AGENDA FOR THE MEETING OF THE SELECT BOARD
JUNE 24, 2020 - 5:00 PM
REMOTE PARTICIPATION VIA ZOOM WEBINAR
PURSUANT TO GOVERNOR BAKER’S MARCH 12, 2020 ORDER REGARDING OPEN MEETING LAW
NANTUCKET, MASSACHUSETTS

YOU TUBE LINK: https://youtu.be/EmIA5ld2vPA

I. CALL TO ORDER

II. SELECT BOARD ACCEPTANCE OF AGENDA

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

2. Census Complete Count Committee Notice: 2020 Census is Ongoing and of Vital Importance to Nantucket.

3. 2020 Annual Town Meeting is Thursday, June 25, 2020 at 5:00 PM at Nantucket High School.

IV. COVID-19 WEEKLY UPDATE
1. Select Board Comments/Questions
   - Public Comment

2. Report from Public Health Director
   - Select Board Comments/Questions
   - Public Comment

3. Emergency Orders - Status
   - Local Board of Health/Select Board Joint Emergency Rule and Order No. 11 (Outdoor Dining at Restaurants)
- State Phased Reopening of Workplaces and Imposing Workplace Safety Measures/Safer-at-Home Advisory/Other Emergency Order(s) - Status
- Select Board Comments/Questions
- Public Comment

4. Review and/or Approval of Applications from Restaurant Liquor Licensees for Changes of Premises for Outdoor Dining.

5. Economic Recovery Task Force Recommendations Update
   - Select Board Comments/Questions
   - Public Comment

6. Public Information and Town Services Update
   - Outreach update
   - Dedicated email 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 June 17, 2020 at 10:00 AM.


3. Approval of Pending Contracts from June 24, 2020 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

VIII. CITIZEN/DEPARTMENTAL REQUESTS
1. Request for Approval and Execution of Temporary License Agreement with Hither Creek, LLC for Use of Town-owned Property at Ames Avenue and 5 Ames Avenue for Temporary Overflow Parking for Millie’s Restaurant.

IX. TOWN MANAGER’S REPORT

X. SELECT BOARD’S REPORTS/COMMENT


3. 2020-2021 Board Committee/Liaison/Work Group/Representative Appointments.
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
June 24, 2020

<table>
<thead>
<tr>
<th>Type of Agreement/Description</th>
<th>Department</th>
<th>With</th>
<th>Amount</th>
<th>Other Information</th>
<th>Source of Funding</th>
<th>Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amendment to Professional Service Agreement</td>
<td>Town Admin</td>
<td>The Novak Consulting Group/Raftelis</td>
<td>Add $16,000 to original contract amount of $64,000 for a new contract total of $80,000</td>
<td>Amend current contract for professional admin support services to include continued support for COVID-19 economic strategies, Strategic Plan facilitation</td>
<td>Town Administration Budget &amp; CARES Act Funding</td>
<td>June 17, 2020 - December 1, 2020</td>
</tr>
</tbody>
</table>
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.

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

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

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

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

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

Please get counted and help shape Nantucket's future!
COVID-19 Report to Selectboard

Board of Health

6/24/2020
# of Total PCR tests to date (6/21) = 1,256 (including OIH & Sherburne)

# PCR tests covered by Town funding (the $100k) = 23 (those tested met the criteria for being tested)

# PCR tests covered by private employers for their employees = ~85

# positive tests since asymptomatic testing started= 0
## Metrics

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Measure</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>COVID-19 positive test rate</td>
<td><img src="image" alt="Positive trend" /></td>
</tr>
<tr>
<td>2</td>
<td>Number of individuals who died from COVID-19</td>
<td><img src="image" alt="In progress" /></td>
</tr>
<tr>
<td>3</td>
<td>Number of patients with COVID-19 in hospitals</td>
<td><img src="image" alt="In progress" /></td>
</tr>
<tr>
<td>4</td>
<td>Healthcare system readiness</td>
<td><img src="image" alt="In progress" /></td>
</tr>
<tr>
<td>5</td>
<td>Testing capacity</td>
<td><img src="image" alt="Positive trend" /></td>
</tr>
<tr>
<td>6</td>
<td>Contact tracing capabilities</td>
<td><img src="image" alt="In progress" /></td>
</tr>
</tbody>
</table>

**Legend**

- ![Positive trend](image)
- ![In progress](image)
- ![Negative trend](image)
Metrics (continued)

• **COVID-19 positive test rate** – Want to keep this number below 10%. Currently at 1.2%

• **Number of individuals who died from COVID-19** – Keep below 5%. Currently 0.09%

• **Number of patients with COVID-19 in hospitals** – Keep below 10. Currently 0

• **Healthcare system readiness** – Qualitative response. Currently “Yes”

• **Testing capacity** – Qualitative. Ability to keep up with demand. Currently, “yes”

• **Contact tracing capabilities** – Qualitative. Ability to keep up with demand. Currently “Yes”
PCR Testing

• $150 per test
• The testing program also includes a self-pay option for low-risk employers, residents and visitors to sponsor COVID-19 tests for their staff members, individuals and families.
• High-risk individuals not able to pay or whose employer will not pay, may qualify for grant-funded testing.
• High-risk occupations are those who come into contact with 50 or more individuals per day, and those who care for sick and elderly
Next Steps

• Education is key. COVID educators will be available soon

• Maintain vigilance through testing and inspections.
EMERGENCY ORDER NO. 11
EFFECTIVE MONDAY JUNE 8, 2020
OF THE NANTUCKET
SELECT BOARD AND BOARD OF HEALTH
COVID-19 - OUTDOOR DINING AT RESTAURANTS

In accordance with the authority under G.L. c 111, §§ 31, 122, and 95 through 105, and any other applicable law, the Nantucket Select Board and the Nantucket Board of Health hereby issues the following Joint Order:

The intent of this Order is to facilitate the ability of restaurants to re-open as soon as authorized by the Governor’s Re-Opening Plan by allowing restaurants to propose a revised seating plan that will allow for social distancing of patrons by expanding seating to outside seating areas.

This Order shall remain in effect as provided for in Paragraph 15 unless this Order is amended or rescinded by vote of the Select Board and the Board of Health.

On June 1, 2020, the Governor issued COVID-19 Order No. 35, which allows restaurants to provide outdoor table service at the commencement of Phase II of the Commonwealth’s phased re-opening of workplaces. The Governor’s Order authorizes the Select Board to establish the process for approving requests from restaurants to provide outdoor table service. This Order sets forth the process for restaurants operating in Nantucket.

1. "Outdoor table service” shall have the same meaning as set forth in COVID Order No. 35. It shall mean service that is provided outside the restaurant building envelope, whether on a sidewalk, patio, deck, lawn, parking area, or other outdoor space. Outdoor table service may be provided under awnings or table umbrellas or other cover from the elements, provided, however, that at least 50 percent of the perimeter of any covered dining space must remain open and unobstructed by any form of siding or barriers at all times. Handicapped parking spaces may not be utilized for outdoor dining. The expansion of outside dining onto Town-owned beaches is subject to approval by the Board of Health and the Select Board. Expansion of dining on to private beaches is subject to approval of the beach owner and the Board of Health. In order to meet the safety requirements contained within COVID-19 Order No.35, a temporary reduction of on-site parking spaces, temporary erection of a tent structure for a period exceeding 30 days, and/or temporary encroachment into a required yard setback shall not be deemed a zoning violation. The erection of signs, fencing, or other temporary exterior architectural features or temporary modifications to approved structures shall not require a Certificate of Appropriateness prior to approval by the Building Commissioner.

2. Any restaurant owner requesting to expand their premises to include outdoor dining areas shall make written application to the Department of Planning and Land Use Services (“PLUS”).

3. The application shall include a plan showing the location of the proposed outdoor dining area, the size of the dining area, the number of seats and tables that will be located in the dining area, and any other information required by the Building Commissioner.

