projects during the debate at the Annual Town Meeting. This may make it more difficult to expect that the voters will have sufficient information on which to base their votes. It may, therefore, be prudent to include more voter information opportunities with respect to the ballot questions, but taking care to comply with the regulations of the Office of Campaign and Political Finance regarding expenditure of taxpayer funds regarding ballot questions.

If one or more of the ballot questions voted at the now-scheduled June 16<sup>th</sup> Annual Election do not pass, the Town, as a back-up, could request that the Secretary of State add up to three of the ballot questions that did not pass to the November 3<sup>rd</sup> state election ballot. Under this scenario, however, the warrant articles that relate to the three ballot questions should be voted at the Special Town Meeting because the Town only has until September 15<sup>th</sup> to approve ballot questions where the appropriation vote was made at an annual town meeting and was contingent on the passage of a ballot question. By contrast, if the appropriation is voted at a special town meeting, the Town has 90 days to vote the ballot question. This timing would work for the November 3, 2020 state election. If the Town wants to seek a ballot vote on more than three questions, a special town election would have to be scheduled.

**Option 2:**

The Select Board continues with the current plan, which is to hold the Annual Town Meeting on May 30, 2020 and the Annual Town Election on June 16, 2020. A slight variation on this option would be to further postpone the Annual Town Meeting to sometime in June and to coordinate the dates of the town meeting and the election so that the town meeting occurs before the election. This sequencing would allow voters to have the benefit of the town meeting debate before voting on the ballot questions. The Select Board and the Moderator would have to come to an agreement on the dates of the town meeting and the election. In this regard, c. 45 of the Acts of 2020 requires the Select Board to provide notice of the rescheduled annual election at least 20 days prior to the election.

This option would also allow for a streamlined Annual Town Meeting in June with the intent of addressing only the essential articles necessary to keep the Town functioning from a financial standpoint (only deal with the operating budget, enterprise funds, revolving funds, and essential capital items.) As is the usual practice in Nantucket, after the Town votes approval of the non-called articles, a motion could be made by the Finance Committee, the Planning Board, and/or the Select Board to pass over certain of the called articles, including zoning and general bylaws, home rule petition articles, real estate articles and petitioned articles. If that motion

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passes by a simple majority vote, the number of articles to debate at town meeting may be minimal.

In order to facilitate such a motion, the Select Board may want to commit to the petitioners of the citizen articles currently on the warrant that the Board will place them on the warrant for a Fall Special Town meeting as a courtesy. This would avoid the need for the petitioners to gather 100 signatures on a new petition, which is the number required for a Special Town Meeting, rather than the 10 signatures for an annual town meeting.

Please let me know if you have any questions.

719633/NANT/0750

## 2020 ATM/ATE Scenarios

As of 05/19/20

### ATE Ballot Questions:

Moderator	One for a term of one year
Select Board	Two for terms of three years
School Committee	Two for terms of three years
Historic District Commission	Two for terms of three years
Nantucket Housing Authority	One for a term of five years
Nantucket Islands Land Bank Commission	One for a term of five years
Harbor and Shellfish Advisory Board	Two for terms of three years
Planning Board	One for a term of five years
Nantucket Water Commission	One for a term of three years
Siasconset Water Commission	One for a term of three years

**1. Operating Override – COMPANION ATM ARTICLE: A15**

Shall the Town of Nantucket be allowed to assess an additional \$5,000,000 in real estate and personal property taxes for the purpose of supporting the operation of Our Island Home for the fiscal year beginning on July 1, 2020?

**2. Debt Exclusion for Newtown Road Transportation Improvements – COMPANION ATM ARTICLE: A11 (\$1,154,105)**

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to make various transportation-related improvements on Newtown Road including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto?

**3. Debt Exclusion for Reconstruction of Lover’s Lane – COMPANION ATM ARTICLE: A12 (\$3,272,892)**

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to make various transportation-related improvements on Lover’s Lane, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto?

**4. Debt Exclusion for Construction and Improvements to Amelia Drive and Waitt Drive – COMPANION ATM ARTICLE: A13 (\$3,721,200)**

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to make various transportation-related improvements on Amelia Drive and Waitt Drive, including the costs of professional services for design, permitting, engineering, construction, construction supervision,

materials, and other related professional services, and any other costs incidental and related thereto?

**5. Debt Exclusion for Construction and Improvements to Children’s Beach Storm Water Pump Station – COMPANION ATM ARTICLE: A14 (\$3,300,000)**

Shall the Town of Nantucket be allowed to exempt from the provisions of Proposition Two and One-half, so-called, the amounts required to pay for the bond issued in order to make various improvements to the Children’s Beach storm water pump station, including the costs of professional services for design, permitting, engineering, construction, construction supervision, materials, and other related professional services, and any other costs incidental and related thereto?

**6. Capital Outlay Exclusion – COMPANION ATM ARTICLE: A10**

Shall the Town of Nantucket be allowed to assess an additional \$896,160 in real estate and personal property taxes for the following purposes in the amounts as follows for the fiscal year beginning July 1, 2020?

<i>Department</i>	<i>Purpose</i>	<i>Amount</i>
Fire	Replacement of Self-contained Breathing Apparatus Equipment	\$101,160
Marine	Additional Sewage Pump-out Boat	\$150,000
Public Works	Replacement of 6-Wheel Dump Truck	\$180,000
Public Works	Replacement of F-350 Truck	\$60,000
Public Works	Replacement of two (2) small pick-up trucks	\$90,000
Public Works	Replacement of Street Sweeper	\$250,000
School	Replacement of Bobcat	\$65,000
	<b><i>Total Capital Exclusion:</i></b>	<b><i>\$896,160</i></b>

**7. Capital Outlay Exclusion – COMPANION ATM ARTICLE: A10**

Shall the Town of Nantucket be allowed to assess an additional \$266,522 in real estate and personal property taxes for the continuation of closed caption television camera assessment of storm water drainage systems within the Town for the fiscal year beginning July 1, 2020?

**Non -Binding Ballot Questions:**

- 1. Are you satisfied with our current open town meeting form of government?**
- 2. Would you like the Town to invest time and resources to investigate alternative forms of local government for further review?**

**SCENARIOS**

## OIH

1. Question 1 fails at ATE; Article 15 as recommended, passes at ATM:

*Because the additional appropriation of \$5,000,000 for OIH is contingent on the passage of the override, OIH would be left with only a budget of \$3,767,818 for FY 2021 operation. Because that amount is insufficient to operate OIH at current levels, at the 2020 Annual Town Meeting, the short fall in the OIH budget would be filled by a combination of unused additional levy capacity, certified retained earnings, operational reductions, and/or a one-time use of certified free cash. This one time fix would not, however, address the on-going structural deficit of OIH, which the override was originally intended to address. The other alternative would be for (1) the Select Board to call a special election to reconsider the override, which would be held prior to September 15 (the deadline for an ATM); or (2) town meeting could consider the same or a reduced budget for OIH at a subsequent special town meeting contingent on another override vote which could be placed on the ballot for the November 3, 2020 state election.*

2. Question 1 passes at ATE; Article 15 fails (if amended to “remove” the OIH Override):

*Both the override and the appropriation must be approved in order for OIH to be fully funded for FY 2021. If the ballot question passes but the operating budget is amended at town meeting to remove the additional \$5,000,000 from the total appropriation, OIH would not have a sufficient budget to operate at current levels for the FY 2021. Budget adjustments, as discussed above, would have to be voted at a special town meeting. The structural deficit of the OIH would, however, be addressed by the passage of the override under this scenario.*

### Other Debt Exclusions (2-5)

1. Any of them fail at ATE; but pass at ATM:

*If one or more ballot questions fail at ATE, but pass at the ATM, the project may not go forward unless the Annual Town Meeting vote was revised to remove the contingency language. Under this scenario, the Town would wait to issue any notes or bonds until a subsequent ballot question passes at the 2021 annual town election. As an alternative, (1) the Select Board could call a special election before September 15 to reconsider the ballot question; or (2) town meeting could revoke the appropriation with the contingency language at a special town meeting in the fall and place the debt exclusion question on the November 3 state election ballot.*

2. Any of them pass at ATE; but fail at ATM

*The Town could revoke the appropriation at the next special or annual town meeting. The project scope and budget would have to be substantially similar to the project for which the appropriation was approved at the 2020 Annual Town Election. There is, however, no deadline for seeking another approval of the appropriation at a subsequent town meeting.*

## **Other Capital (6-7)**

1. Any of them fail at ATE; but pass at ATM:

***The Town would not proceed with the actual purchase of the equipment until the capital outlay exclusion vote is approved at the 2021 annual town election.***

2. Any of them pass at ATE; but fail at ATM:

***The Town could revote the appropriation at the next special or annual town meeting. The capital item would have to be substantially similar to the item for which the appropriation was approved at the 2020 Annual Town Election. There is, however, no deadline for seeking another approval of the appropriation at a subsequent town meeting.***

**“DRAFT** PARED DOWN” Warrant as of 05/19/20

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**Commented [LG1]:** Need to determine what is needed for Ticcoma Green

**Commented [LG2]:** Likely to generate discussion (OIH Override); working on how we'd put this off, for now

**Commented [LG3]:** It's possible that with necessary work place safety standards we can't really do this program in FY 21 anyway

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**Commented [LG4]:** This could generate the type of discussion we are trying to postpone for now

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Commented [LG5]: Will lose a grant w/o this

Commented [LG6]: Again, this could generate discussion

Commented [LG7]: Same

**TOWN OF NANTUCKET  
2020 ANNUAL TOWN MEETING**

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**From:** [Libby Gibson](#)  
**To:** [Erika Mooney](#)  
**Cc:** [Brian Turbitt](#); [Roberto Santamaria](#); [Dawn Hill Holdgate](#); [Jason M. Bridges](#); [Kristie Ferrantella](#); [Matt Fee](#); [Rita Higgins](#)  
**Subject:** FW: A Nantucket COVID Set of Dashboards  
**Date:** Friday, May 15, 2020 2:10:51 PM  
**Attachments:** [Nantucket COVID Dashboard SOW.pdf](#)

---

This can go in the packet on Monday. I am waiting for some feedback from Brian re: procurement requirements and also Roberto. Just FYI.

