AGENDA FOR THE MEETING OF THE
SELECT BOARD
JULY 1, 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/k4pDBaLSEZM

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.

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

5. Review of Reconvened Economic Recovery Task Force Meeting(s).
   - 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 WARRANTS AND PENDING CONTRACTS**


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

VIII. **CONSENT ITEMS**
1. Gift Acceptance: Human Services (Saltmarsh Senior Center); Natural Resources Department.

IX. **CITIZEN/DEPARTMENTAL REQUESTS**
1. Request for Approval and Execution of Documents with Sachem’s Path Homeowners Association Trust:
   a) Acceptance of Grant of Sewer Easement from Sachem’s Path Homeowners Association Trust, Pursuant to MGL c. 83, §1.
   
   b) Sewer Dedication Agreement for Transfer of Sachem’s Path Sewer Lines and Pumping Station to Town, Pursuant to MGL c. 83, §1 and Chapter 396 of the Acts of 2008 (Sewer Act).

X. **PUBLIC HEARINGS**
XI. TOWN MANAGER’S REPORT
   2. 2020 Annual Town Election and Annual Town Meeting Follow-up.

XII. SELECT BOARD’S REPORTS/COMMENT
   2. Committee Reports.

XIII. ADJOURNMENT

*Identified on Agenda Protocol Sheet
Select Board Agenda Protocol:

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

- **Public Comment:** For bringing matters of public interest to the attention of the Board. The Board welcomes concise statements on matters that are within the purview of the Select Board. At the Board's discretion, matters raised under Public Comment may be directed to Town Administration or may be placed on a future agenda, allowing all viewpoints to be represented before the Board takes action. Except in emergencies, the Board will not normally take any other action on Public Comment. Any personal remarks or interrogation or any matter that appears on the regular agenda are not appropriate for Public Comment.

  Public Comment is not to be used to present charges or complaints against any specifically named individual, public or private; instead, all such charges or complaints should be presented in writing to the Town Manager who can then give notice and an opportunity to be heard to the named individual as per MGL Ch. 39, s 23B.

- **New Business:** For topics not reasonably anticipated 48 hours in advance of the meeting.

- **Public Participation:** The Board welcomes valuable input from the public at appropriate times during the meeting with recognition by the Chair. For appropriate agenda items, the Chair will introduce the item and take public input. Individual Board Members may have questions on the clarity of information presented. The Board will hear any staff input and then deliberate on a course of action.

- **Select Board Report and Comment:** Individual Board Members may have matters to bring to the attention of the Board. If the matter contemplates action by the Board, Board Members will consult with the Chair and/or Town Manager in advance and provide any needed information by the Thursday before the meeting. Otherwise, except in emergencies, the Board will not normally take action on Select Board Comment.
ORDER SUSPENDING CERTAIN PROVISIONS
OF THE OPEN MEETING LAW, G. L. c. 30A, § 20

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

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

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

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

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

WHEREAS section 20 of chapter 30A and implementing regulations issued by the Attorney General currently authorize remote participation by members of a public body, subject to certain limitations;
NOW THEREFORE, I hereby order the following:

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

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

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

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

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

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

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

This Order is effective immediately and shall remain in effect until rescinded or until the State of Emergency is terminated, whichever happens first.
Given in Boston at 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 its share, as funding levels that are determined as a result of the 2020 Census will be in place for our community for the next ten years!

Please get counted, and encourage friends, colleagues, and family members to do so at 2020census.gov. 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!
In six weeks, Census takers are scheduled to go door to door to follow up with Nantucket households that haven't responded by then online, by phone, or by mail. Our current rate of response is 25.4%, with rates at a little over 40% in the mid island areas. Nationally and statewide, the rate is over 60%.

We stand to lose a lot of money over the next ten years with an undercount. As an example, for every person counted, about $2400/year for the next ten years will come to Nantucket to do things like pay teachers, fund health clinics, feed families in need, fill potholes, protect our watershed, and more. A family of four represents almost $100,000 toward these programs and services!

It's safe, easy, and quick to take the Census at 2020census.gov. Please count everyone in your household now!

Martha Tirk, Administrator
Nantucket 2020 Census Complete Count Committee
508.479.5936

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Martha Tirk, Administrator
Nantucket 2020 Census Complete Count Committee
508.479.5936

This email was scanned by Bitdefender
Surfside Wastewater Treatment Facility
Sample collection date: June 8, 2020

SARS-CoV-2 virus in sewage
DETECTED
Virus concentration per liter of sewage
19,976 copies

Relative concentration over time
SARS-CoV-2 normalized concentration in blue
New cases for your county in black

Concentration levels of SARS-CoV-2 at your facility over time, compared with new case trends for your county.

Data is normalized to a fecal marker

Change since last sample ↑-new-

Regional overview of concentration levels
Northeast

Compare normalized SARS-CoV-2 levels found in participating wastewater treatment facilities, averaged since the beginning of May.

Color indicates concentration level
Your state outlined in red
Size of circle indicates population served by participating facilities

lower higher

20k 750k 2.5mil
About the data

Our methods for detecting SARS-CoV-2 in sewage are adapted from CDC protocols and available at www.biobot.io/covid19. Our approach relies on detecting genetic fragments of the virus that are excreted in stool, which does not determine if the virus is dead or active.

**Relative concentrations trend with new cases**

Concentration levels are trending with the county’s new reported cases at the time of sample collection.

*This sample in red, all other samples since May in blue.*

**Relative concentrations in comparison**

Your sample in red, median in black, all other samples collected since May in blue

Your sample has higher concentration levels than 30% of all quantifiable samples collected since May.

**Case Estimates Reflect Active R&D**

Evaluate as beta results when comparing to reported Covid19 cases

For more information, read the whitepapers:  
https://doi.org/10.1101/2020.04.05.20051540  
https://doi.org/10.1101/2020.06.15.20117747

**Reported COVID19 cases in Nantucket County, MA**

<table>
<thead>
<tr>
<th>New cases</th>
<th>Cumulative cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>13</td>
</tr>
</tbody>
</table>

On June 8, 2020, as reported by USAfacts.org

**Biobot COVID19 case estimate**

**160 cases**  
(0.92% incidence rate)

Using a reported flow rate of 1.5 MGD
Biobot’s wastewater testing protocols
We are continuously working to improve our protocols to increase the sensitivity of our measurements and reduce variability. We use a qPCR-based method to detect and quantify the SARS-CoV-2 virus and an associated fecal normalization control.

The RNA extraction method changed between protocols v1 and v2 to improve the sensitivity of our measurements. Protocols v2.1-v2.3 reflect changes in our quantification method to further improve the precision of our analysis and reduce variability. Internal tests have been conducted to assure data integrity. The SARS-CoV-2 viral titers that we report may be affected by slight batch effects between these protocol versions.

The sensitivity of our assay varies slightly between these protocols. The exact limit of detection (LOD) that applies to your sample can vary. Generally, the LOD for each protocol is: v1: 6,400 copies/L; v2: 34,000 copies/L; v2.1: 1,700 copies/L; v2.2: 2,100 copies/L; v2.3: 3,600 copies/L.

Why normalize with a fecal marker?
We normalize SARS-CoV-2 viral titers to account for differences in the total people contributing to each sample. We use PMMV as this internal control, which is an RNA virus that is excreted in stool.

Biobot’s COVID-19 case estimate
We measure the concentration of SARS-CoV-2 in sewage. We convert our measurements into a COVID-19 case estimate using the following basic equation:

\[
\text{Number of infected people} = \frac{\text{total amount of virus per day}}{\text{virus shed per infected person per day}}
\]

Comparing with confirmed clinical case
Our COVID-19 case estimates may not match the confirmed case numbers in the community for a variety of reasons. Clinical testing may not represent the entire infected population. The SARS-CoV-2 virus may start being shed before patients develop symptoms and seek testing.

We encourage you to share these reports with your local public health officials to compare our case estimates with the number of confirmed cases in your local community.

Data use
The Biobot COVID-19 case estimates provide an alternative metric to guide responses to the outbreak. We recommend that you share this information with local public health officials. We believe this work will have the greatest impact on a statewide level, and hope that you will reach out to your state officials and encourage the expansion of our partnership across your state.

Pioneering a better way to track Covid-19
We are the nation’s leader in wastewater epidemiology. We analyze sewage to determine the presence of infected individuals and estimate the number of Covid-19 cases, providing:

- **Trend analysis:** Determine when to safely re-open, and keep open, our communities and businesses through frequent sampling.
- **Early warning:** Detect the re-emergence of Covid-19 in a population to rapidly take action and contain new outbreaks.
- **Testing at scale:** For a fraction of the cost of mass individual testing, get an overview of the scope of the outbreak.

For questions, email support@biobot.io
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
DECLARATION OF PUBLIC HEALTH EMERGENCY - EMERGENCY ORDER 12

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

1) All persons who are not exempt as set forth below, shall wear a face covering over their mouth and nose when in public and within six feet of another person, and at all times when within the bounds of the Nantucket Old Historic District and the Siasconset Historic District. The boundaries of said historic districts may be found at the following link: https://nantucket-ma.gov/DocumentCenter/View/24215/Historic-Districts-Map-PDF?bidId=

2) This order shall apply to all places open to the public, whether indoors or outdoors. The cloth face coverings recommended are not surgical masks or N-95 respirators, which should be left for medical professionals and first responders. See this link for information on making a cloth face covering: https://www.cdc.gov/coronavirus/2019ncov/prevent-getting-sick/cloth-fac...