4. Approval to use an outdoor dining area shall not result in an increase in the number of seats authorized for the premises under any applicable law, bylaw or code. In the event the Commonwealth authorizes at a later date indoor table service, this Order shall be deemed revised accordingly, except that the number of seats permitted inside the establishment shall be reduced by the number of seats allowed outside the establishment.
5. The permit holder shall demonstrate a legal right of access to the proposed outdoor space, through either ownership, lease or written permission of the owner. Under no circumstances shall outdoor dining be allowed on any public sidewalk, within the Town’s public right of way or on any other Town-owned property, unless approved by the Select Board, in writing.

6. Notwithstanding the provisions of chapter 40A of the General Laws, or any special permit, variance or other approval thereunder, or any general or special law to the contrary, the Board of Health, or its designee, and the Building Commissioner, after consultation with the Licensing Agent and the Fire Chief, may approve a seating plan extending restaurant seating areas to outside areas. The revised seating plan shall not be approved if the Board of Health, or its designee, or the Building Commissioner determines that the proposed outdoor seating plan constitutes a danger to public health, safety, welfare, or fire safety, or if the seating plan is likely to cause unreasonable impacts to the neighborhood. The revised seating plan must comply with applicable Americans with Disabilities Act requirements. The approval need not comply with the notice and publication provisions of section 11 of Chapter 40A of the General laws.

7. If the establishment intends to serve alcohol in the outdoor area, if required by law, the decision of the Board of Health, or its designee and Building Commissioner, shall be subject to ratification by the Select Board, in accordance with notice and public hearing requirements section 15A of Chapter 138 of the General Laws. If such a hearing is required, the applicant will be notified of the date, time and remote joining instructions for the hearing and the applicant will be solely responsible for ensuring that all abutters are notified in a timely manner and for providing proof of service prior to the hearing.

8. If the establishment intends to use the outdoor area for entertainment, the permit holder shall obtain a permit from the Select Board.

9. The permit holder shall comply with and enforce all rules, orders and guidance of the Governor, the Department of Public Health and Board of Health relative to COVID-19 safety measures, including but not limited to, workplace safety requirements, gathering size limits, physical distancing, and face covering requirements.

10. The permit holder shall be solely responsible for sanitizing the tables and chairs after each use, cleaning the outdoor area and securing tables, chairs and equipment when the area is not in use.

11. All other regulations and permit conditions imposed by the Planning Board and/or Zoning Board of Appeals, including hours of operation, shall remain in effect, and the outdoor areas shall be subject to inspection by agents of the Board of Health.

12. The Board of Health reserves the right to impose additional requirements on a case-by-case basis as may be necessary to protect public health, safety and welfare.

13. Pursuant to the Governor’s COVID-19 Order No. 35, on November 1, 2020, or the date the Governor’s Order is rescinded, whichever is sooner, any approvals under this section shall automatically revert to its status prior to the approval of the change for expansion of outdoor table service or in the description of a licensed premise.

14. 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.

15. The Board of Health or its designee, the Building Commissioner, and/or any Police Officer of the Town of Nantucket may enforce this Order.
16. 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.

17. If non-criminal disposition is elected, then any person who violates any provision of this Regulation and Order shall be subject to a penalty in the amount of one hundred dollars ($100) for the first offense; two hundred dollars ($200) for the second offense; and three hundred dollars ($300) for a third and subsequent offense. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

18. 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 Board of Health and/or the Select Board may seek to enjoin violations thereof through any lawful process, and the election of one remedy by the Board of Health shall not preclude enforcement through any other lawful means.

19. Notwithstanding the foregoing, agents and officers are encouraged to educate offenders and to exercise their judgment on a case-by-case basis, and they may issue verbal or written warnings prior to determining that an offense has occurred.

So Ordered by the Nantucket Select Board on this 3rd day of June, 2020

Dawn Hill Holdgate, Chair
Rita Higgins, Vice Chair
Jason M. Bridges
Matthew G. Fee
Kristie Ferrantella

So Ordered by the Nantucket Board of Health on this 4th day of June, 2020

Stephen Visco, Chair
Malcolm MacNab
Helene Weld
Rita Higgins
James Cooper
PRESS RELEASE

Governor Baker Issues Executive Order in Advance of Phase II

Executive Order updates reopening phases with details on additional sectors; Allows Phase II Enterprises to begin preparations to resume in advance of Phase II; Details rules required in advance of resuming amateur sports, outdoor dining

FOR IMMEDIATE RELEASE:
6/01/2020
Office of Governor Charlie Baker and Lt. Governor Karyn Polito
Executive Office of Housing and Economic Development
Governor’s Press Office
BOSTON — Today, Governor Charlie Baker issued an Executive Order that provides a detailed list of businesses and activities that fall into Phases II, III, and IV of the Commonwealth’s Re-Opening Plan. The Order also permits all Phase II enterprises, including retail, to begin preparations to safely resume operation in advance of the start of the second phase. In addition to the retail sector, the Executive Order details further requirements for the safe resumption of amateur youth and adult sports and outdoor dining.
Effective immediately, the Executive Order permits Phase II businesses to reopen their physical workplaces to workers only to conduct necessary preparations prior to the start of Phase II. Preparations include but are not limited to completing a COVID-19 Control Plan, implementing sector-specific protocols, and complying with Mandatory Workplace Safety Standards.

**ORDER PREPARING FOR REOPENING PHASE II:** On June 1, Governor Baker issued an order outlining details to allow for preparation for Phase II of the Commonwealth’s reopening plan. [ORDER](/doc/reopening-phase-ii-executive-order) (Accessible [link](/doc/executive-order-preparing-for-phase-ii-reopening-accessible))

**CHILDCARE:** On June 1, Governor Baker issued an order outlining details around the reopening of childcare providers. [ORDER](/doc/childcare-provider-reopening-preparedness-order) (Accessible [link](/doc/childcare-provider-reopening-preparedness-order-accessible))

**VIEW UPDATED LIST OF ENTERPRISES IN PHASES II, III, and IV**
[link](/info-details/reopening-when-can-my-business-reopen)

**Retailers:** Retail stores will transition from curbside pickup and delivery-only to browsing and in-store transactions with restrictions at the start of Phase II.

Social distancing guidance requires each retail store to monitor customer entries and exits and limit occupancy at all times to either 8 persons (including store staff) per 1,000 square feet of accessible, indoor space, or 40% of the retail store’s maximum permitted occupancy, whichever is greater.

Grocery stores and retail stores with pharmacy services must provide at least one hour of dedicated time for adults 60 years of age and older, while all stores are encouraged to offer exclusive hours or other accommodations for high-risk populations. For staffing, stores should adjust workplace hours and shifts, including leveraging staggered arrival / departure, to minimize contact across workers and to allow for on-going and off-hour sanitation and cleaning. Stores should also conduct frequent disinfecting of heavy transit
areas and high-touch surfaces.

Operators of enclosed shopping malls and other indoor, multi-tenant retail spaces must monitor customer and worker entries and exits to common areas and limit occupancy of common areas at all times to 40% of maximum permitted occupancy levels. Mall amenities like seating in food courts, children’s play areas, and arcades must remain closed, while mall food vendors and restaurants may only provide take-out or delivery service.

Once Phase II begins, these standards will apply to all retail businesses except for Farmers’ Markets, which shall continue to be governed by Department of Public Health guidance. These standards will supersede and replace existing Department of Public Health guidance governing grocery stores and pharmacies.

Retailers that have been defined as providing Essential Services pursuant to COVID-19 Order No. 13 will be required to comply with these sector-specific safety protocols within one week of the date that Retailers are authorized to open pursuant to the Governor’s Phase II Reopening Order.