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

**From:** Alan Worden <worden@communitydataplatfroms.com>

**Sent:** Friday, May 15, 2020 1:10 PM

**To:** Libby Gibson <LGibson@nantucket-ma.gov>; Dawn Hill Holdgate <dhillholdgate@nantucket-ma.gov>; Matthew Fee <somethingnatural@icloud.com>; Jason Bridges <jason@nantucketbybike.com>; Kristie Ferrantella <kristie@nantucketchamber.org>; Rita Higgins <rhiggins@nantucket-ma.gov>

**Subject:** A Nantucket COVID Set of Dashboards

In a call with Dawn a few days ago she asked me to get you a scope today for a series of dashboards/analytics to help you track Nantucket over the summer. A few notes:

1. The scope is attached.
2. The main focus is tracking what is happening regarding summer visitors, the permanent population, general health and economic health (businesses and Town finances)
3. The "look and feel" will leverage the work we did to build a [Finance Dashboard for the Town](#) (something we did with majority ReMain funding and through a positive collaboration with Brian Turbitt)
4. Other than providing links to various nationally respected models, we do not suggest any Nantucket-specific model building. It's too unreliable and not actionable. The key is to aggregate data that describes what is happening on the ground so you can make evidence-based decisions.
5. It would not be surprising to see infection rates drop in MA while they increase on Nantucket during the summer. The Town needs reliable hyper-local data to understand and communicate what is happening.
6. We believe/hope we can solicit over \$100,000 in funding for this with a relatively small contribution from the Town of \$30,000. Our goal is simply to break even on costs. For all Nantucket projects, there is not a profit motive...just a break-even motive.

As I have said previously, leaders need to make policy. What we want to do is simply to ensure leaders have access to reliable data so they can develop effective, evidence-based policies.

*"We should not debate how many wine glasses are on a table. That can be counted reliably. The 'policy decision' is whether the folks want red wine or white wine."*

We're just helping by counting glasses so the debate can be focused on policies...not things that are knowable.

Happy to discuss this.

Thanks

Alan

--

Alan Worden  
[Community Data Platforms](#)  
Founder, CEO  
508.221.7944

---

This email was scanned by Bitdefender

# Community Data Platforms

SMARTER AND STRONGER COMMUNITIES

To: *Town of Nantucket*  
From: *Ben Maskell, Technical Project Manager*  
Cc: *Victoria Powers, CTO; Alan Worden, CEO*  
Re: *COVID-19 Dashboard Scope of Work*  
Date: *May 14, 2020*

---

This memo outlines a Scope of Work for the development of critical *COVID-19 Dashboards* for the Town of Nantucket. The purpose of this dashboard is to function as a diagnostic tool that displays crucial information on a variety of subjects all in one place so leaders can make evidence based decisions.

Diagnostic tools are vital to illuminate what options are available to stakeholders. Only with reliable and routinely updated information can they then take action with the greatest effect. For this reason, we prioritize data that is current, local, and representative of the population. With it, we provide high-confidence information to decision-makers who need it most.

In particular, while the Town awaits reopening guidance from the Commonwealth, thought leaders can easily envision a summer situation where the recovery of the Commonwealth proceeds successfully while Nantucket experiences a spike in infections.

While we don't know how COVID-19 will play-out on Nantucket, we do know that dozens and dozens of critical decisions will be made. NDP believes a foundational data resource needs to be built now so reliable decisions can be made in the coming weeks and months.

Imagine the alternative – leaders making decisions on anecdotes or with incomplete or unreliable data. And while we are focused on the surge of summer visitors, it seems to be likely that COVID will be present throughout the fall and winter. Understanding these impacts on the community over time is critical.

## Key Takeaways

We will develop this crucial resource for the Town of Nantucket with the goal of answering this pressing question:

*How has the COVID-19 crisis affected the island's community, economic, and financial health -- and what is the impact of a population influx during the summer season?*

To answer this question, CDP will do the following using reliable and up-to-date data, advanced analytics, and clear visualizations that enable productive and immediate communication among stakeholders about what needs to be done:

### Assess the [Health of Nantucket's Economy](#)

- Determine the type (e.g., seasonal or day trippers) and volume of visitors to the island, as well as their mode of travel.
- Display the number, location, and the attributes of businesses that have been closed or adversely affected due to the COVID-19 crisis
- Quantify the effects of the crisis on the workforce (both seasonal and year round)

### Assess Nantucket's [Community Health](#)

- Display information crucial to understanding the spread of COVID-19 and to assess the effectiveness of interventions to curb transmission
- Present where and in what density vulnerable populations live on-island (medical, social, and physically vulnerable)
- Leverage consumer data sources to provide demographic and psychographic information about Nantucket's year round and seasonal populations

### Assess Nantucket Town's [Financial Health](#)

- Measure tax revenues and real estate transaction values
- Draw from CDP's proprietary measures of tourism and employment
- Compare financial performance with a monthly, quarterly, or annual time series

## Introduction to CDP

Analytics and compelling visualizations guide strategic planning. Data are useless unless harnessed to inform real-life decisions. Non-specialists can make data-driven decisions, but raw data must first be aggregated, pre-processed, analyzed, and, crucially, transformed into easily understandable visualizations.

CDP's global team has expertise in statistics, machine learning, GIS, full-stack JavaScript & PHP, BI platforms, R, D3, Python, HTML, CSS, web scraping, data cleaning, Qlik, SQL, data security, ETL, and more. The team utilizes cutting-edge techniques to tease insights from data and encapsulate takeaways in elegant and understandable visualizations, so leaders can focus on what they do best: making policy.

## Approach & Methodology

CDP's general approach is as follows:

1. Draft a clear and compelling "pressing question"
2. Develop a methodology that will lead to insights around the question
3. Aggregate, clean, and curate local, public, commercial, and survey data that are intensely QA'ed to ensure quality and accuracy
4. Generate actionable insights
5. Produce compelling visualizations that prioritize effective communication

### Step 1: Develop a dashboard with a first round of indicators - By June 8

CDP will create an online, interactive dashboard with the following indicators for which data is immediately available and of the highest value:

- Town's Financial Health - having up-to-date reporting on financial implications can help the Town plan best in a shifting environment
  - CDP Tourism Index
  - CDP Employment Index
  - Local receipts
    - Rooms tax
    - Meals tax
    - Building permits
  - Nantucket real estate
    - Real estate sales
    - Real estate transactions
  - Ferry passenger and freight revenues
- National economic indicatorsCommunity Health
  - Number of confirmed COVID-19 cases
  - Number of tested individuals
  - Number of recoveries from COVID-19
  - Links to other trends (MA rate, NY rates, CT rates, DC rates) and an overlay. Are MA cases decreasing while ACK is increasing?
  - Hospital capacity
  - Evolving at-risk profile based on most recent research - is ACK at high risk, moderate risk, or low risk based on community health?
  - Rate of uninsured and underinsured
  - Likelihood of having an underlying health condition or chronic disease that needs regular medical attention
  - Age

- Gender
- Marital status
- Ethnicity
- Pre-COVID employment status
- Profession
- Income
- Number of parents in the household
- Level of education
- English language assimilation level

*Knowledge about COVID is increasing. As “vulnerable” is redefined through research and experience this can be overlaid with a deep understanding of Nantucket’s permanent population. COVID risks are expected to increase in the fall and winter. The time to gather data on the permanent population is urgent. This data can be used to deliver services to the vulnerable population but also to support “asks” for financial resources from the Town and local philanthropies. Describing the scope of the problem and those likely to be affected is critical to maximizing outcomes and resources.*

*Potential Data Sources:*

- *Consumer data files*
- *Nantucket Cottage Hospital*
- *Town of Nantucket*
- *CDP’s population counts and demographics*
- *Center for Disease Control (CDC)*
- *Commonwealth of Massachusetts*
- *Nantucket local data partners*

## [Step 2: Add second round of indicators to the dashboard - By June 22](#)

Some data are harder to collect and require time to QA to ensure it is high quality. Once we establish functioning pipelines for the requisite data sources, we will add the following indicators to the dashboard:

- Visitor Mobility & Economic Health
  - Number of commercial flights (arrivals and departures)
  - Number of ferry trips
  - Visitor type (e.g., seasonal or day trippers)
  - Air passenger volume
  - Peak daily population

*Potential Data Sources:*

- *Aggregated mobility data from smartphones*
- *Commercial airline trackers*
- *Public & private transportation data*
- *Nantucket local data partners*

### Step 3: Add final round of indicators to the dashboard - By July 6

- Economic Health
  - Number and type of businesses closed
  - Numbers of workers on-island
  - Unemployment rate

*Potential Data Sources:*

- *Aggregated mobility data from smartphones*
- *Bureau of Labor Statistics*
- *Department of Labor*
- *Commonwealth of Massachusetts*

## Deliverables

Community Data Platforms will deliver:

1. Online, interactive dashboards for decision makers
2. User guide for leveraging the tool for key decision-making processes

The core output will be online, interactive dashboards that display CDP's analytics and insights in a simple and compelling manner. It will include data points and metrics mentioned above and will be a critical resource for Nantucket Town leaders at all stages of the COVID-19 crisis.

The user guide will include instructions for use and suggestions for leveraging the tool. CDP will present use cases and scenarios and how leveraging the data analytics will enhance decision making on a variety of topics.