3) Exception: Children under the age of 2 years should not wear face coverings or masks. For children 2 years of age and older, a mask or face covering should be used, if possible. Mask use by children 2 years of age and up to the age of five are encouraged but should be at the discretion of the child’s parent or guardian at this time. Parents and guardians should ensure that the mask fits snugly and does not obstruct a child’s ability to breathe.

4) Exception: This Order shall not apply to persons for whom a face covering would cause impairment due to an existing health condition, or persons requiring a reasonable accommodation/modification as a result of a qualifying disability as required by the Americans with Disabilities Act and/or any applicable laws of the Commonwealth of Massachusetts, including: those who cannot breathe safely; those who, due to a behavioral health diagnosis, are unable to do so; those communicating with people who rely upon lip-reading; and those who require supplemental oxygen to breathe; and
5) Businesses shall not allow patrons to enter their establishment without a mask, unless they qualify for an exemption, and all businesses shall post a sign on their main entrance doors advising consumers that it is mandatory that the consumer entering the business wear a face covering.

6) All places open to the public or employees shall comply with Massachusetts Sector Specific Workplace Safety Standards issued pursuant to the Governor’s Phased Re-Opening Plan, and all other executive orders, state laws and/or local rules, regulations and orders applicable to the business or entity, a may be amended or superseded from time-to-time. An up-to-date list of sector-specific standards issued to date may be found at: https://www.mass.gov/resource/reopening-sector-specific-protocols-and-best-practices

7) This emergency order shall be effective beginning Monday, June 29 2020 AT 2:00 PM and remain in effect until notice is given, pursuant to the Board of Health’s judgement that the Public Health Emergency no longer exists.

8) To the extent necessary, this Order shall be enforced by Board of Health officials, Nantucket Police Officers, Natural Resources Enforcement Officer, Building Inspectors, and all other agents for the Board of Health.

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

10) If non-criminal disposition is elected, then any person who violates any provision of this Regulation shall be subject to a penalty in the amount of fifty dollars ($50) for a first offense; one hundred dollars ($100) for a second offense; two hundred dollars ($200) for a third offense; and three hundred dollars ($300.00) for a fourth or subsequent violation. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

11) Any person who is not wearing a proper face covering and who refuses to leave a public place at the direction of a person in lawful control of the premises may be subject to removal from the premises pursuant to Massachusetts General Laws, Chapter 266, Section 120.

12) 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.

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

ORDERED by Board of Health this 29th day of June 2020
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](/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](/doc/childcare-provider-reopening-preparedness-order-accessible))

**VIEW UPDATED LIST OF ENTERPRISES IN PHASES II, III, and IV**
([/info-details/reopening-when-can-my-business-reopen](https://www.mass.gov/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 GUIDANCE FOR SPECIFIC INDUSTRIES**

###

**Media Contact**

**Ryan Boehm, Director of Communications**
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  

Disinfection of all common surfaces must take place at intervals appropriate to said workplace.

The Director of the Department of Labor Standards ("DLS") is hereby directed to post on the Department's publicly accessible website a directive implementing these generally applicable COVID-19 workplace safety rules for all workplaces subject to this Order.

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

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

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

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

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

**Otherwise Applicable Health and Safety Standards:** These generally applicable COVID-19 workplace safety rules and any Sector-Specific Rules shall supplement and, except as
provided in Section 6 below, shall not displace otherwise applicable health and safety rules issued by any Federal, State, or Local authority acting within the scope of its lawful authority.

3. **Compliance and Self-Certification**

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

a. Bring the workplace into full compliance with all generally applicable COVID-19 workplace safety rules and all Sector-Specific Rules that are applicable to the individual workplace

b. Complete the required self-certification to verify compliance with all general and specific rules and make the self-certification available for inspection upon a request by State or Local authorities

c. Post on the premises all public notices and advisories that are required to be displayed under the terms of this Order

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

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

a. Ensure that all municipal permits are in place

b. Satisfy all conditions that appear in the Sector-Specific Rules for Construction; and

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

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

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

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

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

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

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

Additionally, I hereby direct the Executive Office of Housing and Economic Development to issue supplemental guidance specifying methods by which retail businesses may permissibly expand their current limited remote fulfillment operations to accommodate customer 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 9:40 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
People over the age of 65 and people who have underlying health conditions – who are at high risk for COVID-19 – should continue to stay home except for essential errands such as going to the grocery store and to attend to healthcare needs.
• All residents are advised to leave home only for healthcare, worship and permitted work, shopping, and outdoor activities

• When going to the pharmacy ask if you can fill your prescriptions for 90 days if possible; for some medications this is not allowed. If you are at high-risk, try to use a mail-order service

• Don’t participate in close contact activities such as pick-up sports games

• All residents are REQUIRED to cover their face when they cannot maintain six feet of social distance in public

• Parents should limit play dates for children

• Refrain from visiting nursing homes, skilled nursing facilities, or other residential care settings

• All residents are advised to wash their hands frequently for at least 20 seconds with soapy water

• All residents are advised to be vigilant, monitor for symptoms and stay home if you feel sick

• Use remote modes of communication like phone or video chat instead of visiting friends or family who are high risk for COVID-19

Resources

• Wear a Mask in Public
  • Order and Guidance (/news/wear-a-mask-in-public)
  • Video (https://www.youtube.com/watch?v=HtUJPizQVPI)

• Stop the Spread of Germs
  • Fact Sheets (/info-details/covid-19-printable-fact-sheets#prevention-)
  • Video (https://www.youtube.com/watch?v=atoYsk9IFXs)

• Social Distancing
  • Fact Sheets (/info-details/covid-19-printable-fact-sheets#prevention-)

https://www.mass.gov/news/safer-at-home-advisory

- **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?

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PRESS RELEASE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

###

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

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

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts
Nantucket
Back to Business Workgroup

Restaurant Re-Opening Update
Part 2
Report to the Select Board, June 24 2020
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
**Alteration of Premises:** Public 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.

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.

OUTDOOR SEATING EXPANSION
PRIVATE PROPERTY

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<th>ADDITION OF OUTDOOR DINING AREA</th>
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<tbody>
<tr>
<td>04845-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>
<td></td>
</tr>
<tr>
<td>00164-RS-0762</td>
<td>Brotherhood 23 Bread Street</td>
<td>Yes</td>
<td>Additional 9 tables in private access area adjacent to patio/balcony</td>
<td></td>
</tr>
<tr>
<td>00517-RS-0762</td>
<td>Charlie Noble 15 South Water Street</td>
<td>No</td>
<td>14 tables on back patio/private parking area along Essex Street</td>
<td></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>
<td></td>
</tr>
<tr>
<td>00086-RS-0762</td>
<td>Crosswinds 14 Airport Road</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>00201-RS-0762</td>
<td>CRU 49 Straight Wharf</td>
<td>Yes</td>
<td>4 tables roped-off adjacent to existing patio space and 8 on dock alongside building</td>
<td></td>
</tr>
<tr>
<td>00082-RS-0762</td>
<td>Faregrounds 27 Fairgrounds Road</td>
<td>Yes</td>
<td>12 tables in parking area in front of building along Fairgrounds Rd.</td>
<td></td>
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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

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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 Zones / Pick-up Zones

Loading Zones below to convert to Pick-up/Curbside Delivery (15 minute max) Zones at time indicated Daily

1. Main street starts at 11am (in front of Vis-à-Vis, 34 Main Street)
2. Center/India 4pm (in front of Olivela, 25 Center Street)
3. India/Federal starts 4pm (on Federal Street across from Boarding House at corner of Federal Street)
4. Top Broad/Center 4pm (at Glidden & Glidden across from 27 Broad Street)
5. Broad Street starts at 12pm (in front of Brotherhood of Thieves, 23 Broad Street)
6. Oak/S. Water starts at 2pm (on Oak Street across from Dreamland at corner of S. Water)
Loading Zone/Pick-up Zone Signs
(start time based upon end of current established loading zone end time per location)

CURBSIDE PICK UP
4 PM to 10 PM
# 1
N.P.D.

CURBSIDE PICK UP
4 PM to 10 PM
# 7
N.P.D.
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 53 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.