Sports: The Order also allows organizers of amateur sports programs for youths and adults to open their premises to staff only to make preparations in advance of the start of Phase II. In addition to requiring generally applicable COVID-19 workplace standards, the Order specifies that during Phase II organized sports programs will operate under the following provisions:

- Limiting traditional contact sports to no-contact drills and practices;
- Prohibiting games, scrimmages, and tournaments;
- Separating participants to into groups of 10 or less;
- Restricting the use of indoor athletic facilities to supervised sports programs and sport camps for youths under the age of 18.
Further sector-specific guidance for youth and adult amateur sports programs will be issued in the coming days. Subject to the implementation of COVID-19 health and safety rules adopted by respective leagues, this Order permits professional sports organizations to reopen their premises to employees and other workers for practices and training; however, professional sports organizations are not allowed to engage in inter-team games and sporting facilities will remain closed to the public.

**Restaurants:** Lastly, the Order permits restaurants to provide outdoor dining service with restrictions upon the start of Phase II; providing continued positive progression of public health data, indoor dining may be authorized by a subsequent order during Phase II. In order to provide improved opportunities for outdoor table service, the order also provides flexibility to a local licensing authority to grant approval for a change for any type of license that permits the sale of alcoholic beverages for on-premises consumption. In both outdoor and indoor dining cases, restaurants will be required to comply with sector-specific COVID-19 workplace safety rules for restaurants.

On May 18th, the Baker-Polito Administration released Reopening Massachusetts, the Reopening Advisory Board’s report, which details a four-phased strategy to responsibly reopen businesses and activities while continuing to fight COVID-19.

**VIEW THE FULL REPORT** (/doc/reopening-massachusetts)

**VIEW GUIDANCE FOR SPECIFIC INDUSTRIES**

(/info-details/reopening-massachusetts#sector-specific-protocols-and-best-practices-)

###

**Media Contact**

**Ryan Boehm, Director of Communications**

Online
Office of Governor Charlie Baker and Lt. Governor Karyn Polito
(/orgs/office-of-the-governor)

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

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

Executive Office of Housing and Economic Development

The Executive Office of Housing and Economic Development promotes vibrant communities, growing businesses, and a strong middle class.


Governor’s Press Office (/orgs/governors-press-office)

Visit the Governor’s Press Office to learn about recent news from the administration, follow our happenings on social media, and for media contact information.

More (/orgs/governors-press-office)
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                  | • All persons, including employees, customers, and vendors should remain at least six feet apart to the greatest extent possible, both inside and outside workplaces
|                                  | • Establish protocols to ensure that employees can practice adequate social distancing
|                                  | • Provide signage for safe social distancing
|                                  | • Require face coverings or masks for all employees

| Hygiene Protocols                 | • Provide hand-washing capabilities throughout the workplace
|                                  | • Ensure frequent hand washing by employees and adequate supplies to do so
|                                  | • Provide regular sanitization of high touch areas, such as workstations, equipment, screens, doorknobs, restrooms throughout work site

| Staffing and Operations           | • Provide training for employees regarding the social distancing and hygiene protocols
|                                  | • Employees who are displaying COVID-19-like symptoms do not report to work
|                                  | • Establish a plan for employees getting ill from COVID-19 at work, and a return-to-work plan

| Cleaning and Disinfecting         | • Establish and maintain cleaning protocols specific to the business
|                                  | • When an active employee is diagnosed with COVID-19, cleaning and disinfecting must be performed
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

- Disinfection of all common surfaces must take place at intervals appropriate to said workplace
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-faq#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 fulfilment operations to accommodate customer curb-side pick-up. This guidance shall permit retail business customer curb-side 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 9:45 AM this 18th day of May, two thousand and twenty

[Signature]

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
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**
  - [Video](https://www.youtube.com/watch?v=HtUJPizQVPI)

- **Stop the Spread of Germs**
  - [Fact Sheets](https://www.mass.gov/info-details/covid-19-printable-fact-sheets#prevention-)
  - [Video](https://www.youtube.com/watch?v=atoYsk9lFXs)

- **Social Distancing**
  - [Fact Sheets](https://www.mass.gov/info-details/covid-19-printable-fact-sheets#prevention-)

- **Video** ([https://www.youtube.com/watch?v=jQLOTdjHjn8](https://www.youtube.com/watch?v=jQLOTdjHjn8))

Self-Quarantine


- **Infographic** ([/info-details/covid-19-printable-fact-sheets#at-home-quarantine-or-self-monitoring-](/info-details/covid-19-printable-fact-sheets#at-home-quarantine-or-self-monitoring-))

- **Video** ([https://youtu.be/QlRd6F9BWUA](https://youtu.be/QlRd6F9BWUA))

Coping with Stress and Anxiety


- **Video** ([https://www.youtube.com/watch?v=jSGlsQkrP-U](https://www.youtube.com/watch?v=jSGlsQkrP-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 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**.
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)

RELATED

NEWS

Order and Guidance: 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

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)

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?

☐ Yes  ☐ No
PRESS RELEASE

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

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

MEDIA CONTACT

Sarah Finlaw, Press Secretary, Governor’s Office

Phone

(617) 725-4025 (tel:6177254025)

Online

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

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

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

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

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

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

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

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

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

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

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

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

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

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

###

**Media Contact**

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

**Phone**

(617) 725-4025 (tel:6177254025)

**Online**

[goVpress@state.ma.us](mailto:goVpress@state.ma.us)

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

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

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

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

COVID-19 Order No. 31

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

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

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

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

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

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

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

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

NOW, THEREFORE, I hereby Order the following:

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

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

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

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

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

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

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

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts
Together, let’s keep Nantucket safe this summer!

- FACE COVERING
- PRACTICE SOCIAL DISTANCE
- WASH HANDS FREQUENTLY
- IF YOU ARE SICK STAY HOME

TOWN OF NANTUCKET
Restaurant Re-Opening Update 6/24/20

• Loading Zones Repurposed
• Curbside Pick-Up Locations
• Alteration of Premises Approvals:
  • Private Property
  • Public Property
• Street Closure Maps
  • Schedule and layouts for closing
*MOTION:

1. Select Board must vote to approve alteration of premises to include temporary outdoor space for service of food and alcohol per COVID-10 Emergency Order 35 issued June 1, 2020 by Governor Baker. Approval is valid until November 1, 2020 or as further amended by Governor Baker and/or the ABCC or Select Board. Upon expiration, the Licenses will revert back to original premises as of April 1, 2020.

2. *Select Board must approve a Sidewalk/Street License for establishments below to allow Dining expansion to public space on sidewalks and streets.
**Alteration of Premises: Private Property**

*MOTION:

1. Select Board must vote to approve alteration of premises to include temporary outdoor space for service of food and alcohol per COVID-10 Emergency Order 35 issued June 1, 2020 by Governor Baker. Approval is valid until November 1, 2020 or as further amended by Governor Baker and/or the ABCC or Select Board. Upon expiration, the Licenses will revert back to original premises as of April 1, 2020.
Alteration of Premises: Private Property

*MOTION:

1. Select Board must vote to approve alteration of premises to include temporary outdoor space for service of food and alcohol per COVID-10 Emergency Order 35 issued June 1, 2020 by Governor Baker. Approval is valid until November 1, 2020 or as further amended by Governor Baker and/or the ABCC or Select Board. Upon expiration, the Licenses will revert back to original premises as of April 1, 2020.
Alteration of Premises: Private Property

*MOTION:

1. Select Board must vote to approve alteration of premises to include temporary outdoor space for service of food and alcohol per COVID-10 Emergency Order 35 issued June 1, 2020 by Governor Baker. Approval is valid until November 1, 2020 or as further amended by Governor Baker and/or the ABCC or Select Board. Upon expiration, the Licenses will revert back to original premises as of April 1, 2020.
Street Closure: Oak between S. Water & Federal