## Timeline

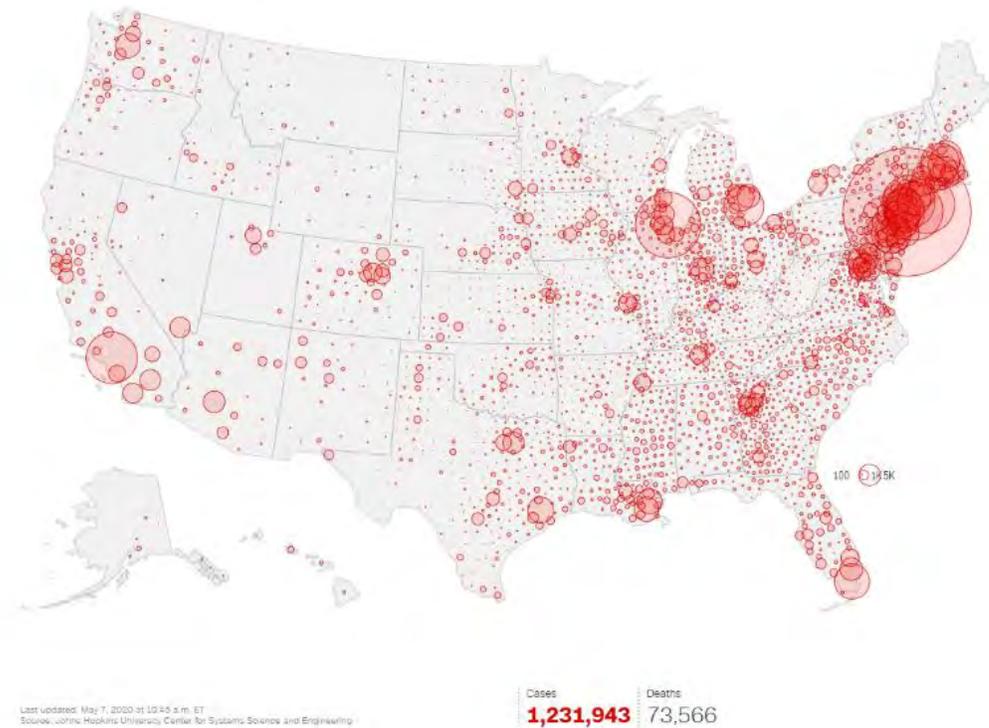
May 25	Contract initiation
June 8	Step 1 Completed
June 22	Step 2 Completed
July 6	Step 3 Completed, with regular updates every <b>two weeks</b> (at a minimum) through September 30, 2020

## Costs

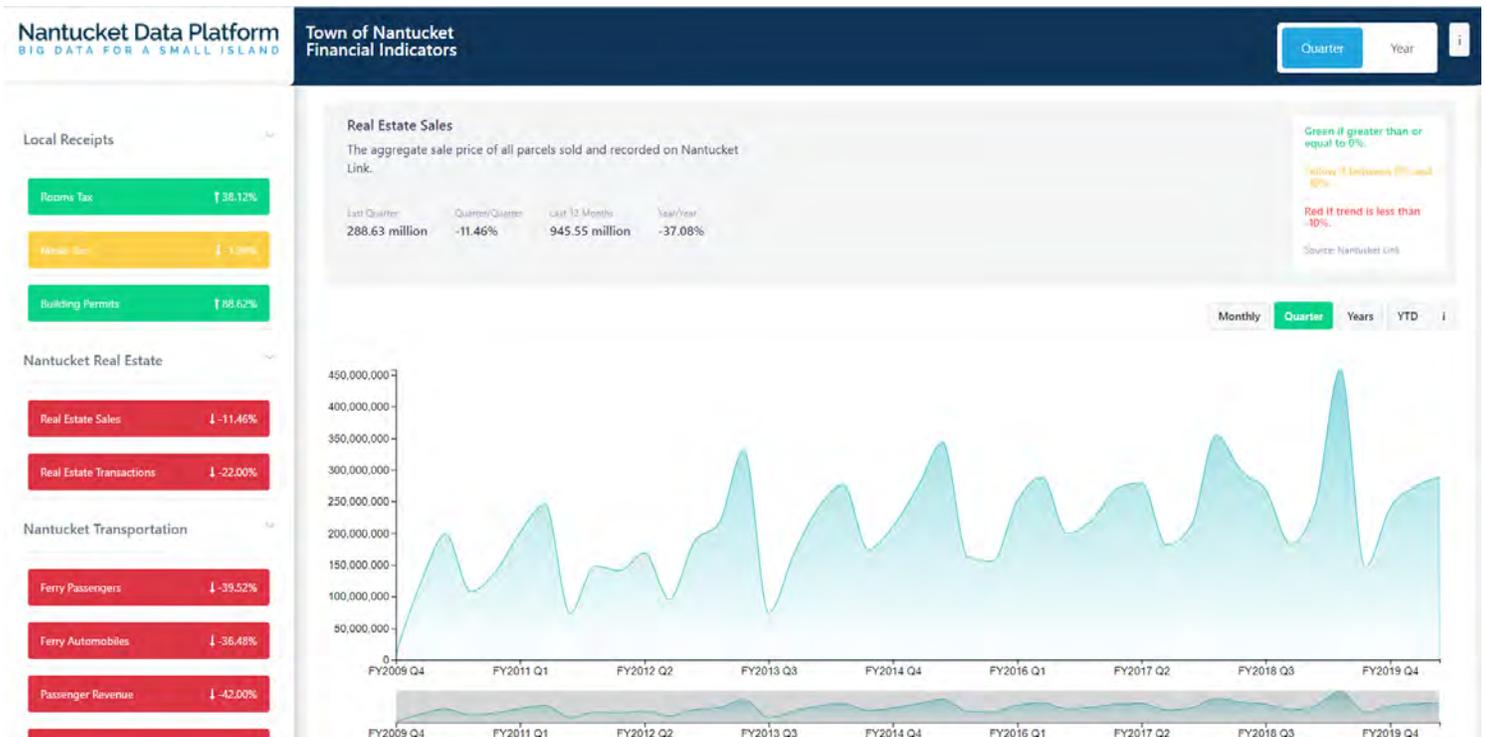
- CPD believes/hopes it can receive funding of \$100,000 of \$130,000 cost so this scope suggests a Town contribution of \$30,000 (less than 25% of the total cost). Since its early work on Nantucket, CDP simply attempts to break even. There is no “profit.” The costs include aggregating and structuring the data sets described.

## Next Steps

Please review this Scope of Work. We appreciate the urgency of the problem and will do whatever we can to expedite the process so we can get to work. The timing reflects an expectation of a signed contract by May 25th.



**May 7 Johns Hopkins COVID Map**  
 Nantucket’s summer visitors reliably come from existing “hot spots.”



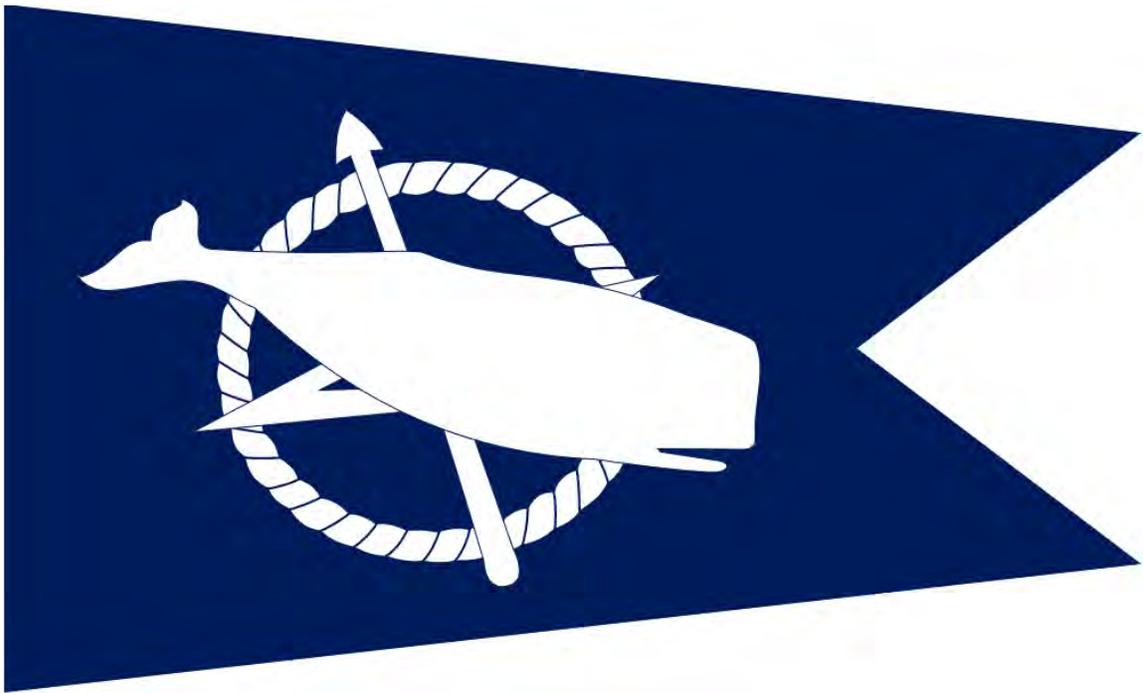
**NDP’s Existing Finance Dashboard for Nantucket.**

A series of dashboards - based on this UI - which aggregate a range of reliable models and data sets can point to “green, yellow, & red” markers to help the Town understand reopening phases.

# Nantucket

# COVID-19 Response

May 20, 2020 | Version 1.0





# Acknowledgments

**Author**, Roberto J. Santamaría, MPH, MBA, REHS/RS

Funding for the summer internship program provided by the Nantucket Community Association

## Nantucket Health Department

Roberto Santamaria

Health & Human Services Director

John Hedden  
Health Inspector

Artell Crowley  
Assistant Health  
Director

Kathy LaFavre  
Health Inspector

Anne Barrett  
Administrative Specialist

Taylor Hilst  
Director of Human Services

## Intern Staff

Grace McNeil  
Syracuse University

Skye Flegg  
Nantucket High School

**Reviewers:** Teresa E. Schrader, MPH, M.Div, R.N. BSN

Deborah A. Murphey, MFA

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**Public Health**  
Prevent. Promote. Protect.

## Introduction

Coronavirus Disease 2019 (COVID-19) is a respiratory infectious disease that is caused by the Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2). First identified in Wuhan, China in 2019, this illness has wreaked havoc on the population and the economy of the world. As of May 16, 2020, there have been more than 4.6 million cases worldwide and more than 310,000 deaths globally. Furthermore, there is no evidence of long-term immunity to the virus without a vaccine, and herd immunity will not be reached in the immediate future.

This report is intended to inform the decisions of the Board of Health and the Select Board as they navigate the intricacies of the COVID-19 (SARS CoV2) outbreak in the USA & Massachusetts. Nantucket is in a unique position in that it is an island separate from the mainland of Massachusetts and has successfully prevented any significant spread of COVID-19 on the island. However, due to the island's seasonal nature as a summer colony, Nantucket faces a series of decisions that will affect the health of the population and the economic future.