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<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>
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<tr>
<td>#00011-RS-0762</td>
<td>Chicken Box 12-16 Davis Street</td>
<td>No</td>
<td>12 tables in adjacent parking area with food trailer</td>
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<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>Fairgrounds 27 Fairgrounds Road</td>
<td>Deck</td>
<td>12 tables in parking area in front of building along Fairgrounds Rd.</td>
</tr>
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### OUTDOOR EXPANSION: PRIVATE PROPERTY

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<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>
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<tr>
<td>#00171-RS-0762</td>
<td>Island Kitchen One Chins way</td>
<td>Deck/porch</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>
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<tr>
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<td>Deck</td>
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# OUTDOOR EXPANSION: PRIVATE PROPERTY

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<td>4 tables on patio of adjacent property - Roberts House Inn</td>
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<td>#04096-RS-0762</td>
<td>Saltbox 16 Macy’s Lane</td>
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<td>4 tables on lawn adjacent to patio and along Old South Road</td>
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<tr>
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<td>Slip 14 14 Old South Wharf</td>
<td>Patio</td>
<td>4 tables roped off adjacent to patio along Old South Wharf</td>
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<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>
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<tr>
<td>#00339-CL-0762</td>
<td>VFW 22 Bunker Road</td>
<td>No</td>
<td>14 tables in adjacent parking area</td>
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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
## OUTDOOR EXPANSION: PRIVATE PROPERTY

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

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Restaurants Approved: Bar Yoshi

6/17/2020
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

Codfish Park
Porta-Potties

Stop & Shop
31 Sparks Avenue
Late-May to mid-October
6:00am - 1:00am
Mid-October to late-May
6:00am - Midnight

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

Sconset
Corner of Shell and New Streets
1 Folger Court
Late April (Daffs bloom)
1 Columbus Day
8:00am - 8:00pm
EXHIBIT 1
AGREEMENTS TO BE EXECUTED BY TOWN MANAGER
UNLESS RESOLUTION OF DISAPPROVAL BY SELECT BOARD
July 1, 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>Professional Service Agreement</td>
<td>Town-Wide</td>
<td>Harbor Fuel</td>
<td>$750,000</td>
<td>Contract for supply &amp; delivery of petroleum products for all Town departments</td>
<td>Various Department Budgets</td>
<td>July 1, 2020 – June 30, 2023</td>
</tr>
<tr>
<td>Professional Service Agreement</td>
<td>Human Resources</td>
<td>New Directions Behavioral Health</td>
<td>$31,678.20</td>
<td>Contract for employee assistance program</td>
<td>HR Budget</td>
<td>July 1, 2020 – June 30, 2023</td>
</tr>
<tr>
<td>Professional Service Agreement</td>
<td>Sewer/Airport/Water DPW/PLUS</td>
<td>South Shore Generator</td>
<td>$95,000</td>
<td>Contract for generator maintenance &amp; servicing</td>
<td>Department Budgets</td>
<td>July 1, 2020 – June 30, 2023</td>
</tr>
<tr>
<td>Amendment to Professional Service Agreement</td>
<td>DPW</td>
<td>Weston &amp; Sampson</td>
<td>n/a</td>
<td>Amend contract for Tom Nevers bike path study to extend contract completion date</td>
<td>n/a</td>
<td>July 1, 2020 – June 30, 2022</td>
</tr>
</tbody>
</table>
1. **Gift Acceptances**
Recommend the acceptance of the following gifts to Town agencies:

- **Human Services:**
  - Gift of $150 from Karen Schwenk for the Saltmarsh Senior Center

- **Natural Resources Department:**
  - Gift of four 1,000-gallon bulk water supply poly tanks (used condition) valued at $7,000 from the Kittridge Family for the Brant Point Shellfish Propagation Facility

*Recommended Motion: To accept all gifts for their designated purposes, with thanks to the donors.*

Town Administration will ensure that letters of thanks are sent.
MEMO

Date:       July 24, 2020

TO:          Dawn Hill Holdgate, Select Board Chair

CC:           Taylor Hilst, Director of Human Services

FROM:    Laura Stewart, Saltmarsh Senior Center, Program Coordinator

RE:           Request for acceptance of gift

I am writing to request acceptance of the following gift donation:

From Karen Schwenk: $150.00 a gift for the Saltmarsh Center

Thank you,

Laura Stewart

from the desk of…..
Laura Stewart
Program Coordinator,
Senior Services
81 Washington Street
Nantucket, MA 02554
508-228-4490
phone: 508-228-4490
fax: 508-325-5366
e-mail: lstewart@nantucket-ma.gov
Select Board
16 Broad Street
Nantucket, MA 02554
6/24/2020

Dear Board Members,

On behalf of the Natural Resources Department we are requesting that the Select Board accept the following gifts from the Mike Kitteredge and the Kitteredge Family (of 72 Pocomo Rd) for the Brant Point Shellfish Hatchery:

- (4) 1,000 gallon Bulk Water Supply Poly Tanks (Used Condition)

The value of these water storage tanks for us to purchase and have delivered to the island would be approximately $7,000 based on the last order we placed during the hatchery renovations. Mr. Kitteredge was very thoughtful in thinking of our mission and we would like to offer him a gift acceptance letter for his tanks valued at $7000.00. These tanks will be used for processing and storing seawater for vital shellfish research and production and will save us from a future tank purchase as we continue to grow and expand. We will be happy to answer any questions that you have in regards to this gift and program. Thank you for your attention to this matter.

Sincerely,
Jeff Carlson,
Town of Nantucket
Natural Resources Director
Agenda Item Summary

Agenda Item # | IX. 1.
---|---
Date | 7/1/2020

Staff
Tucker Holland, Municipal Housing Director

Subject
Acceptance by the Town of the Sachems Path pump station and affiliated pipes connecting to the Town sewer system:

A. Acceptance of the Grant of Sewer Easement by the Select Board
B. Approval of the Sewer Dedication Agreement by the Select Board acting as the Nantucket Sewer Commissioners

Executive Summary
In order to ensure proper operation, maintenance and coordination with the Town sewer system, an agreement has been worked out between the Sewer Director, the developer (HAC) and the HOA to have the Sewer Department assume responsibility for the Sachems Path pump station and lines connecting the station to the Town sewer system for a one-time payment of $25,000 which will go to the Sewer Enterprise Fund. These funds will be paid out of resulting excess project funds originally provided by the CPC to HAC. (The excess resulted principally from the construction period of the project moving faster than modeled thus interest expense was lower than originally budgeted.) The CPC has approved this use.

Staff Recommendation
Accept the Grant of Sewer Easement and approve the Sewer Dedication Agreement. The Sewer Director would prefer to have responsibility for this pump station and these lines to ensure better control over the system.

Background/Discussion
Please see attached correspondence from HAC and the CPC. Town Counsel has prepared the Sewer Dedication Agreement and Grant of Sewer Easement and all parties (Sewer Department, HAC, HOA also including Finance Department) have reviewed and approve as to form and substance.

Impact: Environmental ☐ Fiscal ☐ Community☒ Other☐
In furtherance of the development of affordable / year-round housing.

Board/Commission Recommendation
CPC has approved the use of the $25,000 for this purpose.
### Public Outreach

N/A

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

Strategic Plan – Housing

### Attachments

- A. Proposed Grant of Sewer Easement
- B. Proposed Sewer Dedication Agreement
- C. CPC Correspondence including David Quinn Memo
- D. Dellbrook Invoice
- E. Sachems Close Out Expenses
- F. CPC Minutes
GRANT OF SEWER EASEMENT

Rachel A. Dixon, Susan M. Rezendes, Jason W. Graziadei, Sunny Daily, Sarah T. Bois, and Anton T. Dimov, Trustees of the Sachem’s Path Homeowners Association Trust, under a Declaration of Trust dated August 19, 2014, recorded with Nantucket County Registry of Deeds in Book 1446, Page 93, as amended by Amendment of Instrument of Trust of Sachem’s Path Homeowners Trust dated February 27, 2018, recorded with said Deeds in Book 1635, Page 308, and Second Amendment of Instrument of Trust of Sachem’s Path Homeowners Association Trust dated September 19, 2018, recorded with said Deeds in Book 1665, Page 77, having a mailing address of _____________________, Nantucket, Massachusetts 02554 (the “Grantor”), for consideration paid of One Dollar ($1.00), hereby grants and conveys to the Town of Nantucket, a Massachusetts municipal corporation, acting by and through its Select Board, having its address at Town & County Building, 16 Broad Street, Nantucket, Massachusetts 02554 (the “Grantee”), with Quitclaim Covenants, a perpetual, non-exclusive right and easement in, on and under the parcel of land shown as Lot 42, Nanina Drive (“Lot 42”), shown on a plan of land entitled “Definitive Cluster Subdivision Plan, Sachem’s Path, Nantucket, Massachusetts, prepared for Housing Assistance Corporation, prepared by Blackwell & Associates, Inc., dated July 31, 2012, recorded with said Deeds as Plan No. 2014-68 (the “Plan”) upon which is situated the wastewater pumping station and sewer lines, mains, pipes, conduits, equipment and other appurtenances thereto (together the “Sewer Facilities”), and in, on and under the roadway “Nanina Drive” shown on said Plan as Lot 48 (the “Roadway Area”, and, together with Lot 42, the “Easement Areas”), for the purpose of constructing, inspecting, clearing, repairing, renewing, replacing, reconstructing, improving, operating, using, maintaining and abandoning in place within the Easement Areas an underground sewer system and any and all structures and facilities related thereto, including, without limitation, pump stations, manholes, mains, pipes, conduits and other appurtenances (as the same may exist from time to time, the “Sewer Facilities”).

This Grant of Sewer Easement does not convey, and the Grantee does not accept or have any responsibility for any other utilities or facilities, including, without limitation, any water, drainage or other facilities and utilities now or hereinafter located within the Easement Areas by any party other than the Grantee.