- Queequeg’s/Town
- Ventuno

6/17/2020
Street Closure: Cambridge between S. Water & Easy

• Nautilus

• The Beet

6/17/2020
Street Closure: N. Union between Alley (behind Murrays) & Cambridge
Partial 5pm Nightly closure starting at Main Street (movable barricade)

• Gaslight
Street Closure: Still Dock Street between Easy and S.Water
Partial 5pm Nightly closure – possible full closure after test period

• Club Car
Loading Zone/Pick-up Zone (after 4:00 PM Daily)

Loading Zone Highlighted Below to convert to Pick-up/Curbside Delivery (15 minute) Zones at 4:00pm Daily

#1 Centre Street at India
#2 Centre Street at Broad
#3 Broad Street at Centre Street
#4 Broad Street at North Water (Official Vehicle)
#5 India Street at Federal
#6 Main Street at Federal
#7 Oak Street at South Water

6/17/2020
Loading Zone/Pick-up Zone – All Day

Loading Zones converted to 15 minute spaces for pick-up all day

#1 Centre Street at India
#2 Broad Street b/w Centre and Federal
#3 Federal Street at India
#4 S.Water at Cambridge
#5 Candle at Salem
#6 Lower Main Street above Taxi Stand
Loading Zone/Pick-up Zone Signs

**CURBSIDE PICK UP**
4 PM to 10 PM

# 1
N.P.D.

**CURBSIDE PICK UP**
4 PM to 10 PM

# 7
N.P.D.

146/17/2020
Outdoor Guide for Restaurants: Lighting

• Additional outdoor lighting may be added pursuant to following criteria:
  • Stand alone or string lights; white or clear light
  • Small bulbs
  • No wires or cords on sidewalks or streets
  • Must be either battery-operated or solar power
  • No Candles or open flame (exception for battery/solar candles)

• Umbrella’s with lights acceptable; no advertisement preferred but not mandatory

Requested Select Board Motion: Allow restaurants to use umbrellas for outdoor seating with advertising.
Nantucket Economic Recovery Task Force

Restaurant Plans: Private Property

Report to the Select Board, June 17, 2020
## OUTDOOR SEATING EXPANSION
### PRIVATE PROPERTY

All establishments below have property owner approval for expansion to outdoor space as noted below and in attached layouts.

**MOTION:** Select Board must vote to approve alteration of premises to include temporary outdoor space for service of food and alcohol per COVID-19 Emergency Order 55 issued June 1, 2020 by Governor Baker. Approval is valid until November 1, 2020 or as further amended by Governor Baker and/or the ABCC or Select Board. Upon expiration, the Licenses will revert back to original premises as of April 1, 2020.

<table>
<thead>
<tr>
<th>LIC#</th>
<th>DBA</th>
<th>LICENSED OUTDOOR SPACE</th>
<th>APPLICATION: ALTERATION OF PREMISES ADDITION OF OUTDOOR DINING AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td>#04843-RS-0762</td>
<td>Bar Yoshi 21 Old South Wharf</td>
<td>No</td>
<td>Roped off area of 6 tables adjacent to building on Old South Wharf</td>
</tr>
<tr>
<td>#00164-RS-0762</td>
<td>Brotherhood 23 Broad Street</td>
<td>Patio</td>
<td>Additional 9 tables in private access area adjacent to patio/building</td>
</tr>
<tr>
<td>#03217-RS-0762</td>
<td>Charlie Noble 15 South Water Street</td>
<td>No</td>
<td>14 tables on back patio/private parking area along Easy Street</td>
</tr>
<tr>
<td>#00011-RS-0762</td>
<td>Chicken Box 12-16 Daves Street</td>
<td>No</td>
<td>12 tables in adjacent parking area with food trailer</td>
</tr>
<tr>
<td>#00086-RS-0762</td>
<td>Crosswinds 14 Airport Road</td>
<td>Deck</td>
<td></td>
</tr>
<tr>
<td>#00201-RS-0762</td>
<td>CRU 49 Straight Wharf</td>
<td>Patio</td>
<td>4 tables roped off adjacent to existent patio space and 8 on dock alongside building</td>
</tr>
<tr>
<td>#00082-RS-0762</td>
<td>Faregrounds 27 Fairgrounds Road</td>
<td>Deck</td>
<td>12 tables in parking area in front of building along Fairgrounds Rd.</td>
</tr>
<tr>
<td>LIC#</td>
<td>DBA</td>
<td>Licensed Outdoor Space</td>
<td>Application: Alteration of Premises Addition of Outdoor Dining Area</td>
</tr>
<tr>
<td>----------</td>
<td>---------------------------------------------</td>
<td>------------------------</td>
<td>---------------------------------------------------------------------</td>
</tr>
<tr>
<td>#00120-RS-0762</td>
<td>Fifty-Six Union 56 Union Street</td>
<td>Patio</td>
<td>6 tables in lawn area adjacent to patio</td>
</tr>
<tr>
<td>#00171-RS-0762</td>
<td>Island Kitchen One Chins way</td>
<td>Deck/patio</td>
<td>6 additional tables in parking area, MFU and open air market</td>
</tr>
<tr>
<td>#00154-RS-0762</td>
<td>Kitty Murtagh’s Four West Creek Road</td>
<td>No</td>
<td>10 tables in lawn area adjacent to building and parking lot</td>
</tr>
<tr>
<td>#00175-RS-0762</td>
<td>Lola 41 15 South Beach Street</td>
<td>Patio</td>
<td>10 tables in adjacent parking lot</td>
</tr>
<tr>
<td>#00160-RS-0762</td>
<td>Millie’s 326 Madaket Road</td>
<td>Lawn/deck</td>
<td>17 tables in parking area</td>
</tr>
<tr>
<td>#00053-RS-0762</td>
<td>Muse 44 Surfside Road</td>
<td>No</td>
<td>10 tables in front parking area along Surfside Rd</td>
</tr>
<tr>
<td>#04653-RS-0762</td>
<td>Or, The Whale 38 Main Street</td>
<td>Patio</td>
<td>3 tables in adjacent alley/easement</td>
</tr>
<tr>
<td>#00152-RS-0762</td>
<td>Oran Mor Bistro 2 South Beach Street</td>
<td>Deck</td>
<td>5 tables in parking area along South Beach St.</td>
</tr>
<tr>
<td>#04810-RS-0762</td>
<td>Petrichor Wine Bar 130 Pleasant Street</td>
<td>Deck</td>
<td>5 tables in parking area along Pleasant St.</td>
</tr>
<tr>
<td>LIC#</td>
<td>DBA</td>
<td>LICENSED OUTDOOR SPACE</td>
<td>APPLICATION: ALTERATION OF PREMISES ADDITION OF OUTDOOR DINING AREA</td>
</tr>
<tr>
<td>------------</td>
<td>------------------------------------</td>
<td>------------------------</td>
<td>--------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>#00208-RS-0762</td>
<td>Proprietors 9 India Street</td>
<td>No</td>
<td>4 tables on patio of adjacent property - Roberts House Inn</td>
</tr>
<tr>
<td>#0096-RS-0762</td>
<td>Saltbox 16 Macy's Lane</td>
<td>Patio</td>
<td>4 tables on lawn adjacent to patio and along Old South Road</td>
</tr>
<tr>
<td>#00091-RS-0762</td>
<td>Sea Grille 45 Sparks Ave</td>
<td>No</td>
<td>Tables in adjacent adjacent parking area</td>
</tr>
<tr>
<td>#00118-RS-0762</td>
<td>Slip 14 14 Old South Wharf</td>
<td>Patio</td>
<td>4 tables roped off adjacent to patio along Old South Wharf</td>
</tr>
<tr>
<td>#00241-RS-0762</td>
<td>Straight Wharf Restaurant</td>
<td>Decks</td>
<td>12 additional tables adjacent to building and along dock area</td>
</tr>
<tr>
<td>#00049-RS-0762</td>
<td>Tavern 4 Harbor Square</td>
<td>Patio and Gazebo</td>
<td>1 table adjacent to patio</td>
</tr>
<tr>
<td>#00039-CL-0762</td>
<td>VFW 22 Bunker Road</td>
<td>No</td>
<td>14 tables in adjacent parking area</td>
</tr>
</tbody>
</table>
Restaurants Approved: 56 Union Street
Restaurants Approved: Millies
Restaurants Approved: The Chicken Box
Restaurants Approved: CRU
Restaurants Approved: Lola 41
Restaurants Approved: Island Kitchen
Restaurant Plans: Private Property
Report to the Select Board, June 17, 2020
<table>
<thead>
<tr>
<th>LIC#</th>
<th>DBA</th>
<th>LICENSED OUTDOOR SPACE</th>
<th>APPLICATION: ALTERATION OF PREMISES ADDITION OF OUTDOOR DINING AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td>#04843-RS-0762</td>
<td>Bar Yoshi 21 Old South Wharf</td>
<td>No</td>
<td>Roped off area of 6 tables adjacent to building on Old South Wharf</td>
</tr>
<tr>
<td>#00164-RS-0762</td>
<td>Brotherhood 23 Broad Street</td>
<td>Patio</td>
<td>Additional 9 tables in private access area adjacent to patio/building</td>
</tr>
<tr>
<td>#03217-RS-0762</td>
<td>Charlie Noble 15 South Water Street</td>
<td>No</td>
<td>14 tables on back patio/private parking area along Easy Street</td>
</tr>
<tr>
<td>#00011-RS-0762</td>
<td>Chicken Box 12-16 Dave Street</td>
<td>No</td>
<td>12 tables in adjacent parking area with food trailer</td>
</tr>
<tr>
<td>#00086-RS-0762</td>
<td>Crosswinds 14 Airport Road</td>
<td>Deck</td>
<td>No</td>
</tr>
<tr>
<td>#00201-RS-0762</td>
<td>CRU 49 Straight Wharf</td>
<td>Patio</td>
<td>4 tables roped off adjacent to existent patio space and 8 on dock alongside building</td>
</tr>
<tr>
<td>#00082-RS-0762</td>
<td>Faregrounds 27 Fairgrounds Road</td>
<td>Deck</td>
<td>12 tables in parking area in front of building along Fairgrounds Rd.</td>
</tr>
</tbody>
</table>
### OUTDOOR EXPANSION: PRIVATE PROPERTY