## What is Epidemiology?

Six months ago, not many people knew how to spell epidemiology, let alone what it meant. The fourth edition of "A Dictionary of Epidemiology" defines epidemiology as:

*"The study of the distribution and determinants of health-related states or events in specified populations, and the application of this study to the control of health problems."*

In lay terms, epidemiology is the study of illnesses and how they spread in populations. On Nantucket, this specifically addresses the year-round residential population and includes the seasonal population. Epidemiology is used to guide decision making in medicine, pharmaceuticals, and government policy.

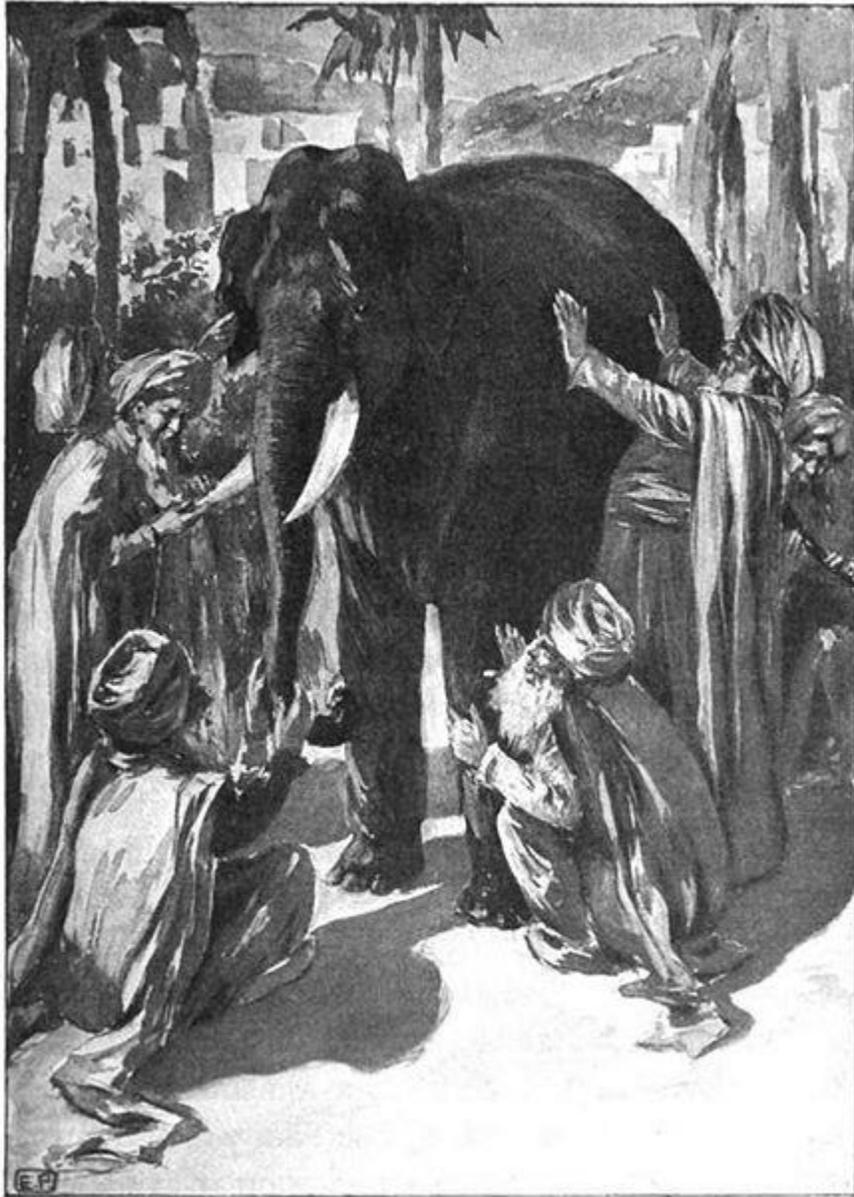
There is a common misconception that epidemiologic models forecast a decision to be made. With proper analysis and interpretation, epidemiology can be used as a tool by stakeholders to inform decisions within a broader scope. As to say, epidemiology is part of a much larger picture. It is important to note that epidemiology is not the application of statistics to introduce bias in decision making. An epidemiologic model is an interpretation of empirical evidence (data) to explain, define, or predict a disease's behavior within a given population.

## **What are Epidemiology Models?**

An epidemic model is a mathematical model that seeks to visualize the relationship between all variables within a system and population of study. These models are often visualized as graphs or charts but can be shown in many different iterations. Models are tremendous in their ability to simplify the observations in the world to answer specific questions. However, models must properly integrate evidence and science to avoid misuse for nefarious or political purposes. It is imperative that the model fits the question being asked. Models are custom made to answer specific questions, and to apply a generic model to answer a specific question is erroneous and can lead to disastrous decisions.

## **Types of Models**

There are many different types of models that can be used for various reasons. For example, a researcher may use Survival Analysis to follow and measure patient lifespan from the date they were placed on a ventilator (intervention) to recovery, death, or loss to follow-up (censored). Different models display separate facets of the same, yet much bigger, picture. The aforementioned example, when studied in specific settings, will only answer questions regarding the risk of death relative to time once a person is put on a ventilator after hospitalization. Such a model cannot be extrapolated to all risks of death for all COVID patients in any hospital across the world.



Not much different than the blind men and the elephant.

Image Source: "The Heath readers by grades", D.C. Heath and Company (Boston), 1907, US public domain

When modeling infectious diseases, like COVID-19, one must ponder the question carefully (*What exactly am I trying to learn?*) Furthermore, one must also consider the audience, as the interpretation of epidemic models is complex and may lead to confusion, distrust, or misinterpretation. All models have limitations, the main point is to choose a model that best fits the needs of the hypothesis. In an overall population, infectious disease models typically fall under the following three categories:

1. **Models that attempt to simplify interrelated or complex systems, such as disease transmission.** Often, these models use categories or “compartments” that relate to how a disease spreads in a population. The challenge with these models is they often oversimplify disease transmission due to few data inputs. Thus, these models do not account for dynamic populations (such as on Nantucket), or ongoing system and behavior changes. One such model is the S.E.I.R. (Susceptible, Exposed, Infected and Resistant) model developed by Kermack & McKendrick in 1927. This model puts a population in one of four categories and models an epidemic through a static population.

Recently, the Nantucket Board of Health and Select Board was offered an analysis based on this model using the “[epidemic calculator](#)” developed by Gabriel Goh. A screenshot (Figure 1) of this calculator can be seen below, modeling an outbreak of SARS-CoV2 in a static population of 28,854 (approximate summer Nantucket population). The primary issue with this calculator is that it does not take into consideration competing risks such as, age, comorbidities, and changes in the population.

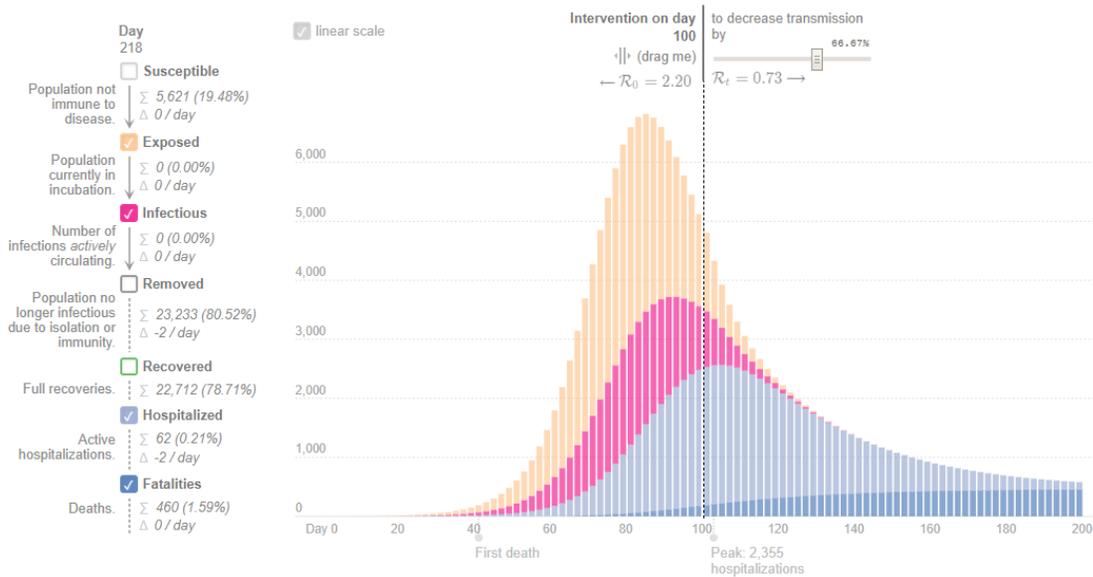


Figure 1. Screenshot of S.E.I.R. visualization in a population of ~29,000 with no dynamic changes, and no behavioral interventions until day 100 (marked by dotted black line).

- Models that try to forecast the future.** These models use existing data to project the illness in a short timeframe. Data such as mobility, healthcare capacity, and susceptibility can all be used to predict the movement of the disease. However, due to the dynamic nature of behavior and population, forecasts are only good for a short period of time as data fluctuations occur. An example of data forecasting is the set of hurricane spaghetti models seen to predict the path of a hurricane. As the data changes, the predicted path changes. There are more than 14 predictive models that the Centers for Disease Control and Prevention (CDC) is using to predict the spread of COVID-19 in the United States. The CDC predictive model for the Commonwealth of Massachusetts' cumulative reported deaths is below (Figure 2).