The Grantee shall have the right of entry upon and passage over the Easement Areas from time to time for all purposes aforesaid and for uses incidental thereto, including but not for the general right of public access. The Grantee shall have the right to pass and re-pass over the Easement Areas by foot or motor vehicles, including heavy equipment, from time to time, for the purposes set forth above and incidental thereto.
Notwithstanding the foregoing, Grantor agrees that no buildings, structures or objects shall be placed, installed or constructed within the Easement Areas that may interfere with Grantee’s rights hereunder. Grantee agrees that any area disturbed within the Easement Areas by Grantee’s exercise of the rights described herein, will be restored as reasonably practicable, to its original condition at Grantee’s expense.

All rights and privileges granted herein, including all benefits and burdens, right, benefits, obligations and burdens herein shall run with the land and shall be binding upon and inure to the benefit of the parties hereto, their respective successors and assigns of the Grantor and the Grantee.

For Grantor’s title, see deed recorded with the Nantucket County Registry of Deeds in Book 1665, Page 80.
Executed under seal as of this ______ day of ________________, 2020.

GRANTOR

SACHEM’S PATH HOMEOWNERS
ASSOCIATION TRUST

By: Rachel A. Dixon, Trustee

By: Susan M. Rezendes, Trustee

By: Jason W. Graziadei, Trustee

By: Sunny Daily, Trustee

By: Sarah T. Bois, Trustee

By: Anton T. Dimov, Trustee
COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

On this _____ day of ________, 2020, before me, the undersigned Notary Public, personally appeared Rachel A. Dixon, Susan M. Rezendes, Jason W. Graziadei, Sunny Daily, Sarah T. Bois, and Anton T. Dimov, Trustees of the Sachem’s Path Homeowners Association Trust, proved to me through satisfactory evidence of identification, which was their Massachusetts driver’s licenses, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose on behalf of the Sachem’s Path Homeowners Association Trust.

__________________________________________
Notary Public
Printed Name:  
My Commission Expires:

723453NANT 19709/0011
ACCEPTANCE OF EASEMENT

The Town of Nantucket, acting by and through its Select Board, pursuant to the provisions of G.L. c. 83, §1, hereby accepts the foregoing Grant of Sewer Easement from Sachem’s Path Homeowners Association Trust, on this __________ day of ______________, 2020.

TOWN OF NANTUCKET
By its Select Board

___________________________________
Dawn E. Hill Holdgate

___________________________________
Jason Bridges

___________________________________
Matthew G. Fee

___________________________________
Kristie L. Ferrantella

___________________________________
Melissa K. Murphy

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

On this _____ day of ______________, 2020, before me, the undersigned notary public, personally appeared Dawn E. Hill Holdgate, Jason Bridge, Matthew G. Fee, Kristie L. Ferrantella, and Melissa K. Murphy, members of the Town of Nantucket Select Board, as aforesaid, who proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as the free act and deed of the Select Board of the Town of Nantucket.

___________________________________
Notary Public:
My Commission Expires:
THIS SEWER DEDICATION AGREEMENT (this “Agreement”) is entered into this ____ day of ___________________, 2020 (the “Effective Date”) by and between Rachel A. Dixon, Susan M. Rezendes, Jason W. Graziaedi, Sunny Daily, Sarah T. Bois and Anton T. Dimov, Trustees of Sachem’s Path Homeowners Association Trust created under a Declaration of Trust dated August 19, 2014, recorded with Nantucket County Registry of Deeds in Book 1446, Page 93, amended by Amendment of Instrument of Trust of Sachem’s Path Homeowners Association Trust dated February 27, 2018, recorded with said Deeds in Book 1635, Page 308, and as amended by Second Amendment of Instrument of Trust of Sachem’s Path Homeowners Association Trust dated September 19, 2018, recorded with said Deeds in Book 1665, Page 308, having a mailing address of ____________________, Nantucket, Massachusetts 02554 (the Trust”) and the Town of Nantucket, a municipal corporation organized under the laws of the Commonwealth of Massachusetts, with a usual place of business at 16 Broad Street, Nantucket, MA 02554 (“the “Town”), acting by and through its Select Board acting as the Nantucket Sewer Commission pursuant to Chapter 396 of the Acts of 2008 (“Select Board” or “Nantucket Sewer Commission”). The Trust, the Town and the Commission are sometimes hereinafter collectively referred to as the “Parties” or if singularly, a “Party”.

WHEREAS, Sachem’s Path Nantucket, LLC, a Massachusetts limited liability company (the Developer”) was the owner of Lot 15 shown on a plan of land entitled “Plan of Land in Nantucket Island, Mass. As Prepared for Nantucket Housing Authority, prepared by Charles W. Hart & Associates, Inc., dated March 14, 1994, as revised on April 8, 1994, recorded with said Deeds as Plan No. 40-Y, which was developed into the subdivision known as the “Sachem’s Path Subdivision” as shown on a plan of land entitled “Definitive Cluster Subdivision Plan, Sachem’s Path, Nantucket, Massachusetts, prepared for Housing Assistance Corporation, prepared by Blackwell & Associates, Inc., dated July 31, 2012, recorded with said Deeds as Plan No. 2014-68, (the “Sachem’s Path Subdivision Plan”) by virtue of the Deed recorded with said Deeds in Book 1446, Page 66;

WHEREAS, in preparation for the development of the lots and the roadway in the Sachem’s Path Subdivision, the Developer created the Sachem’s Path Homeowners Association Trust, the above-referenced Trust, for the purpose among others set forth in Section 3.01 of said Trust to provide for the construction, installation, maintenance, and improvement of the roadway and utility lines within the roadway, and to hold title to the roadway and the open space lots shown on said Sachem’s Path Subdivision Plan;

WHEREAS, the Developer had conveyed a Grant of Easement dated November 7, 2014, to the Nantucket Electric Company, in Lot 48, shown as a 30’wide right of way, and Lots 1-42 shown on the Sachem’s Path Subdivision Plan, recorded with said Deeds in Book 1460, Page 36;
WHEREAS, in accordance with Massachusetts General Laws Chapter 83, Section 10, the Town, by due authority, adopted Wastewater Regulations and Specifications, as most recently amended March 3, 1993 and a Sanitary Sewer Policy adopted January 6, 1999 and amended June 26, 2002, concerning the connection of privately constructed sewer extensions to common sewers (such documents taken collectively being hereinafter referred to as the “Sanitary Sewer Policy”), a copy of which is attached to this Agreement as Exhibit A and incorporated herein by reference; and

WHEREAS, the Developer, as the record title owner, constructed a wastewater pumping station and the sewer lines, pipes, conduits and other facilities or appurtenances related thereto on said Lot 42 (the “Pumping Station”) as well as installed the sewer lines, pipes, conduits and other facilities or appurtenances related thereto in the Roadway to service the Sachem’s Path Subdivision (the “Sachem’s Path Sewer Lines”), to connect to the Town’s sewer infrastructure; and

WHEREAS, at the time of completion of the construction of the Pumping Station and the installation of the Sachem’s Path Sewer Lines the Town had inspected the Pumping Station and the Sachem Path’s Sewer Lines and had determined that they were constructed in accordance with Town standards;

WHEREAS, the Developer subsequently conveyed the fee in Lot 42 and in the private road shown as Lot 48, which is now known as Nanina Drive and Wappossett Circle, both Lots shown on the Sachem’s Path Subdivision Plan, together with and subject to the utility and sewer easements and the improvements constructed thereon to Tyler W. Herrick, Rachel A. Dixon, Susan M. Rezendes, Jason W. Graziadei, Sunny Daily, Sarah T. Bois and Anton T. Dimov, Trustees of the Sachem’s Path Homeowners Association Trust by Deed recorded with said Deeds in Book 1665, Page 80;

WHEREAS, the Sewer Department of the Town of Nantucket has performed certain maintenance work on the Pumping Station and the sewer lines, pipes and other appurtenances related thereto located on Lot 42, and agrees to continue to operate, maintain and repair the Pumping Station and the equipment and appurtenances connected thereto in the future to assure their proper maintenance as agreed to by the Trust;

WHEREAS, pursuant to G.L. c. 83, §1, the Town is authorized to acquire the Pumping Station, sewer lines, piping, and other equipment and appurtenances related thereto situated on Lot 42 and the acceptance of sewer easements on Lot 42 and on the Roadways in the Sachem’s Path Subdivision from the Trust.

NOW, THEREFORE, for good and valuable consideration in the amount of Twenty-Five Thousand ($25,000.00) Dollars paid from the surplus Community Preservation funds granted to the Housing Assistance Corporation by the Trust to the Town to be deposited in the Town’s Sewer Enterprise Fund, the sufficiency of which is hereby acknowledged and in further consideration of the mutual promises and covenants herein contained, the Parties agree as follows:
1. **Dedication of Pumping Station.** The Trust shall transfer all of its right, title and ownership of, and the Town shall accept the Pumping Station and all its associated infrastructure on Lot 42 upon the satisfaction of the following conditions: (i) Within thirty (30) days of the execution of this Agreement, the Trust shall deliver to the Town all of the required easements on Lot 42 and the Roadway for the purposes of construction, installation, excavation, operation, maintenance, inspection, repair, replacement, alteration, relocation, extension or removal of the Pumping Station or one or more of the sewer lines or pipes or the appurtenances related thereto by the Town in a form prepared by the Town and mutually acceptable to the Town and the Trust fully executed and acceptable for recording with the Nantucket County Registry of Deeds; and (ii) the Select Board, acting as the Nantucket Sewer Commission at a meeting duly held shall have voted to accept the Pumping Station and all of its associated infrastructure on Lot 42 and all necessary easements on Lot 42 and the Roadway for purpose of access. Should it be necessary for the Sewer Department to inspect and/or repair the Pumping Station prior to the recording of any necessary easements, the Trust hereby grants the Town a license to enter upon the private road of the Sachem’s Path Subdivision for such limited purpose and only for as long as is necessary for the Sewer Department to perform such inspections or repairs.