<table>
<thead>
<tr>
<th>LIC#</th>
<th>DBA</th>
<th>Licensed Outdoor Space</th>
<th>Application: Alteration of Premises - Addition of Outdoor Dining Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>#00120-RS-0762</td>
<td>Fifty-Six Union 56 Union Street</td>
<td>Patio</td>
<td>6 tables in lawn area adjacent to patio</td>
</tr>
<tr>
<td>#00171-RS-0762</td>
<td>Island Kitchen One Chins way</td>
<td>Deck/patio</td>
<td>6 additional tables in parking area, MFU and open air market</td>
</tr>
<tr>
<td>#00175-RS-0762</td>
<td>Kitty Murtagh's Four West Creek Road</td>
<td>No</td>
<td>10 tables in lawn area adjacent to building and parking lot</td>
</tr>
<tr>
<td>#00175-RS-0762</td>
<td>Lola 41 15 South Beach Street</td>
<td>Patio</td>
<td>10 tables in adjacent parking lot</td>
</tr>
<tr>
<td>#00160-RS-0762</td>
<td>Millie's 326 Madaket Road</td>
<td>Lawn/deck</td>
<td>17 tables in parking area</td>
</tr>
<tr>
<td>#00053-RS-0762</td>
<td>Muse 44 Surfside Road</td>
<td>No</td>
<td>10 tables in front parking area along Surfside Rd</td>
</tr>
<tr>
<td>#04653-RS-0762</td>
<td>Or, The Whale 38 Main Street</td>
<td>Patio</td>
<td>3 tables in adjacent alley/ easement</td>
</tr>
<tr>
<td>#00152-RS-0762</td>
<td>Oran Mor Bistro 2 South Beach Street</td>
<td>Deck</td>
<td>5 tables in parking area along South Beach St</td>
</tr>
<tr>
<td>#04810-RS-0762</td>
<td>Petrichor Wine Bar 130 Pleasant Street</td>
<td>Deck</td>
<td>5 tables in parking area along Pleasant St</td>
</tr>
</tbody>
</table>

6/17/2020
# OUTDOOR EXPANSION: PRIVATE PROPERTY

<table>
<thead>
<tr>
<th>LIC#</th>
<th>DBA</th>
<th>LICENSED OUTDOOR SPACE</th>
<th>APPLICATION: ALTERATION OF PREMISES ADDITION OF OUTDOOR DINING AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td>#00208-RS-0762</td>
<td>Proprietors 9 India Street</td>
<td>No</td>
<td>4 tables on patio of adjacent property - Roberts House Inn</td>
</tr>
<tr>
<td>#04096-RS-0762</td>
<td>Saltbox 16 Macy's Lane</td>
<td>Patio</td>
<td>4 tables on lawn adjacent to patio and along Old South Road</td>
</tr>
<tr>
<td>#00091-RS-0762</td>
<td>Sea Grille 45 Sparks Ave</td>
<td>No</td>
<td>Tables in adjacent parking area</td>
</tr>
<tr>
<td>#00138-RS-0762</td>
<td>Slip 14 14 Old South Wharf</td>
<td>Patio</td>
<td>4 tables roped off adjacent to patio along Old South Wharf</td>
</tr>
<tr>
<td>#00021-RS-0762</td>
<td>Straight Wharf Restaurant</td>
<td>Decks</td>
<td>12 additional tables adjacent to building and along dock area</td>
</tr>
<tr>
<td>#00049-RS-0762</td>
<td>Tavern 4 Harbor Square</td>
<td>Patio and Gazebo</td>
<td>1 table adjacent to patio</td>
</tr>
<tr>
<td>#00039-CL-0762</td>
<td>VFW 22 Bunker Road</td>
<td>No</td>
<td>14 tables in adjacent parking area</td>
</tr>
</tbody>
</table>
Restaurants Approved: Oran Mor
Restaurants Approved: Bar Yoshi
Restaurants Approved: Kitty Murtaugh’s
Restaurants Approved:  The Charlie Noble
Restaurants Approved: or, The Whale
Restaurants Approved: Brotherhood
Restaurants Approved: Slip 14
Restaurants Approved: VFW
Restaurants Approved: Saltbox
Restaurants Approved: Tavern
Restaurants Approved: Straight Wharf
Public Restroom Locations and Hours

- Jetties Beach Pavilion
  Bathing Beach Rd.
  11:00 am - 9:00 pm

- Children's Beach
  15 Harbor View Way
  8:00 am - dusk

- Visitor Center
  25 Federal St.
  8:00 am - 1:00 am

- Atheneum
  TBD.

- Dreamland Theatre
  TBD.

- Steamship Authority
  TBD.

- Nantucket Boat Basin
  TBD.

- Stop & Shop
  TBD.

- Greenhound Bus Station
  TBD.

- Town Pier
  34 Washington St.
  8:00 am - 7:00 pm

- Madaket Beach
  Porta-Potties

- Cisco Beach
  Porta-Potties

- Miacomet Beach
  Porta-Potties

- Surfside Beach
  11 am - dusk

- Nobadeer Beach
  Porta-Potties

- Nantucket Memorial Airport
  14 Airport Road
  5:30am - 10:00pm

- Codfish Park
  Porta-Potties

- Sconset
  Corner of Shell and New Streets
  1 Folger Court
  Late April (Daffs Win) to Columbus Day
  8:00am - 8:00pm
Dear Libby;

You have asked for my opinion whether the process followed by the Select Board in the recent appointment to fill two vacancies on the Conservation Commission complied with legal requirements contained in the General Laws and the Town Charter.