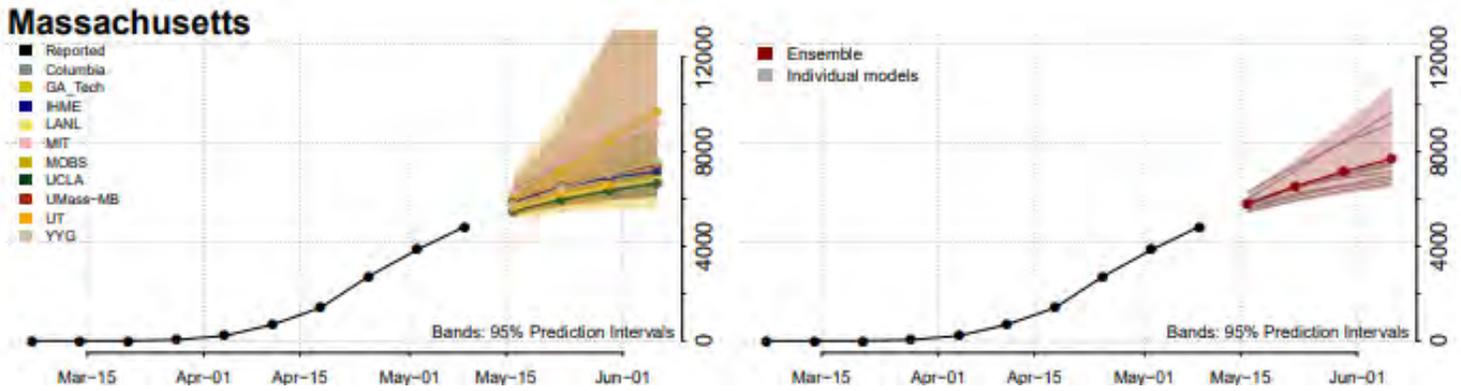
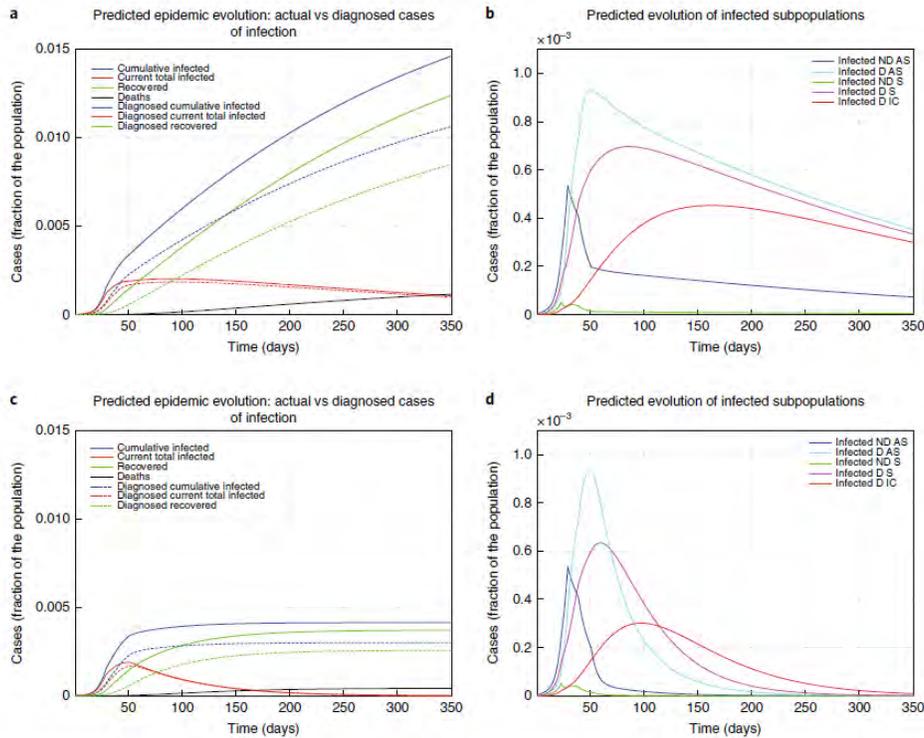


Figure 2: CDC predictive model for Cumulative deaths in Massachusetts. These predictive models forecast two weeks into the future.

- 3. Models that strategically show multiple outcomes and scenarios.** These strategic models attempt to visualize potential implications of different interventions in different contexts. These models are perhaps the most useful to decision-makers and stakeholders when considering intervention strategies. With multiple predictions and models at hand, a decision-maker can pick the best course of action that meshes with all other variables that affect the population they are responsible for. Figure 3 (below) shows two different scenarios in Italy for the COVID-19 epidemic. The top two graphs show what the epidemic curves would be if mitigation measures were relaxed, and the bottom two show what the epidemic curves would be with strict mitigation in place.



**Fig. 3 |** The effect of lockdown. **a-d**, Epidemic evolution predicted by the model for the COVID-19 outbreak in Italy when, after day 50, the social distancing countermeasures are weakened, leading to a larger  $R_0 = 0.98$  (**a,b**), or strengthened, leading to a smaller  $R_0 = 0.50$  (**c,d**). **a,c**, The difference between the actual (real cases) and perceived (diagnosed cases) evolution of the epidemics. The plots in **b** and **d** distinguish between the different categories of infected patients: non-diagnosed asymptomatic (ND AS), diagnosed asymptomatic (D AS), non-diagnosed symptomatic (ND S), diagnosed symptomatic (D S) and diagnosed with life-threatening symptoms (D IC). Note that **a,c** and **b,d** have different scales.

Figure 3 Source: Giordano, G., Blanchini, F., Bruno, R. et al. Modelling the COVID-19 epidemic and implementation of population-wide interventions in Italy. Nat Med (2020).

### What does this mean to me?

By using good data and information, the Select Board and the Board of Health can choose the most appropriate course of action for the island. The models and information contained herein should be used to make the best decisions possible for the island but cannot be the sole reasoning for decision-making. Use this information in conjunction with the reports given from the commonwealth, the information from the Nantucket Economic Impact Workgroup, and from the EBP report issued the week of May 15.

## COVID-19 Background

### China/Worldwide (Source: WHO COVID-19 Situation Reports)

On December 31, 2019, the World Health Organization (WHO) was informed of cases of pneumonia caused by an unknown factor (unknown etiology) in Wuhan City, Hubei province of China. By January 4, 2020, 44 cases of the same pneumonia were reported to WHO. These cases were associated with a single seafood market in Wuhan City. On January 7, 2020, the Chinese authorities isolated and identified a new type of coronavirus, and its genetic code was sequenced by January 12, 2020. By January 20, 2020, imported cases were reported in Japan, Thailand, and the Republic of Korea, with China reporting 278 cases.

By February 1, 2020, nearly 12,000 cases were confirmed worldwide, spread across 23 different countries (including USA). Person-to-person transmission of the virus was confirmed on or around January 22, and by February 1, asymptomatic spread was confirmed and 98.9%. Of all cases, were localized in China (11,953 globally). On March 1, China accounted for 91.8% of cases globally (87,137).

On April 1, China accounted for only 10% of global cases. Italy accounted for 12.8% and USA accounted for 19.8%. Total global cases on April 1 were 823,626.

By May 1, there were 3,175,207 cases worldwide, spread over 188 countries and territories. The United States had 1,035,353 confirmed cases on May 1 (32.6% globally) as opposed to China, which only had 84,385 (2.7% globally). It is important to note that a significant portion of cases remain unreported due to lack of testing and reporting in many countries across the world, including within the USA.

**USA (Source: CDC Coronavirus Disease 2019, Cases, Data, & Surveillance Dashboard)**

The first case reported in the USA occurred January 24, 2020. Through approximately February 26, all cases were localized in individual pockets, usually located in nursing or long-term care facilities. By March 1<sup>st</sup>, the USA was seeing 6 new cases per day. That number jumped to over 200 per day by March 9. From March 1 through April 6, the USA was in an exponential growth phase of transmission/diagnosis. Since then, the USA has entered a “plateau” stage, consistently diagnosing approximately 23,000 cases per day. The following figure show the national breakdown as of May 14, 2020.

**New Cases by Day**

The following chart shows the number of new cases of COVID-19 reported by day in the U.S. since the beginning of the outbreak.

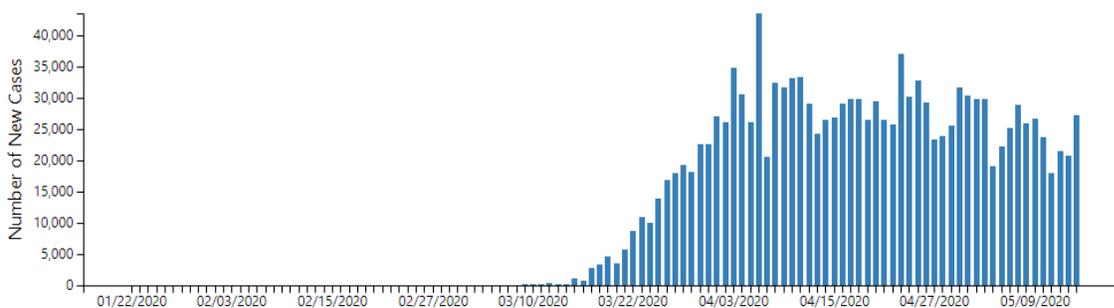


Figure 4: Source CDC COVID-19 Surveillance Dashboard

## Cases by Age

The following chart shows the age of people with COVID-19. Data were collected from 1,112,531 people, and age was available for 1,109,884 (99.8 %) people.

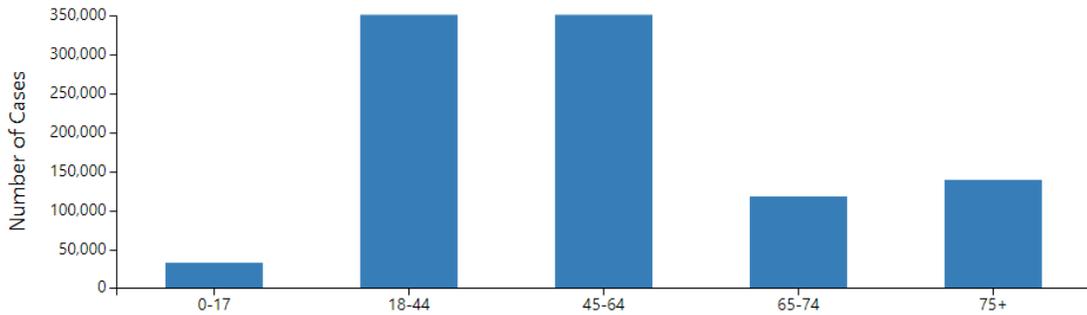


Figure 5: Source CDC COVID-19 Surveillance Dashboard

## Cases by Race & Age

The following chart shows the race of people with COVID-19. Data were collected from 1,097,519 people, but race was only available for 520,745 (47.4%) people.