2. **Insurance.** The Town or the Town’s contractors shall maintain during the operation, maintenance and repair of the Pumping Station pursuant to this Agreement, public liability insurance, including coverage for bodily injury, wrongful death and property damage, in the minimum amount set forth herein to support the obligations of the Town under the terms and conditions of this Agreement:

   - **Bodily Injury Liability:** $1,000,000.00/occurrence, $3,000,000.00/aggregate
   - **Excess Liability Policy Limits:** $5,000,000.00/occurrence for offense, accident or wrongful act, $5,000,000.00 aggregate

3. **Notices.** All notices to be given pursuant to this Agreement shall be given in writing and mailed by nationally recognized overnight courier or certified mail, return receipt requested, to the other party at the addresses provided above.

4. **Termination and Modification.** This Agreement shall not be terminated or modified in any respect unless by a writing executed by the Parties hereto bearing the same formalities as this Agreement.

5. **Captions and Headings.** The captions and section titles are for descriptive purposes only and shall not control or alter the meaning of this Agreement as set forth in the text.

6. **Integration.** This Agreement embodies the entire agreement and understanding between the Parties hereto with respect to the subject matter hereof and supersedes all prior agreements and understandings relating to such subject matter.
7. **Binding Provision.** The covenants and agreements contained herein shall be binding upon, and inure to the benefit of, the parties hereto, their heirs, Legal Representatives, successors and assigns.

8. **Severability.** Each provision of this Agreement shall be considered separable. If for any reason, any provision or provisions herein are determined to be invalid and contrary to any existing or future law, such invalidity shall not impair the operation of or affect those portions of this Agreement, which are valid.

9. **Counterparts.** This Agreement may be executed in several counterparts and as so executed shall constitute one agreement binding on all parties hereto, notwithstanding that all of the parties have not signed the original or the same counterpart.

10. **Assignment.** Neither this Agreement nor any of its rights or obligations may be assigned by either party to any other person or entity unless by the express written consent of the other.

11. **Governing Law.** This Agreement shall be construed and enforced in accordance with the laws of the Commonwealth of Massachusetts, as interpreted by the courts of the Commonwealth of Massachusetts, notwithstanding any rules regarding choice of law to the contrary; and any conflict or dispute shall be resolved by a Massachusetts court of competent jurisdiction.

[END OF TEXT. SIGNATURES FOLLOW.]
IN WITNESS WHEREOF, the Parties hereto have executed this Agreement under seal this day first written above.

TRUST: SACHEM’S PATH HOMEOWNERS ASSOCIATION TRUST

By its Trustees and not individually

By: ________________________________
Rachel A. Dixon, Trustee

By: ________________________________
Susan M. Rezendes, Trustee

By: ________________________________
Jason W. Graziadei, Trustee

By: ________________________________
Sunny Daily, Trustee

By: ________________________________
Sarah T. Bois, Trustee

By: ________________________________
Anton T. Dimov, Trustee

TOWN: TOWN OF NANTUCKET

By its Select Board, acting as the Nantucket Sewer Commission

By: ________________________________
Dawn E. Hill Holdgate

By: ________________________________
Jason Bridges

By: ________________________________
Matthew G. Fee

By: ________________________________
Kristie L. Ferrantella

By: ________________________________
Melissa K. Murphy

722973v4NANT19709/0011
Sanitary Sewer Policy
By
Nantucket Board of Selectmen
(acting as Board of Public Works)
Adopted: January 6, 1999
Amended: June 26, 2002

Preamble

The Town of Nantucket and the Nantucket Planning Board have, over the last several decades, adhered to an
unwritten policy that resulted in the construction, operation and ownership of sanitary sewer systems either
within public or private rights-of-way. In some instances, this has caused the Town to lose control of a logical
methodology for extension of sanitary sewers. This policy has also made it possible for the creation of the
equivalent of privately owned “mini-sewer authorities” which have the power to exact fees or deny connection.
The Town has, accordingly, lost some control over decisions relating to extension of the public system and, as
a result, the power to guide or direct growth in accordance with publicly endorsed policies.

With the past policy, the Town has permitted the extension of low-capacity private force mains for multiple
lots, sometimes without regard for future extension policy.

Revised Policy

It is hereby the policy of the Town of Nantucket that extension of sanitary sewers, the reconstruction of
existing systems, and the construction of related improvements such as pumping station, shall be built to the
standards and specifications of the Town, and shall be dedicated and accepted as public facilities. It is also
the policy of the Town to pass on to the private sector, the cost of engineering, construction and acceptance
listing of these facilities through betterment assessments or other means, to the extent allowed by law, and in
consideration of issues of equity and fairness. Notwithstanding the above, the Town may choose to fund,
through general revenue bonds or revenue bonds, improvements or extension of the public sanitary sewer
system, in accordance with the Comprehensive Wastewater Management Plan (CWMP).

Comprehensive Wastewater Management Plan

It is the policy of the Town that all decisions by the Town pertaining to the extension of sanitary sewers, the
allowance or private sewer connections, or the construction of related facilities, shall be in accordance with the
CWMP, at such time as it is duly adopted by the Nantucket Board of Public Works. In the interim, pending
adoption of the CWMP, the existing standards and specifications of the Town and the provisions of this policy
shall govern.

Specific Policies Pertaining to Existing Sanitary Sewers

Existing Private Sanitary Sewers
It is the policy of the Town to acquire those existing systems which have been designed and constructed
with additional capacity to accommodate future growth in accordance with the CWMP, and which meet
the standards and specifications of the Town.
Existing Public Sanitary Sewers
It is the policy of the Town that public sewers will be maintained and upgraded in accordance with the CWMP.

Specific Policies Pertaining to New Sanitary Sewer Improvements
It is the request of the Board of Selectmen that any permitting or regulatory agency (including, but not limited to, the Department of Public Works, the Planning Board and Zoning Board) with the legal authority to approve, require construction of, and/or accept new or upgraded sanitary sewers shall do so in accordance with the standards and specifications of the Town, and with the CWMP. Further, it is the policy of the Town that all such facilities, including sewers constructed within the private ways are duly dedicated for public use, immediately after having passed acceptance test and, after having been accepted by the Board of Public Works unless otherwise determined by the Board of Public Works, to be an extraordinary circumstance. The proponents of sanitary sewer extensions in private ways, roads or lanes within the Town of Nantucket must provide a recordable sewer maintenance easement for sewers constructed within such private ways, roads or lanes.

Policy Applicable to Service Connections
It is the policy of the Town that all private service connections shall be made within the "Limits of Adjacency" of the public sewer system. The only alternative to lengthy individual service connections extending from an existing public sewer shall be a public sewer construction in accordance with the standards and specifications of the Town. The Board of Public Works shall define "Limits of Adjacency."

Extraordinary Circumstances
It is the policy of the Town that the Board of Public Works, after a public hearing, may permit exception to these policies in cases of extraordinary circumstances and when deemed to be in the best interest of the Town. In general terms, "extraordinary circumstances" shall include, but may not be limited to, the following:

1. Service to a lot or small cluster of lots on a private road, when it is deemed to be impractical to extend a public sewer, and the service of which, in all other respects, complies with the CWMP.

2. Service to a use, which, in the opinion of the Board of Public Works, provides a substantial public benefit to the community, and which cannot be feasibly served by the public sewer system.

3. Service to a developed area, when it has been determined by the Board of Health that extension of sewers are required to ensure the health and safety of the community.
Hello Tucker,

See attached.

Glena Stokes-Scarlett, Administrator  
4 Winter Street, Rear  
Nantucket, MA 02554  
508-325-6682  
508-325-6683 (fax)  
glena.cpc3@verizon.net

-----Original Message-----
From: Tucker Holland <tholland@nantucket-ma.gov>
To: Glena Stokes-Scarlett <glena.cpc3@verizon.net>; Kenneth Beaugrand <kbeaugrand@nantucket-ma.gov>
Sent: Wed, Jun 3, 2020 10:29 am
Subject: RE: Sachem's CPC Close Out

Hi Glena,

Can you send me a copy of the minutes for the February meeting or something similar officially documenting that the CPC approved the final accounting for Sachem's Path as presented below?

Thank you,

Tucker

Tucker Holland  
Municipal Housing Director

m: Town Administration Building, 16 Broad Street -- Office 111, Nantucket, MA 02554  
e: tholland@nantucket-ma.gov  
p: 508-325-7587 ext. 7023  
c: 802-233-3177

From: glena.cpc3@verizon.net <glena.cpc3@verizon.net>
Sent: Wednesday, February 12, 2020 10:39 AM
To: Kenneth Beaugrand <kbeaugrand@nantucket-ma.gov>
Cc: Tucker Holland <tholland@nantucket-ma.gov>
Subject: Re: Sachem's CPC Close Out

Good Morning Ken,
The item has been added, and the attachments will be included along with the agenda.