In my opinion, the process that was followed did comply with legal requirements.

As I understand the facts, this year there were two expiring terms on the Conservation Commission. As is the Town’s usual and customary practice, the Town notified the public by way of the Town’s website of the available positions and set a date for the filing of applications for the open positions. The Town also published notice of the vacancies in the local newspaper for four weeks. The date for applications was set to coincide with the deadline for assembling the packets for the Select Board meeting. You have informed me, however, that it has been customary for the Select Board to accept applications after the established date in the interest of encouraging as much voter participation in Town government as possible and by encouraging as many people as possible to apply. The Town received an additional application for an opening on the Conservation Commission after the date set for submission of applications and after the other applicants were given the opportunity to address the Select Board regarding their application. In this regard, however, the Select Board does not require that an applicant address the board as a condition of being considered for the position. This application was included in the Select Board’s packet for the next meeting at which time the appointments were voted.

It is the usual practice of the Select Board chair to ask each member to vote by paper ballot. The Chair collects the ballots and then reads out loud the name of each member and who they voted for. When the votes are tallied, the person or persons obtaining the highest number of votes is appointed. In this instance, because the Select Board is currently meeting remotely due to the pandemic, each member was asked to send their paper ballot in an email to the Town’s Operations Administrator, who, at the next remote meeting of the Select Board, read out the name of each member of the Select Board and announced their votes. The two individuals who received the most votes were thereupon appointed to the Conservation Commission. I also understand that the Chair has reviewed the emails there were received from the individual board members and has confirmed the accuracy of the tally.

In my opinion, there is no legal requirement under the General Laws or the Town Charter to publish a notice of the vacancies, even though the Town’s practice has been to do so. Furthermore, the fact that the Select Board held open the application process beyond the date set forth in the original notice, as is the Board’s usual practice, does not establish a reasonable basis for concluding that the process was tainted, secret, or in any way unfair. Finally, given that each member’s vote was declared at a remote meeting that was held in compliance with the Governor’s order under the Open Meeting Law, the public was in no way deprived of the opportunity to learn how each member of the Board voted.

In conclusion, in my opinion, the process that was utilized was open and transparent and in conformity with all legal requirements.

Please let me know if you have any questions.

John

John W. Giorgio, Esq.
KP | LAW
Select Board packets were checked from 2012 to 2019 to see if any late applications from NEW applicants were received (pre-2012 packets are not electronic and are in storage). For every year except one, late applications from new applicants were allowed past the public hearing dates and sometimes past the publication date of the agenda packet for the appointment date.

2012 – new applicants were allowed to apply for the Airport Commission (one), Council on Aging (two), Cultural Council (one), Harbor Plan Implementation Committee (one), Nantucket Historical Commission (one), Planning Board Alternate (one), Town Government Study Committee (one)

2013 – new applicants were allowed to apply for Cemetery Commission (one)

2014 – new applicants were allowed to apply for Agricultural Commission (one), Capital Program Committee (one), CONSERVATION COMMISSION (one – who happened to be Ashley Erisman), Parks & Rec (one)

2015 - new applicants were allowed to apply for Agricultural Commission (two), Capital Program Committee (two), Mosquito Control Commission (one), Affordable Housing Trust (two)

2016 - new applicants were allowed to apply for Capital Program Committee (one), Roads & Right of Way (one)

2017 – none

2018 - new applicants were allowed to apply for Council on Aging (two), Mosquito Control Commission (one)

2019 - new applicants were allowed to apply for CONSERVATION COMMISSION (one), Nantucket Historical Commission (one), Roads and Right of Way (one), Scholarship Committee (one), Town Government Study Committee (one)
Staff
Ken Beaugrand, Real Estate Specialist

Subject
Temporary parking license for Millie’s restaurant during Pandemic

Executive Summary
To facilitate outdoor seating to meet the State and CDC guidelines re social distancing, Millie’s will need to utilize the parking spaces in front to its restaurant to create additional outdoor seating that is being permitted by the Town. The Town owns three parking spots that are not otherwise utilized on Ames Avenue next to Millie’s cottage that can be used to provide three parking spaces for use by the restaurant this summer.

Staff Recommendation
Staff recommends approval as staff has found additional parking for the restaurant through the generosity of an individual owner at 345 Madaket Road.

Background/Discussion
This is consistent with the Town’s efforts in Town to help the restaurants during the unexpected pandemic.

Impact: Environmental ☒  Fiscal ☐  Community ☒  Other ☐
This provides a solution to avoid the environmental concerns raised in the applicant’s original application to the Planning Board.

Board/Commission Recommendation
n/a

Public Outreach
n/a

Connection to Existing Applicable Plan (i.e., Strategic Plan, Master Plan, etc.)
Supports help to the economic activity of the Town

Attachments
License Agreement approved by Town Counsel; maps
TEMPORARY LICENSE AGREEMENT

THIS TEMPORARY LICENSE AGREEMENT (the “License”), dated the ____ day of ___________, 2020, by and between the TOWN OF NANTUCKET, a political subdivision of The Commonwealth of Massachusetts, acting by and through its Select Board, having its principal office at 16 Broad Street, Nantucket, Massachusetts 02554 (the “Licensor”) and HITHER CREEK, LLC, a Massachusetts limited liability company with a mailing address of 16 Swift Rock Road, Nantucket, MA 02554 (the "Licensee").

WITNESSETH

WHEREAS, the Licensor is the owner of record of certain parcels of land situated in the Town and County of Nantucket, Commonwealth of Massachusetts, now known and numbered as “Ames Avenue” and “5 Ames Avenue”, shown on Town Assessor’s Map 60.2.4 as Parcels 61 and 62 , and further identified as “Alabama Avenue,” and “N/F Inhabitants of the Town of Nantucket,” on Plan 2008-84, recorded with the Nantucket Registry of Deeds on December 31, 2008 (a copy of the aforementioned Plan is attached hereto as “Exhibit A”; the two lots shall collectively hereafter be referred to as the "Land");

WHEREAS, the Licensee is the owner and operator of Millie’s restaurant, in the Madaket Village in the Town of Nantucket, and has applied to the Nantucket Planning and Land Use Services Office (PLUS), and the Nantucket Licensing Department, to temporarily alter its seating configuration by converting a portion of its parking lot into additional temporary exterior seating;

WHEREAS, the Licensee desires to use the Land as temporary overflow parking for its patron’s vehicles that cannot park in the Licensee’s temporarily modified parking lot;

WHEREAS, the Licensor desires to grant to the Licensee a temporary license to use the Land for overflow parking, expiring October 15, 2020, in accordance with the terms hereof.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and the payment of other consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby enter into a temporary license agreement upon the terms and conditions set forth herein.

1. Grant of License. The Licensor hereby grants to the Licensee a non-exclusive temporary license to enter upon the Land and to use it for overflow parking, subject to the following specified terms and conditions.
2. **Permitted Use.** The rights of this License shall be exercised by the Licensee or its agents, representatives, employees, invitees and licensees solely for the purposes of using the Land as overflow parking for vehicles that cannot park on-site in the Millie’s parking lot, subject to the terms and conditions hereof. The License shall be exercised from the date of the execution of this License and shall continue until October 15, 2020, unless terminated in accordance with the License.

3. **License Fees.** In consideration for the use of this License, the Licensee agrees to pay the Licensor a one-time License Fee of One Dollar ($1.00).