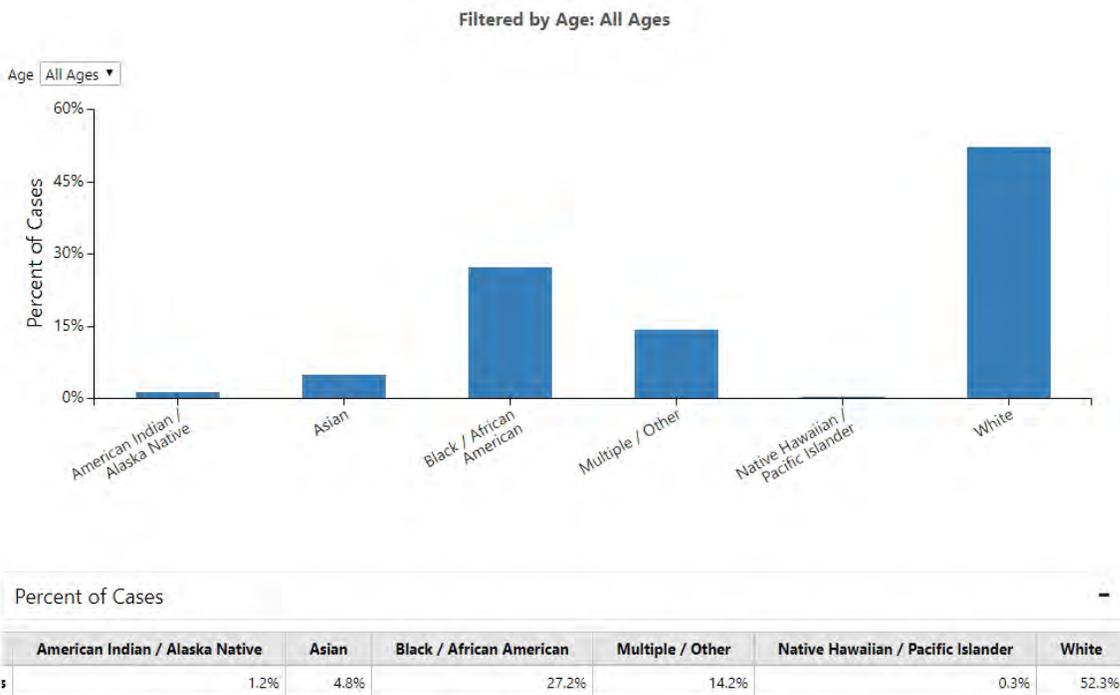
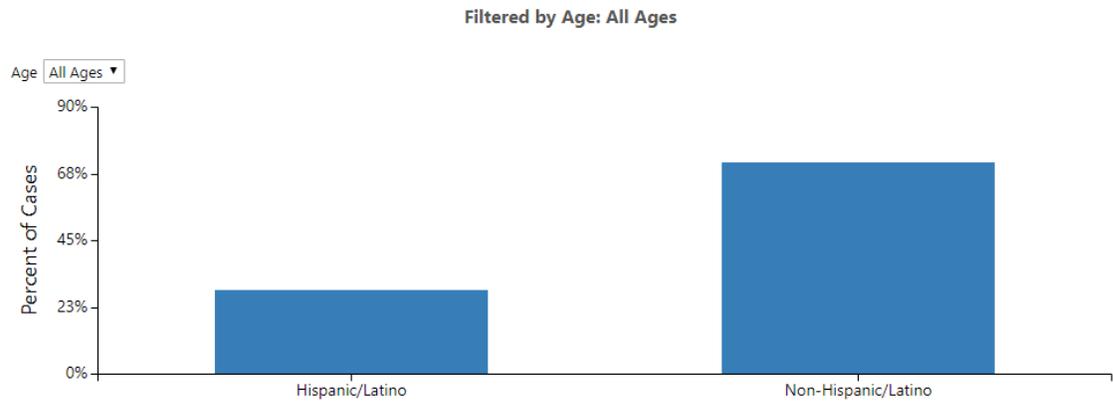


Figure 6: Source CDC COVID-19 Surveillance Dashboard

## Cases by Ethnicity & Age

The following chart shows the ethnicity of people with COVID-19. Data were collected from 1,112,531 people, but ethnicity was only available for 490,649 (44.1%) people.

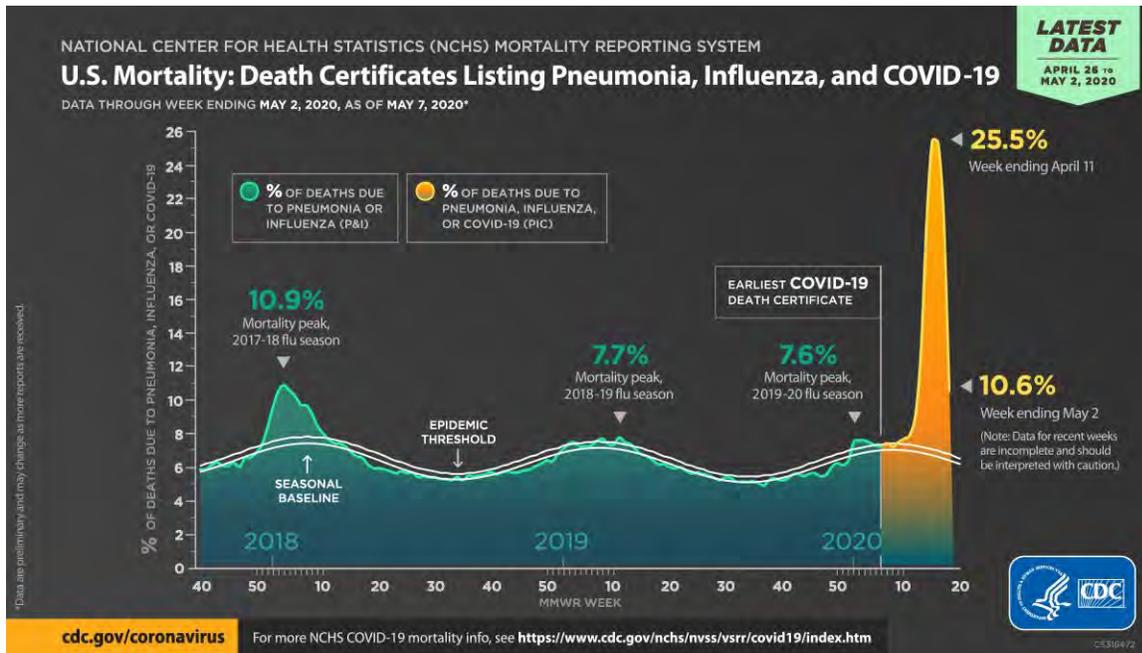


Percent of Cases		
	Hispanic/Latino	Non-Hispanic/Latino
Percent of Cases	28.4%	71.6%

Figure

7: Source CDC COVID-19 Surveillance Dashboard

As of late April, pneumonia is now the leading cause of death in the USA.



Figure

8: Source CDC COVID-19 Surveillance Dashboard

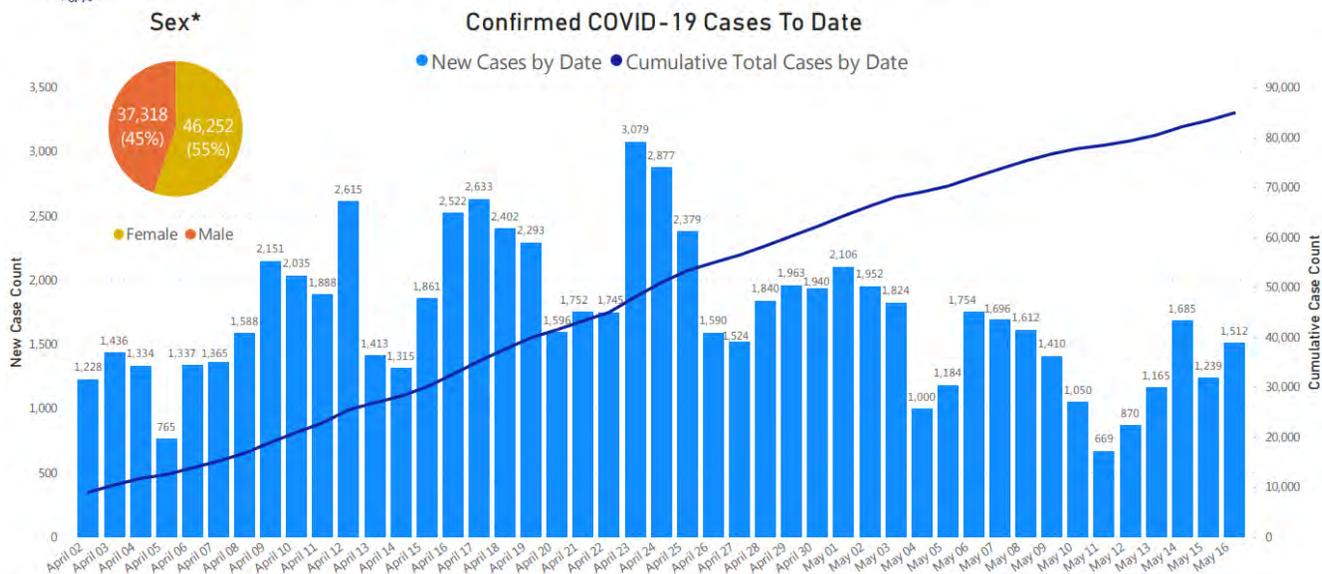
### **Massachusetts (Source: MA COVID-19 Dashboard)**

Following the initial cases in the USA, Massachusetts started tracking COVID-19 data on March 9. At that point, MA had 41 confirmed cases. By March 31 Massachusetts had 6,620 cases throughout all its counties, and 89 deaths (1.34%) were attributed to COVID-19. By April 30, Massachusetts reported 62,205 cases and 3,562 (5.7%) deaths. On May 16<sup>th</sup>, Massachusetts reported 84,933 cases and 5,705 (6.7%) deaths. The mortality of 6.7% is alarming, but when stratified into age groups, the rate changes significantly (Figure 11).

Due to alarming COVID-19 infection trends in the USA, Massachusetts Governor Charlie Baker declared a state of emergency on March 10. On March 23, Gov. Baker issued an emergency order to close all non-essential businesses. This order has since been extended through May 18, at which point an extended phased reopening plan was released.