Glena Stokes-Scarlett, Administrator  
4 Winter Street, Rear  
Nantucket, MA 02554  
508-325-6682  
508-325-6683 (fax)  
glena.cpc3@verizon.net

-----Original Message-----
From: Kenneth Beaugrand <kbeaugrand@nantucket-ma.gov>
To: Glena Stokes-Scarlett <glena.cpc3@verizon.net>
Cc: Kenneth Beaugrand <kbeaugrand@nantucket-ma.gov>; Tucker Holland <tholland@nantucket-ma.gov>
Sent: Wed, Feb 12, 2020 10:00 am
Subject: FW: Sachem's CPC Close Out

Good morning Glena -

Can you please add to the agenda for next week with all attachments. Thanks Ken

From: Tucker Holland  
Sent: Wednesday, February 12, 2020 9:57 AM  
To: Kenneth Beaugrand <kbeaugrand@nantucket-ma.gov>  
Subject: FW: Sachem's CPC Close Out

Hi Ken,

Please see below from David Quinn at HAC regarding the closing out of the accounting relative to the development of Sachems Path, which I think we can all agree was a very successful project and has achieved its goal of providing quality, stable and affordable housing to year-rounders across a mix of incomes.

Following the brief discussion you and I had about how to proceed here, I have been able to confirm with David Gray his support for the proposal regarding the sewer / pump station. As well, I have been able to confirm with Kevin Maguire that the main source of the savings had to do with a more efficient than planned construction period which resulted in the project needing to expend less on interest with its lender (Eastern Bank) than originally budgeted for, and that the additional noted expenses all fall within the scope of what was originally intended (had the expenses been known at the time of cost certification, they simply would have been appropriately included).

In short, this is all good news. With the approach HAC proposes, the CPC would be receiving funds of $13,749.88 which could be applied to a future housing effort.

If the CPC would affirm its support of the proposal from HAC, HAC can simultaneously close out the accounting, proceed with the sewer station agreement and process the payments to the CPC and the Town’s Sewer Enterprise Fund.

I support this approach. If I can be of further assistance or provide additional information, please just LMK.

Best,

Tucker

Tucker Holland  
Municipal Housing Director

[m: Town Administration Building, 16 Broad Street -- Office 111, Nantucket, MA 02554  
e: tholland@nantucket-ma.gov<mailto:tholland@nantucket-ma.gov>  
p: 508-325-7587 ext. 7023  
c: 802-233-3177]
Tucker -

I am writing regarding the final close out of the Sachem’s Path Nantucket Development. On November 14, 2019 the Nantucket Zoning Board of Appeals (ZBA) voted to release all remaining funds being held in escrow and considers the project to be fully completed in compliance with our Comprehensive Permit. Currently, there are only two items remaining to finalize with the Town of Nantucket: 1) Sign off on the use of remaining Community Preservation Committee (CPC) funds on final project expenses, and 2) Transfer of the sewer maintenance to the Sewer Department. This email addresses the use of CPC funds.

At the time of the project cost certification, which was completed in December 2018 (for Phase 1 and Phase 2 combined), Housing Assistance Corporation (HAC) anticipated that we would have $50,930.80 in savings available to return to the Town of Nantucket as unspent CPC Funds.

Since that time, HAC incurred expenses of $12,180.92 beyond what was anticipated in order to fully complete the project in accordance with our Comprehensive Permit. This includes $7,500 final landscaping costs and $4,680.92 in engineering costs for the Town of Nantucket's project representative. Documentation of these unanticipated expenses is attached.

In addition, HAC has worked with the Town to draft an agreement with the Nantucket Sewer Department to transfer of maintenance responsibilities for the Sachem's Path wastewater pump station from the Homeowner's Association to the Sewer Department in exchange for a one-time payment of $25,000 on behalf of the HOA. It was determined that this approach is in the Town's best interest to ensure that the Station is properly maintained and operated.

These expenses are directly related to the public infrastructure portion of the development. Town support for the development via CPC funds was intended to support the creation of the public infrastructure so that the homes could be constructed and sold at below market prices utilizing State and Private funds.

As we complete this final reconciliation, we are requesting that the above costs be considered eligible CPC costs. This would result in $13,749.88 returned to the CPC as project savings. In addition, $25,000 would be paid to the Sewer Department for the pump station maintenance transfer fee.

Thank you in advance and certainly let me know if there are any questions.

Best,
Dave

---

David M. Quinn
Director of Housing Development & Planning
Housing Assistance Corporation
460 W. Main Street
Hyannis, MA 02601
Office - (508) 771-5400 ext 288
Cell - (508) 280-8465

[https://img1.wsimg.com/steam/jp/efd377be-a864-48e4-9061-d62def3ca659/213d622f-44df-4d8e-7c2c-189f728bc3da.jpg?cr=1.0%25.i.0%25.w.100%25.h.39.08%25/rs=w.538,h.269,cg.true] http://www.capecountyhousing.org/

David Gray Correspondence

From: David Gray
Sent: Sunday, December 08, 2019 3:20 PM
To: Tucker Holland <tholland@nantucket-ma.gov><mailto:tholland@nantucket-ma.gov>>
Cc: David Quinn <dquinn@haconcapecod.org><mailto:dquinn@haconcapecod.org>>; Kevin Maguire <kmaquire@oxbowurban.com><mailto:kmaquire@oxbowurban.com>>
Subject: RE: Sachem's Lift Station Transfer

Thank you Tucker I agree with this as proposed. The donation should list the Sewer Enterprise Fund directly I believe

David C Gray Sr.
Sewer Director
Nantucket Sewer Department
81 S.Shore Rd
Nantucket, MA 02554
Telephone 508.228-7200 EXT 7801
Cell 401-413-8370
dgray@nantucket-ma.gov<mailto:dgray@nantucket-ma.gov>

From: Tucker Holland
Sent: Thursday, December 5, 2019 12:07 PM
To: David Gray <dgray@nantucket-ma.gov><mailto:dgray@nantucket-ma.gov>>
Cc: David Quinn <dquinn@haconcapecod.org><mailto:dquinn@haconcapecod.org>>; Kevin Maguire <kmaquire@oxbowurban.com><mailto:kmaquire@oxbowurban.com>>
Subject: FW: Sachem’s Lift Station Transfer

Thanks, David Q.

David Gray - if you would confirm this reflects the arrangement you would like to proceed with, as you and David / HAC / SPHOA have discussed and agreed to, I can tee it up for ratification at an upcoming SB meeting, most likely 12/18.

Best,
Tucker

Tucker Holland
Municipal Housing Director

m: Planning & Land Use Services, 2 Fairgrounds Road, Nantucket, MA 02554
e: tholland@nantucket-ma.gov<mailto:tholland@nantucket-ma.gov>
p: 508-325-7587 ext. 7023
c: 802-233-3177

From: David Quinn <dquinn@haconcapecod.org><mailto:dquinn@haconcapecod.org>>
Sent: Thursday, December 05, 2019 11:25 AM
To: Tucker Holland <tholland@nantucket-ma.gov><mailto:tholland@nantucket-ma.gov>>
Cc: Kevin Maquire <kmaquire@oxbowurban.com><mailto:kmaquire@oxbowurban.com>>
Subject: Sachem's Lift Station Transfer

Tucker-

One of the final remaining items to complete the close out of the Sachem’s Path Nantucket Ownership Development is the transfer of maintenance responsibilities for the Sachem’s Path wastewater pump station from the Homeowner’s Association to the Sewer Department in exchange for a one-time payment of $25,000.

As agreed by David Gray, it is in the Town’s best interest to ensure that the Station is properly maintained and operated. David was involved in the system design, oversaw the system construction/commissioning, and has been servicing the lift station for the past 2 years. Final legal documents related to the transfer were finalized in concept in February 2019 and submitted to the Board of Selectmen for final approval in March 20’9.

The draft agreement is included as an attachment to this email.
In order to finalize this agreement, we need to received approval from the Nantucket Select Board. Any assistance you can provide in seeing that this item is reviewed by the Select Board would be much appreciated.

Thank you,
Dave

David M. Quinn  
Director of Housing Development & Planning  
Housing Assistance Corporation  
460 W. Main Street  
Hyannis, MA 02601  
Office - (508) 771 -5400 ext 288  
Cell - (508) 280 - 8465

BILL TO
Dellbrook JK Scanlan

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PROJECT
sachem path replacement

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Thank you for the work!

BALANCE DUE
$7,500.00
Summary of Close Out Expenses for Ed Pesce (Town of Nantucket’s project representative)

- $3,304.08 Payment
- $2,388.01 Payment (for anticipated costs to complete project)
- Minus $1011.17, which is the balance remaining at close of project

TOTAL = $4,680.92

(details attached)
**PURCHASE ORDER**

Show this Purchase Order Number on all correspondence, invoices, shipping papers and packages.