4. **Indemnification.** The exercise of this License shall constitute the Licensee's acceptance of complete liability for the actions or omissions of Licensee, its agents, representatives, employees, assignees, invitees or licensees while present on the Land in connection with the license granted hereby. The Licensee shall indemnify, defend and hold harmless the Licensor from and against any and all claim, demands, suits, actions, costs judgments, whatsoever, including reasonable attorney’s fees and expenses which may be imposed upon, incurred by or asserted against the Licensor or its agents, representatives, employees, invitees, and licensees by reason of (a) any failure on the part of Licensee to comply with any provision or term required to be performed or complied with by Licensee, its agents, representatives, invitees or licensees or under this License, or (b) for the death, injury or property damage suffered by any person on account of or based upon the act, omission, negligence or misconduct of any person whomsoever, other than the Licensor relating in any way, to the Licensee’s exercise of its rights under this License.

5. **Insurance.** Licensee shall maintain during the term of this License public liability insurance with coverage for bodily injury, wrongful death and property damage in the amount of: General Liability: One Million ($1,000,000.00) Dollars per occurrence; Bodily Injury Liability One Million ($1,000,000.00) Dollars per occurrence; and Property Damage Liability of Two Million ($2,000,000.00) Dollars cumulative and shall deposit a certificate of insurance with the Town of Nantucket prior to the exercise of this License by the Licensee. The insurance coverage required hereunder shall be placed with insurance companies licensed by the Massachusetts Division of Insurance to do business in the Commonwealth of Massachusetts and have a Best’s rating of B+ or better.

6. **Conduct.**
   a. Entry and use under this License by the Licensee and its agents, representatives, employees, invitees and licensees shall, at all times, be subject to review and control by the Licensor and its duly designated agents and representatives.
   b. During the exercise of rights hereby granted, Licensee shall at all times conduct itself so as not to interfere with activities of the Licensor within or upon the Land.
c. The Licensee shall observe and obey all applicable laws, statutes, ordinances, regulations and permitting or license requirements with respect to its use of the Land under the terms of this License.

These provisions shall survive the termination or expiration of the License.

7. Termination. This License shall be revocable by either party upon written notice of revocation at least ten (10) days prior to the termination date stated within said notice. Upon any termination of this License Agreement, the Licensee shall restore any portion of the Land damaged as a result of the Use described herein to its original condition.

8. Modification; Assignment. Any modification or amendment to this License must be in writing. This License is not transferable and no privilege contained herein may be sublet or assigned to any other person or organization without the express written consent of the Licensor.

9. Licensor’s Right to Enter and Maintain. Notwithstanding any provisions or agreement to the contrary, the Licensor maintains its right to enter the Land at any time and from time to time that the Licensor, in its sole judgment, shall deem necessary.

10. No Warranty or Representation. The Licensee accepts the Land in “as is” condition for the purpose of this License and the Licensor makes no warranty or representation, expressed or implied regarding the fitness of said Land for purposes of this License.

11. Successors in Interest and Assignment. The terms and conditions of this instrument shall be binding upon and inure to the benefit of the respective heirs, successors and assigns of the parties hereto. Notwithstanding the foregoing, the Licensee agrees that any right and license granted to the Licensee by this License Agreement may not be assigned or transferred without the prior written consent of the Licensor.

12. Notice. All notices, demands, requests, consents, approvals and other instruments required or permitted to be given pursuant to the terms hereof, shall be in writing and shall be deemed to have been properly given when addressed to the addresses listed above and deposited in registered or certified mail, postage prepaid, return receipt requested. The Licensee and the Licensor may at any time and from time to time, specify as its proper address for purposes of this License Agreement any other address(es) pursuant to the terms of this section.

13. Waiver. Notwithstanding anything herein to the contrary, no provision of this License, no entry upon, travel over or other use of the affected Land by the Licensor, nor the Licensor’s granting of any rights or assumption of any obligations hereunder shall not waive, bar, diminish or in any way affect: (i) any legal or equitable right of the Licensor to regulate or issue any order with respect to the affected premises; (ii) waive any limitations on liability afforded a body politic of the Commonwealth of Massachusetts; or (iii) pursue any other claim, action, suit, damages or demand related thereto.
14. **Severability.** If any court determines any provision of this License to be invalid or unenforceable, the remainder of this instrument shall not be affected and each provision of this License Agreement shall be valid and enforceable to the fullest extent permitted by law.

15. **Miscellaneous.** This License Agreement: (i) may be signed in multiple counterparts; (ii) shall become effective only when fully signed by the Licensee and duly authorized representatives of the Licensor; and (iii) shall be governed by the laws of the Commonwealth of Massachusetts.

16. **Survival of Terms and Provisions.** All appropriate terms and provisions hereof shall survive the termination or revocation of this License.

17. **No Estate Created.** This License shall not be construed as creating or vesting in the Licensee any estate in the Land, but only the limited right of possession as hereinabove stated.

SIGNATURE PAGE FOLLOWS
IN WITNESS HEREOF, the parties hereto have caused this License Agreement to be executed as a sealed instrument the day and year first written above.

LICENSOR: TOWN OF NANTUCKET,

By: Its Select Board  Date: ______________

________________________________
Dawn E. Hill Holdgate

________________________________
Jason Bridges

________________________________
Matthew G. Fee

________________________________
Kristie L. Ferrantella

________________________________
Melissa K. Murphy

LICENSEE:

HITHER CREEK, LLC

By:  Date: _____________

______________________________
ROBERT BLAIR, duly authorized  
Manager

723403v3NANT/19713/0001
EXHIBIT “A”

Copy of Plan to be Attached
Select Board Statement to the Nantucket Community

Dear Nantucket Community,

Many in our community are experiencing grief and pain as we watched the senseless and tragic deaths of George Floyd, Ahmaud Arbery, and Breonna Taylor. The death of Mr. George Floyd more than a week ago is reprehensible beyond words. To watch the action and inaction of officers is nothing short of horrifying. These events have exposed deeply entrenched systemic racism in our country and our community.

Protest across the nation, and in our own community, demonstrate how we need to do more than turn away from the issue and instead face it and lead through the uncomfortable emotions to make our community a more unified and safer place. Mr. Floyd’s death has brought forward the outrage, sadness, frustrations, and pain many in our own community feel. We respect those who choose to protest in peace and are committed to do all we can to stand with the black community, as well as other minorities, to ensure no one ever lives in fear of being treated is such a way that we do the work to make Nantucket a more just and equitable community for all its constituents. As we look to build a better future, we must learn from our history. We are committed to take action now – We must also ensure respect and care for the rights of all our residents and visitors. To New is the time that we must act, have the conversations, investigate our systems to understand and address the built-in attitudes or preferences that may exist, discrimination that may be subtle or overt, and to make meaningful change to create a safer, more equitable community for all our residents to take responsibly as professionals and leaders in our community to work together to build a safer, more unified place.

Today, we make the following pledge and commitment, inspired by the We would like to adopt the Massachusetts Municipal Management Association Task Force on Diversity & Inclusion’s commitment guidelines so we as leaders of the Nantucket Community can do better and lead better. These commitments are as follows:

- We stand with those who are calling out police brutality, ingrained racism and violence toward people of color in our country;
- We commit as leaders to strengthen the trust in our community by making sure that we hire police officers and team members who reflect the values of integrity, compassion and respect for the diversity of all individuals;
- We commit to listening to and proactively responding to community concerns when they arise;
- We stand with our police officers and team members who demonstrate these high moral values every day;
- We share in the anger and sadness our community members are feeling, we are channeling those feelings to work toward a better future for the residents of our community and generations to come;
- We commit to continuing to be active participants in working hard to educate, train and effect change in our organizations and throughout the community;
- We commit to find further information on what policies, training and practices are in place in Massachusetts related to fair and impartial policing and identification of areas
for improvement to strengthen the trust in our communities for our team members to participate in.