# Daily and Cumulative Confirmed Cases



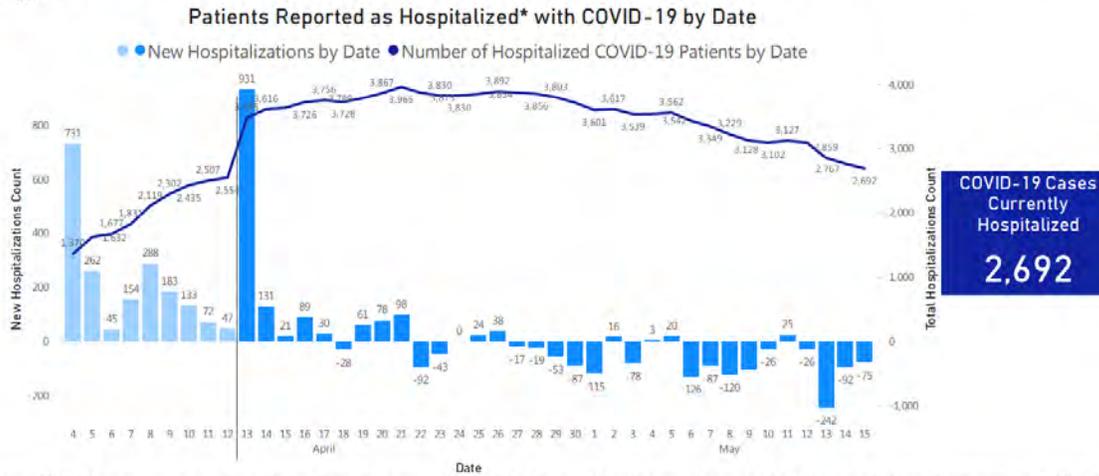
Data Sources: COVID-19 Data provided by the Bureau of Infectious Disease and Laboratory Sciences; Tables and Figures created by the Office of Population Health. Note: all data are current as of 10:00am on the date at the top of the page; \*Excludes unknown values

Figure 9: Source Massachusetts COVID-19 Surveillance Dashboard

It is important to note that though the cumulative cases within the Commonwealth continue to rise, the number of new cases per day has dropped significantly from 3,079 at its peak on April 23 to 1,512 as of March 16. This trend is positive for the Commonwealth and points toward safe opening of the state shelter in place orders.



# Daily and Cumulative COVID-19 Hospitalizations



Data Sources: COVID-19 Data provided by the Bureau of Infectious Disease and Laboratory Sciences and MDPH survey of hospitals (hospital survey data are self-reported); Tables and Figures created by the Office of Population Health.  
 Notes: data are current as of 12:00pm on the date at the top of the page; \*prior to 4/13 only confirmed cases were included in the hospitalization count data (light blue bars); starting 4/13 both confirmed and suspected cases are included (dark blue bars).

Figure

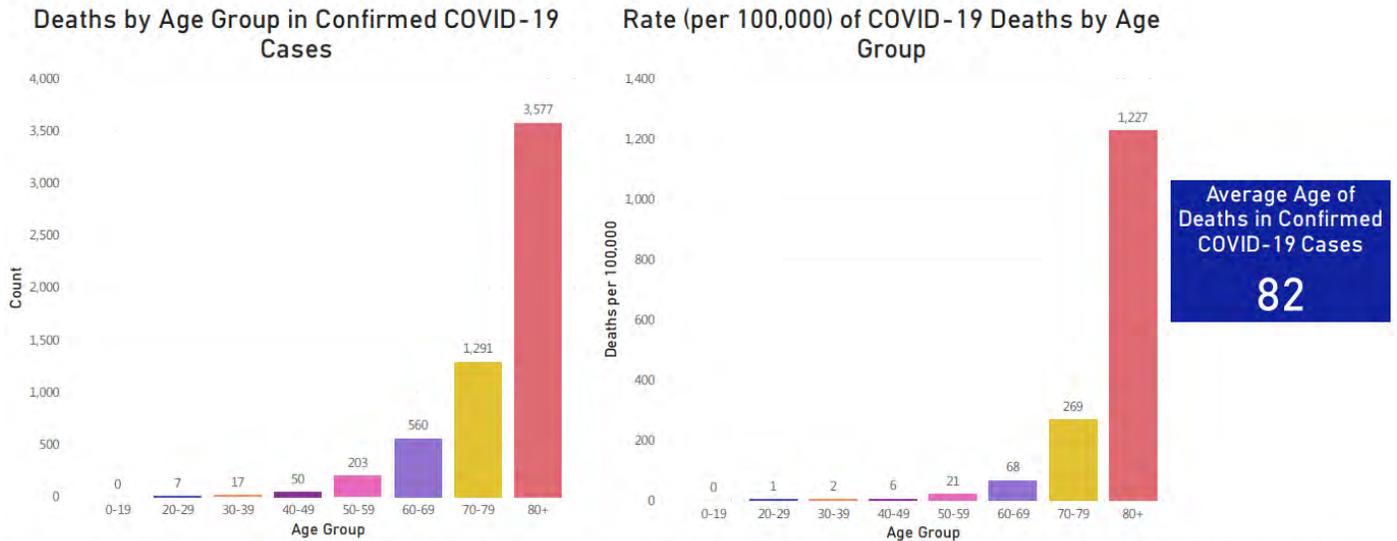
10: Source Massachusetts COVID-19 Surveillance Dashboard

Both the Commonwealth’s and Nantucket’s emergency orders were issued in the anticipation that a surge of cases, as seen in New York City, can quickly overwhelm the hospital system. Figure 10 shows that the hospitalization of COVID patients is trending downward.



## Massachusetts Department of Public Health COVID-19 Dashboard - Saturday, May 16, 2020

# Deaths and Death Rate by Age Group



Data Sources: COVID-19 Data provided by the Bureau of Infectious Disease and Laboratory Sciences and the Registry of Vital Records and Statistics; Population Estimates 2011-2018: Small Area Population Estimates 2011-2020, version 2018; Tables and Figures created by the Office of Population Health.  
Note: all data are cumulative and current as of 10:00am on the date at the top of the page

11

Figure 11: Source Massachusetts COVID-19 Surveillance Dashboard

Age stratification is important to understand the Case Fatality Rate (CFR) of 6.7%. Deaths from COVID-19 cluster among patients aged 80 and above. Of the 5,705 deaths, 3,577 (62.7%) are patients aged 80 and older, 1,291 (22.6%) are people aged 70-79, and 560 (9.8%) are people aged 60-69. This age group (60+) makes up 37.7% of all cases across the commonwealth, but accounts for more than 95% of all deaths in the Commonwealth.

By focusing interventions and outreach to this population, policymakers like the Board of Health and the Select Board can significantly reduce the burden of disease among this population.

## Nantucket (Source: MA COVID-19 Dashboard & NCH Update Page)

On March 22, Nantucket had its first case of COVID-19. This case was imported by an off-island resident that was diagnosed at Nantucket Cottage Hospital (NCH). Subsequently, NCH set up a drive through testing area for Nantucket residents and visitors experiencing symptoms. The hospital and clinics were closed to visitors, and only patients needing essential care are allowed. Since then, there has been only a total of 14 cases. The hospital has tested a total of 453 residents and visitors, as of May 19. When removing the 13 pending tests (May 18), the island's total positive test rate is 3.09%, which is much lower than the Commonwealth's (8%). Unfortunately, Nantucket has already experienced one death from local COVID patients, though various seasonal residents who live off-island have also perished of COVID related complications.

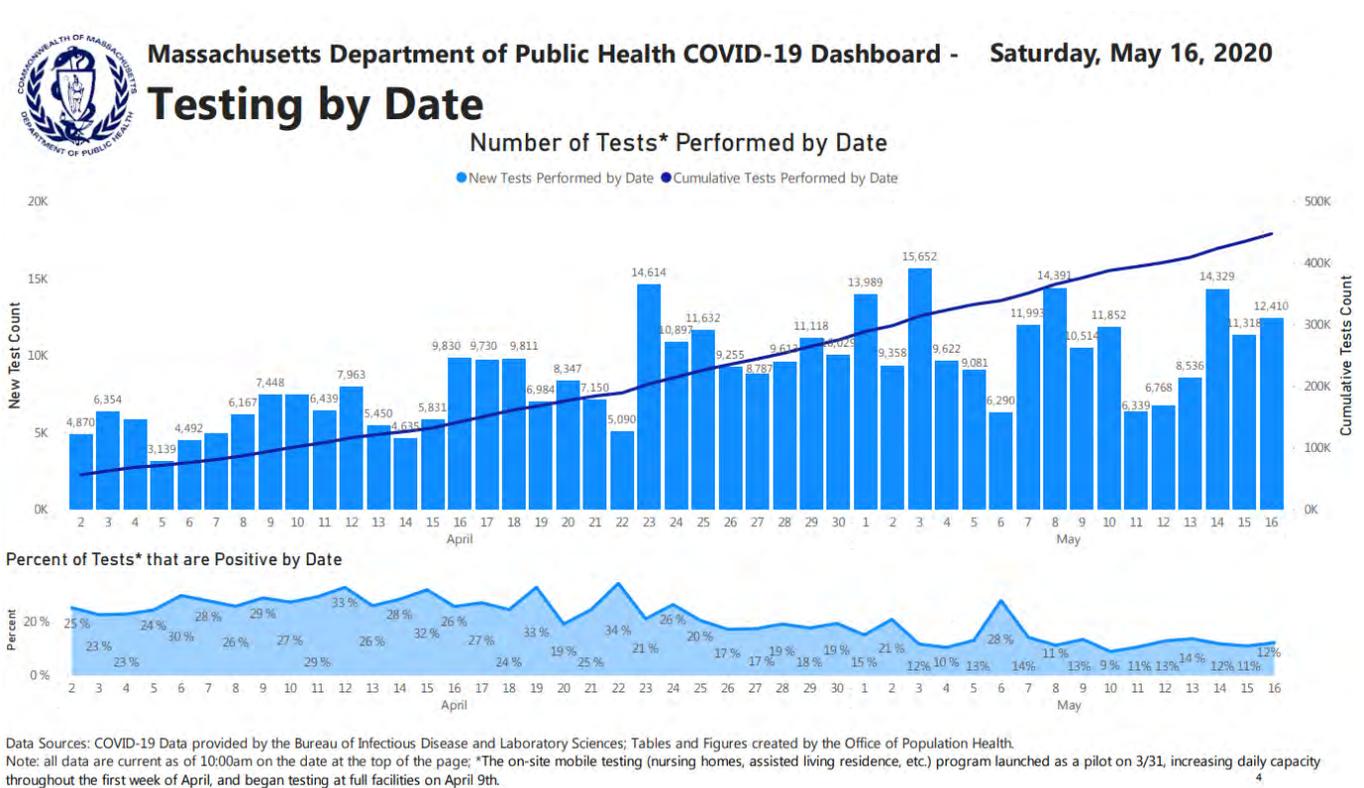


Figure 12: Commonwealth testing data by date with cumulative trend line

## Next Steps/Analysis

### Governor's Phased Orders

On May 18, Governor Baker released the Commonwealth's plan to slowly reopen the economic via a [four-phase reopening plan](#). The administration is using a data-based approach to reopen the economy while also considering the actions of neighboring states. In the plan, Baker spreads opening of individual industries weekly, within each phase. The basic overview of the phases can be seen below (Figure 13 & 14).