**DATE:** 2/21/19  
**REQUSITION NO.** 106305

**SHIP TO:**

1475-01-561  
BAR Code 0

**REQUISITIONED BY:**

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**3304 08**  
**Walter Charles**  
**AUTHORIZED BY**

---

1. Please send ______ copies of your invoice.
2. Order is to be entered in accordance with prices, delivery and specifications shown above.
3. Notify us immediately if you are unable to ship as specified.
## Sachem's Path - Cost to Complete

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BALANCE: ($290.05)

---

Sachem's Path Nantucket, LLC  
c/o Housing Assistance Corp.  
Sandy Horvitz  
Director of Real Estate  
460 West Main Street  
Hyannis, MA 02601  

Kevin Maguire  
kmaguire@oxbowpartners.net  
kevin.maguire@buildinginitiatives.com  
AR Code  
ESSACH  
Director of Real Estate  
Project Manager  
Oxbow Partners  
917-340-3187
## Invoice

**Invoice #:** 2019-1738  
**Invoice Date:** 8/30/2019  
**Due Date:** 9/30/2019

**Bill To:**

Nantucket Planning & Land Use Services  
Leslie W. Snell, AICP, Deputy Director  
2 Fairgrounds Road  
Nantucket, MA 02554

**Project & Location:**  
Sachem’s Path  
- Construction Inspection Services  
(PB Org Code #04215)

---

**Description**

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<td>Travel &amp; Site Visits to review existing conditions and construction progress - 12 June</td>
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**REIMBURSABLES**  
1 Trips shared with 7 sites

- 1/7 Airfare - 1 trip @ $31.14 = 1/7 of total cost of $218.00  
- 1/7 Car Rental and gas fee - 1 trip @ $13.57 = 1/7 of $95.02  
- 1/7 Airport Parking Fee - 1 trip @ $1.29 = 1/7 of $9.00  
- 1/7 Mileage to and from airport - 1 trip @ 6.9 mi. = 1/7 of 48 mi. round trip

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**Total**  
$484.86

**Payments/Credits**  
$0.00

**Balance Due**  
$484.86

---

*Please make checks payable to "Pesce Engineering"

*Thank You for Your Business!*
Megan-

Thanks so much for you assistance/patience.

Lets see if I have this correct.

You will be sending A check in the amount of $12,500 to HAC (attn Jane Hammond) following the ZBA final release of holdback from Sachems.

Separately - you will work with Eleanor to get the final balance in the 53G account ($1,011.17) approved for release by ZBA and then sent to HAC (attn Jane Hammond) in early January.

Do I have this correct??

Thanks for all you help and I hope all the hatches are battened on the island with this crazy weather.

Jane - any questions from your side?

__________________________
Kevin Maguire
Managing Partner
Oxbow Urban LLC
917-340-3187

On Mon, Dec 2, 2019 at 10:29 AM Megan Trudel <mtrudel@nantucket-ma.gov> wrote:

Good Morning Kevin,

Hope you had a wonderful Thanksgiving!

See attached the final invoice from Ed Pesce as well as the current ledger. I’ve requested that Eleanor place the release of the balance ($1,011.17) on the next ZBA agenda, which I believe is December 12th, so that I can process.

If this gets on the agenda for the 12th, based on the Warrant schedule, that would mean I can process and have a check ready to mail on Friday, January 10th (delay due to Christmas and New Year’s both falling on a Wednesday this year).

Please let me know if you have any questions!
Best,

Megan Trudel

Town of Nantucket

PLUS-Administrative Specialist

2 Fairgrounds Rd, Nantucket MA 02554

Phone (508) 325-7587 ext. 7053

From: Kevin Maguire <kmaguire@oxbowurban.com>
Sent: Monday, November 25, 2019 4:15 PM
To: Megan Trudel <mtrudel@nantucket-ma.gov>
Cc: Jane Hammond <jhammond@haconcapecod.org>; David Quinn <dquinn@haconcapecod.org>
Subject: Re: Sachems Path Nantucket - Final Reconciliation

Megan-

Sounds exactly right.

Let us know when you receive Ed's invoice and we can settle up.

Best for a great TDay.

__________________________
Kevin Maguire
On Mon, Nov 25, 2019 at 2:22 PM Megan Trudel <mtrudel@nantucket-ma.gov> wrote:

Hi Kevin,

Apologies on the delayed response. Ed is working on getting his final invoice to me for Sachem’s. I’ve attached a copy of the most recent ledger, and currently there is $2,097.96 in the account. Ed seems to think this should cover, or come close to covering the final invoice. I think the best way to move forward with this one is to wait on the exact figure for the final invoice and determine whether additional funds will be needed.

Separately, the ZBA approved the release of the $12,500 balance. I will have this processed on the next warrant, which would have a check ready to be mailed out on Friday, December 6th. Please let me know if you have any questions!

Megan Trudel

Town of Nantucket

PLUS-Administrative Specialist

2 Fairgrounds Rd, Nantucket MA 02554

Phone (508) 325-7587 ext. 7053
Megan-

Happy Monday.

A question for you relative to Sachems Path.

Eleanor and Ed Pesce obtained final approval from the ZBA to release the final holdback for Sachems Path.

I am looking to confirm the final steps between Jane Hammond of Housing Assistance Corp and yourself.

Per Ed Pesce's below email - **Jane should send a check to the Town of Nantucket for Sachems Path 53G account in the amount of $ 2,338.01.**

Separately, you will process the payment of the final holdback amount ($12,500.00 ) and send to Sachems Path Nantucket LLC c/o Housing Assistance Corporation, 460 W Main Street, Hyannis MA attn Jane Hammond.

Megan - does this work for you?

Jane - also want to make sure that this makes sense to you as well.
Hi Kevin,

Here's the numbers and documentation for the final cost to complete for Sachem's Path.

If HAC will send the Town a check for $2,388.01, I'll make sure that will be all we need to close this out.

Thanks very much.

ED

Kevin Maguire
Managing Partner
Oxbow Urban LLC
917-340-3187
MINUTES

COMMITTEE: Community Preservation Committee  Time Meeting called to order: 3:15 PM
MEETING DATE: February 18, 2020  Time Meeting Adjourned: 3:53 PM
MEMBERS PRESENT: Ken Beaugrand, Chair; Maria Zodda, Tim Soverino; Diane Coombs; John Trudel; Administrator: Glena L. Stokes-Scarlett

REMOTE:
MEMBERS ABSENT: Jack Gardner, Joe Topham; Dawn Hill-Holdgate, Linda Williams, Vice Chair

AGENDA ITEM  DISCUSSION  VOTES / ROLL CALL

CALL TO ORDER

Approval of Agenda: Mrs. Coombs made a motion to approve the agenda. It was seconded by Mrs. Zodda. A positive vote followed.

Approval of Minutes: January 21, 2020 ~ Mr. Trudel made a motion to approve the minutes. It was seconded by Mr. Soverino. A positive vote followed.

Correspondence: Letter ~ Maria Mitchell Association ~ Request for extended use of FY’05 Grant ~ Mr. Trudel made a motion that Mrs. Hill Holdgate (Project Manager) would follow up with Jascin Leonardo-Finger/MMA for clarification of request. It was seconded by Mrs. Zodda. A positive vote followed.

Guest(s): None

I. Fund Requisition: Mr. Soverino made a motion to approve items a. – c. It was seconded by Mrs. Zodda. A positive vote followed.

   a. Nantucket Interfaith/ Beaugrand/ $18,951.44 FY’20
   b. Hospital Thrift Shop/ Zodda/ $13,128.57 FY’16
   c. Nantucket Platform Tennis/ Hill-Holdgate/ $1,488.90 FY’19

II. Old Business:

III. New Business:

   a. Sachems Path – Mr. Trudel made a motion to return the unused funds to the designated category, “Affordable Housing”. It was seconded by Mrs. Zodda. A positive vote followed.

   b. Review of Proposed signage at the new STEAM Park on Old South Road – Mrs. Coombs make a motion to accept the new signage with revisions proposed by the committee. It was seconded by Mrs. Zodda. A positive vote followed.

Adjournment ~ 3:53 ~ Mrs. Zodda made a motion to adjourn. It was seconded by Mr. Trudel. A positive vote followed.

Signature: Ken Beaugrand, Chairman
Via Certified Mail and Hand Delivery

June 7, 2019

Francis T. Daily
164 Hummock Pond Road
Nantucket, MA 02554

Dear Mr. Daily:

At its June 5, 2019 meeting, the Select Board voted to clarify language in the original Dangerous Dog Order dated May 20, 2019 (attached). The Board voted to change “should” to “must” in Conditions 1 and 4; to change “need to” to “must” in Condition 3; and, to change “should be” to “are” in Condition 5. Please see new language, below.

At its May 8, 2019 meeting, the Nantucket Select Board held a Nuisance and Dangerous Dog hearing pursuant to Massachusetts General Law Chapter 140, section 157 regarding complaints against your dogs, Shuja and Zhira. Based on testimony and evidence presented at the hearing, the Select Board voted to deem Shuja and Zhira as dangerous dogs and ordered that:

1. The dogs must be confined on the property (164 Hummock Pond Road) of their owner with a fence that is secured at all time with a locked gate.
2. If the dogs must be removed from the property of the owner, for veterinary care for instance, the dogs must be humanely restrained on leashes that do not exceed three (3) feet in length and must wear a muzzle when they are off their owner’s property.
3. You must provide proof of insurance in an amount not less than $100,000.
4. You must provide to the Animal Control Officer information by which the dogs may be identified, throughout their lifetime.
5. The dogs are forever banned from all Town public properties to include but not be limited to bike paths, sidewalks, roads, parks and beaches.
In addition, the Board requires that the Animal Control Officer perform inspections to make sure the Order is in compliance, and upon any violations of the Order, the dog(s) will be held by Animal Control until a new hearing is scheduled.