In addition, we are committed to taking other critical actions to improve our community:

- Develop and Equity/ Diversity Office in Town Administration – a cabinet level position whose focus will be to ensure equitable service delivery in the community and help us move forward with our new objectives;
- Create a new system for community members and staff to report racist or discriminatory incidents;
  Ongoing professional development training for our staff and volunteer board/commission members on racial identity, implicit bias and racial equity
- Create a Diversity, Equity and Inclusion Strategic plan to assess our current practices, policies and procedures as well as to overall agency culture – this plan will have both short-term and long-term goals;
- Create a Diversity Advisory board who will focus on 8 key areas: language access; family support, public safely, economic opportunity, infrastructure and livability, and health and wellness.

Nantucket has always been a community noted for its courage. As we face the difficult realities together, we are confident that we will be successful in creating a community where all our residents can feel safe and welcome.

(SB Names/Signatures)
TOWN ADMIN

- What are the first steps? **Educate**, what are other communities doing, reputable resources. Use to develop an RFP that gets to the true issue and what our community needs.

- Some Staff (DPW, SB Bridges & Ferrantella, HR Perry, ATM Day, OIH) participated in a **Webinar** held on Friday 6/12/2020 from Racial Equity Institute entitled ‘Groundwater’. Helped with development of the RFP below.
  - Better understanding of how systemic racism permeates major and minor institutions such that every level of our society operates in a way that unknowingly reinforces racial disparities.
  - Focus on individual and systems that have built in attitudes and preferences.
  - Engrained in our own systems in such a way that other factors, like socioeconomic status, does not explain that racial disparity persists in every system across the country without exception.
  - Need to ‘change the narrative,’ foster a ‘willingness to be uncomfortable’ and ‘maintain hope’

- **Draft RFP for creation of a Diversity, Equity and Inclusion (DEI) Strategic Plan.** Deliverables:
  - Assessment of our current practices and procedures as well as overall agency culture
  - Ascertain, through focus groups and/or surveys employees and elected officials’ knowledge and perception of DEI and their opinions on how to implement a Town-wide program
  - Ascertain, through at least two (2) public focus groups and/or surveys the perception of Town knowledge and application of DEI;
  - Develop short & long-term DEI Strategic Plan tailored to Nantucket that includes development of goals, objectives and strategies that integrate DEI into the internal processes, policies and systems of the Town- include systematic reviews and public reporting at senior level;
  - Develop a written DEI Training Plan/Manual: Identify training gaps; develop an accessible and usable training plan the Town can continue with, that include the following topics: building a common language and shared knowledge about DEI; understanding implicit bias; recognizing structural inequalities; incorporating future employee education with the input from the Town employees; best practices that promotes a welcoming and inclusive environment by demonstrating a commitment to the principles of diversity and inclusion in all interactions;
  - Create a written strategy and implementation plan to operationalize and institutionalize full staff and public official participation.

- Develop an **Equity/Diversity Office** in the Town
  - Draft job description for Equity Officer with focus on building trust in community and provide equal access for residents and assist in employee relations (internal employee interactions as well as employee’s interaction with public as provide a service).
  - Begin advertising as soon as able – July? – after review of task force(s), others?
Challenges: funding, bargaining obligations with the Unions, office location

- Develop **internal** and **external Task Force** to work with the Equity/AA Office and assist in implementing the deliverables of the RFP
  - Tentatively look to the Council for Human Services newly appointment by Select Board 6/17 for Community Efforts or a new Diversity Advisory Board – SB to determine - (like Beaverton, Oregon that focuses on 8 key areas: language access, family support, public safety, economic opportunity, infrastructure and livability, health and wellness, city practices, and community center). Tasks: Assist in community forum or another event and review RFP prior to advertising.
  - Tentatively look to the Nantucket Employee Empowerment Team for internal employee efforts. Current mission is to recognize and utilize current employee’s skills and provide exceptional customer service – broaden/expand this mission. Currently 17 members from multiple Town departments. Tasks: Review draft job description for Equity Officer and draft RFP prior to advertising.

**Collaboration w/ SELECT BOARD**
- Schedule Board **Strategic Plan** Retreat to review and update Strategic Plan
  - Rescheduled tentatively to July 28th (was June 15-17th) with Novak Consulting
  - Add racial equity/diversity to Quality of Life Goal?

- Select Board **Pledge(s)** to the Nantucket Community
  - Draft statement that responds to current national events and incorporates MMMA Task Force on Diversity & Inclusion’s commitment guidelines
  - Second ‘guide’ or ‘mission’ items to be provided to the tasks force for the overall racial equity/diversity goals and work.

- **Community Forum**
  - Engage a facilitator …… ? Do this as part of RFP focus groups, separate with task force, or entirely different forum?
<table>
<thead>
<tr>
<th>QUESTION</th>
<th>YES</th>
<th>NO</th>
<th>Blanks</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>QUESTION 1 - OIH OVERIDE</td>
<td>1,232</td>
<td>564</td>
<td>64</td>
<td>1,860</td>
</tr>
<tr>
<td>QUESTION 2 - NEWTOWN RD</td>
<td>766</td>
<td>964</td>
<td>130</td>
<td>1,860</td>
</tr>
<tr>
<td>QUESTION 3 - LOVERS LANE</td>
<td>850</td>
<td>863</td>
<td>147</td>
<td>1,860</td>
</tr>
<tr>
<td>QUESTION 4 - AMELIA/WAITT DR.</td>
<td>824</td>
<td>881</td>
<td>155</td>
<td>1,860</td>
</tr>
<tr>
<td>QUESTION 5 - CHILDREN'S BEACH STRM</td>
<td>1,360</td>
<td>375</td>
<td>125</td>
<td>1,860</td>
</tr>
<tr>
<td>QUESTION 6 - Capital Outlay-Equipment</td>
<td>1,007</td>
<td>703</td>
<td>150</td>
<td>1,860</td>
</tr>
<tr>
<td>QUESTION 7 - CAPITAL OUTLAY-STRM CAM.</td>
<td>962</td>
<td>705</td>
<td>193</td>
<td>1,860</td>
</tr>
<tr>
<td>NON-BINDING-KEEP ATM</td>
<td>887</td>
<td>788</td>
<td>185</td>
<td>1,860</td>
</tr>
<tr>
<td>NON-BINDING-INVEST. NEW FORM GOV?</td>
<td>1,102</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NO</td>
<td></td>
<td>593</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blanks</td>
<td></td>
<td>165</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>1,860</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Groups</td>
<td>Bridges</td>
<td>Fee</td>
<td>Ferrantella</td>
<td>Hill Holdgate</td>
</tr>
<tr>
<td>-----------------------------------------------------------------------</td>
<td>---------</td>
<td>-----</td>
<td>-------------</td>
<td>---------------</td>
</tr>
<tr>
<td>Ad Hoc Budget Work Group (Chair and Vice Chair)</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Audit Committee (Chair + 1)</td>
<td></td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Board of Health (1 rep)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bureau of Ocean Energy Management (BOEM) MA Energy Task Force (2 reps)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cannabis Advisory Committee (1 rep)</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capital Program Committee (1 rep)</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coastal Resiliency Advisory Committee (1 rep)</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Preservation Committee (1 rep)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Genetic Mice Project Steering Committee (1 rep)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nantucket Affordable Housing Trust (1 rep)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking Benefit District Commission (1 rep)</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>PEG - NCTV 18 Board (1 rep)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Polpis Harbor Municipal Property Advisory Committee (1 rep)</td>
<td></td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Our Island Home Building Committee (2 reps)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior Center Committee</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CC</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NP&amp;EDC (1 rep)</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

TOTAL (current reps)

Airport Solar RFP Review Committee
Harbor Fuel tank farm relocation liaison        Harbor Place (MF)
Town Pier parking lot internal work group       Plastics (JB)
Cable TV renewal license internal work group    Landfill (JB, MF)
Recycling Program                               Strategic Sub-Committee

*as formally appointed by the Board

As of 6/18/2020