Figure 13: Basic review of each phase in reopening

### Framework to inform which sectors should be considered for reopening in each phase:

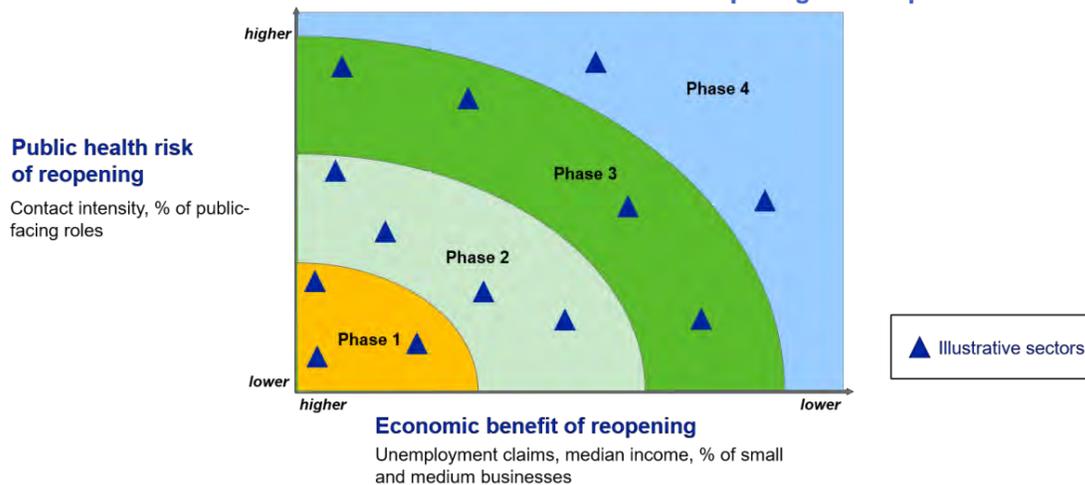


Figure 14: Economic reasoning behind each phase of reopening

## Testing/Surveillance on Nantucket

On Nantucket island, it is imperative to implement a level of active surveillance. There have been various proposals for surveillance programs across many sectors of the island community. Currently, the Nantucket Cottage Hospital is working on a plan to assess seroprevalence of antibodies on the island to gauge baseline viral burden on the island. The [BioBot](#) study of the Nantucket Surfside Wastewater Treatment Facility (SWTF), found a prevalence of COVID on the island to be only 11 cases.

Nantucket must maintain green or yellow status on the six viral indicators to avoid a slide back into a stricter mitigation level. The indicators are detailed on the state COVID dashboard (Figure 15).

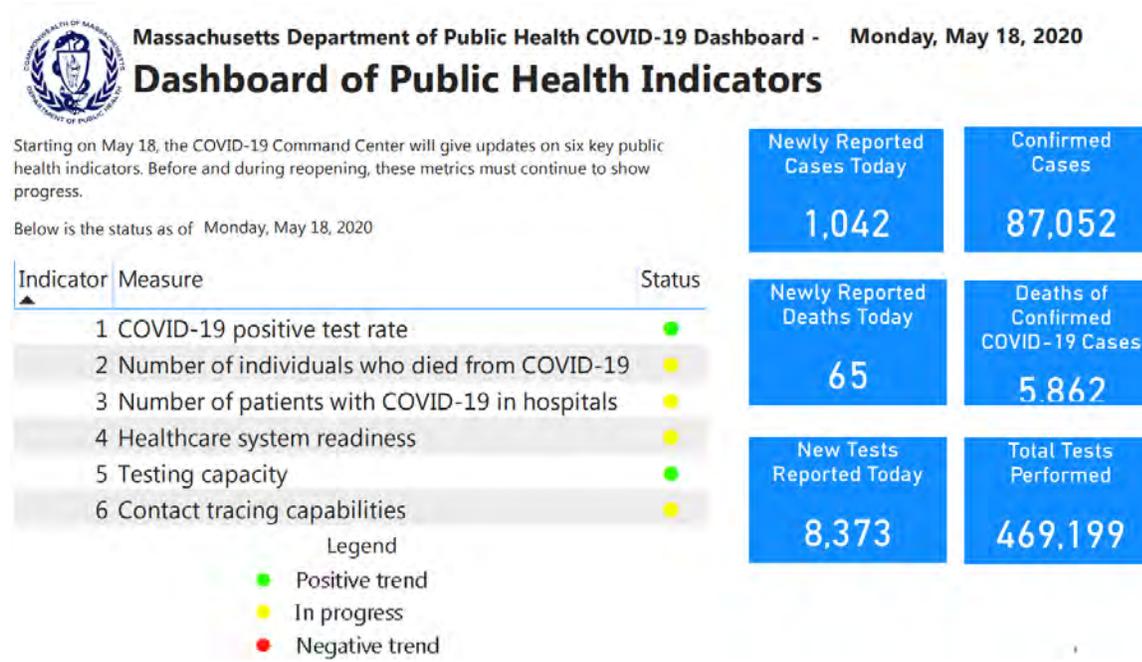


Figure 15: Community Health Status Indicators

### “Join in our success” outreach campaign

An outreach campaign to inform the public regarding the governor’s orders must be rolled out as soon as possible to maintain a low incidence and prevalence rate on the island. It is imperative that the public maintain strict adherence to social distancing rules and other viral spread mitigation standards. The “Join our Success” campaign invites visitors and seasonal residents to help maintain the low level of incidence by *joining in our success* of flattening the curve. Therefore, maintaining a flattened curve for the foreseeable future. This campaign should include but must not be limited to the following:

- Social media outreach by the town, local business and trade associations
- PSA’s and informative videos that can air on local television and radio
- Signs and advertisements at local ports of entry
- Advertising on Steamship Authority, Hyline, and airport websites and ticketing centers
- COVID educators and island ambassadors to help inform the public at the landfill and downtown areas
- Handouts, fliers, and other educational material that can be distributed in restaurants and retail centers
- And any other recommendations by Economic Recovery Taskforce

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## Appendix A

Roberto J. Santamaría, MPH, MBA, REHS/RS Curriculum Vitae

### EDUCATION

**Johns Hopkins Bloomberg School of Public Health** (Baltimore, Maryland) Expected May 2022  
Doctor of Public Health (Dr.PH)  
Concentration: Health Policy & Management Health Equity & Social Justice

**Salve Regina University** (Newport, Rhode Island) December 2013  
Master of Business Administration (MBA)

**Boston University School of Public Health** (Boston, Massachusetts) May 2011  
Master of Public Health (MPH)  
Concentration: Epidemiology & Biostatistics

**University of Central Florida** (Orlando, Florida) May 2009  
Bachelor of Science Degree (BS)  
Major: Molecular Biology & Microbiology

### RELEVANT EXPERIENCE

Town of Nantucket, Director of Health & Human Services 8/2015 - Present  
Town of Framingham, Deputy Director of Public Health/Interim Director 11/2013 – 5/2015  
City of Everett, Director of Public Health 5/2011 – 11/2013  
City of Everett, Public Health Emergency Preparedness Coordinator 5/2010 – 5/2011  
University of Central Florida Dept. of Chemistry 11/2005 – 5/2009

### LANGUAGES

Native Proficiency in English & Spanish

### AFFILIATIONS & CERTIFICATIONS

- Executive Board Member - Massachusetts Environmental Health Association
- Member - National Environmental Health Association
- Member – Housing Nantucket Board of Directors
- Registered Environmental Health Specialist / Registered Sanitarian
- Six Sigma Green Belt

## Appendix B

### Definitions

**Case Fatality Rate:** The proportion of cases of a specified condition which are fatal within a specified time.

$$\text{CFR (expressed as a percentage)} = \frac{\text{\# of Deaths from a disease}}{\text{\# of diagnosed cases of that disease}} \times 100$$

**Censoring:** Loss of subjects from a follow-up study; the occurrence of the event of interest among such subjects is uncertain after a specified time when it was known that the event of interest had not occurred; it is not known, however, if or when the event of interest occurred subsequently. Such subjects are described as censored.

**Epidemiology:** “The study of the distribution and determinants of health-related states or events in specified populations, and the application of this study to the control of health problems.”

**Incidence:** The number of instances of illness commencing, or of persons falling ill, during a given period in a specified population. More generally, the number of new events, e.g., new cases of a disease in a defined population, within a specified period of time.

**Mathematical Model:** A representation of a system, process, or relationship in mathematical form in which equations are used to simulate the behavior of the system or process under study. A mathematical model is deterministic if the dependent variables involved take on values not allowing for any play of chance. A model is said to be stochastic, or random, if random variation is allowed to enter the picture

**Prevalence:** The number of events, e.g., instances of a given disease or other condition, in a given population at a designated time; sometimes used to mean Prevalence Rate. When used without qualification, the term usually refers to the situation at a specified point in time (point prevalence). Note that this is a number, not a rate.

**Stratification:** The process of or result of separating a sample into several subsamples according to specified criteria, such as age groups, socioeconomic status, etc. The effect of confounding variables may be controlled by stratifying the analysis of results.

**Survival Analysis:** A class of statistical procedures for estimating the Survival Function and for making inferences about the effects on it of treatments, prognostic factors, exposures, and other covariates.

Nantucket Department of Public Health

3 E Chestnut Street

Nantucket, MA 02554

508-228-7200

Fax: 508-325-6117