Sincerely,

Erika D. Mooney
Operations Administrator

Cc: Select Board
Nantucket Police Department
U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com.

OFFICIAL USE

Postage $
Certified Fee $
Return Receipt Fee
(Endorsement Required)
Restricted Delivery Fee
(Endorsement Required)
Total Postage & Fees $

Sent To
Francis J. Daily
164 Hummock Pond Rd
Nantucket, MA 02554

PS Form 3800, June 2003
See Reverse for Instructions
May 20, 2019

Francis T. Daily
164 Hummock Pond Road
Nantucket, MA 02554

Dear Mr. Daily:

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Sincerely,

Erika D. Mooney
Operations Administrator

Cc: Select Board
Nantucket Police Department
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Sent To: Francis J. Daily  
J.H. Hummock, Road Rd  
Nantucket, MA 02554
Case Report 1. Predatory Aggression/Reactivity in Domestic dogs

Statement of the owner’s presenting complaint or problem behavior.
This case of Predatory Aggression/Reactivity with the owners two Husky Crosses began in the beginning of 2016. I have also gathered from the owner as well as documented Nantucket Animal Control Reports that there have been several incidents where the dogs have been off lead and unattended.

Both dogs have been involved in two live stock incidents involving goats. On 10/20/16 Cisco Brewery had a goat in a pen, before Mr. Daily erected a fence on his property Shuja was able get into that fenced in area (literary backdoor neighbors), chase the goat and then launched an attack and then bit the goat before Mr. Daily was able to retrieve him, bring him home and contact the goat’s owners. Mr. Daily paid for the goat’s medical treatment.

Both dogs were loose on another occasion 3/30/17 and caused serious injury to another goat that was in a fenced pen with a shelter. I was able to watch the gentleman that owned this goat in a public meeting describe how his goat was attacked.

The man knows Mr. Daily and the dogs, and in the hearing indicated that he put the dogs in the pen to prevent them from wandering into the street or getting hurt, until he could reach Mr. Daily.

The goat did not die from the attack that evening. The goat was treated, The goat was subsequently euthanized several weeks later.

4/03/2017  Mr. Daily was walking his dog Shuja at the Gardner property. Lauren Granahan was also walking her 2 whippets, which Mr. Daily usually sees running with their owners. Allegedly all dogs were off lead.

The two whippets approached Shuja and were barking and snapping at his face and chest, after a few seconds Shuja reached over and grabbed one and threw it, her dog was injured and was treated at Offshore Animal Hospital for of several puncture wounds. Miss Granahan apologized to Mr. Daily indicating that she had recently had surgery, and they were protective of her. The animal hospital reported the injuries to ACO, which she did not want to happen, as she felt it was her fault allegedly.
Mr. Daily was found in violation of a Town By-Law, and the dog was quarantined to his property for 30 days.

6/20/17 An officer of NPD was dispatched to the Gardner property to speak to Mr. Daily and another party. Mr. Daily was walking Shuja again off lead at the Gardner property.

7/13/18 A report of Mrs. Daily walking Zhira and her baby in a carriage on Hummock Pond bike path, there she encountered her neighbor, Jamie Briard and his dog River. River is known to have dog on dog aggression and is often walked with a muzzle, however on this occasion he was not wearing the muzzle.

Zhira has been known to be protective of the children, and boldly pulled in front of the carriage. River lunged at Zhira. They immediately began fighting. In the interim, Mrs. Daily became so upset, she let go the carriage to pull the dog back.

Mr. Briard then attempted to break up the fight using his hands, while doing so Zhira allegedly redirected her aggression and bit Mr. Briard.

Mrs. Daily pulled Zhira back, grabbed the carriage and retreated home. Mr. Briard immediately went to Nantucket Cottage Hospital to have his bite wound evaluated, and the hospital reported (as required) to the ACO.

Mr. Daily Described the last most recent incident involving Zhira, although both dogs were in attendance and on leash. Mr. Daily along with his dog walking friend Mary Lockley and her dog Zena were out for their daily morning walk at the Gardner property. While they were finishing the walk and entering the parking lot they were greeted by Wendy Watts, said their hellos and entered the parking lot.

There, Anita Nettles was oddly crouched down behind her car holding her 2 dogs by their collars. When Mr. Daily and Mrs. Lockley rounded the back of their cars they were startled by her presence, as were their dogs. Her dogs began barking and she let her small terrier go. The terrier immediately ran up to Daily & Lockley’s dogs and Zhira grabbed the terrier by the back and threw it. Frank pulled Zhira away, and Anita Nettles left to go on her walk and discovered her dog was injured.

b. A description of the animal’s signalment (sex, breed, age, size, medical conditions), household composition and current living environment.

Shuja-CM 7Y Husky Cross Buff & White @ 80LBS (OW)
Zhira- SF 3.5Y Husky Cross Chocolate & White @ 70 (OW)
Both dogs were adopted as young adults from two different shelters
**Pertinent Medical History:**

N/A according to owner Shuja had Mange upon adoption, unknown if demodex or sarcoptic. Owner does not remember if treated prior to adoption.

**Diet:** Dry food: Both: 1Cup am/1Cup Lunch / 2 Cups PM-alternates dry food brands, grain free / H2o Free Choice

**Treats:** Greenies, occasional scraps

**Vaccinations:** Current-OSAH

**Heartworm Preventative:** Y

**Flea/Tick Preventative:** Y

**Other Pets:** 9 Year Cat

**Travel History:** N

**Boarding/Dog Park/Day Care:** N

**Household Composition**

**Children in Home:**

- Owner-40
- Owner-32
- Child-13
- Child-11
- Child-7
- Child-22 Months
- Child-@6 Months approx..

Both dogs are kept indoors and are allowed outside into a completely fenced in yard. The dogs are considered family pets, and are an integral part of the family dynamics. They have been socialized with various children of all ages and have never shown intolerance nor aggression towards family children or visiting guests.

I observe that the dogs have multiple areas to sleep and rest on, and an area that has been designated for their food and water. An elevated food station.
The yard is abutting farmland, and is large. It has a roller wall for the children to skateboard on, and a large open space for the children and dogs to open play. The home is undergoing additional construction, which does not seem to stress the dogs, they seem well adjusted and welcoming to the constant string of construction crew that arrives throughout the day for various projects.

Both dogs have participated in family adventures on Nantucket, which includes but is not limited to: Rollerblading, biking, running, skateboarding. These activities take place on most of Nantucket’s bike paths.

In the winter, long walks on the many snowy trails and runs throughout the many beaches.

The dogs did not experience any changes in their living situation or daily routine or environment that would increase the incidences with other dogs.

The dogs are allowed to accompany the owner to work daily, and are only left alone for @ 3-4 hours a day in the summer, while the family visits the beach.

At the time of this consult, the owners report that the dogs were not exhibiting any change in behavior.

c. Behavioral assessment and evaluation results, describing how assessment was conducted and including references to the literature.

9/12/2019-Initial Assessment with the Daily Family (“please see p.9 “Final Assessment”)

Upon entering the yard, I was greeted by both Zhira & Zhira immediately. Mr. Daily was on the porch. I reached over and opened the gate avoiding eye contact, and invoking a jolly voice announcing myself. Both dogs were happy wagging and looking at me with soft eyes, I turned sideways and averted my eyes and reached down to pat them both lightly and headed to the porch and greeted Mr. Daily.

We entered his kitchen and I immediately asked to sit down and take some notes ignoring the dogs, or maybe he thought I was, and asked for a glass of water. Frank introduced his daughter to me and I introduced myself and discussed my history and experience.

I then took the dogs medical histories and discussed the town’s decision to deem his dogs dangerous and to restrict his dogs to his property. I then asked him what he wanted? What his responsibility in all this was? And what does his perfect outcome look like?
He thinks it is unjust and plans to proceed legally. He needs for me to professionally evaluate his dogs, and his goal is to be able to walk them again on Town owned property.

We then proceeded to have a lengthy passionate conversation about pet ownership, and the responsibility of owning potentially dangerous dogs. That it is a possibility, that I may assess the history and his dogs and feel that his dogs may be considered dangerous. In that event, if it is genetic instinctive behavior, the outcome for behavior modification and medication is usually not a favorable outcome. In most cases dogs can and will be humanely euthanized. If the owner can accept that the dog (s) have that genetic trait, and can accept that their dog (s) can never be trusted with other dogs PERIOD, but managed that should be the beginning of our goal.

We are unable to be in control of the environment. You will always come across a dog and or cat free roaming. You are responsible for your pet’s actions physically, morally, and legally.

I was not convinced at this assessment that Mr. Daily was quite on the same page with me. I felt that he did not feel responsible for the incidents occurring. Like in some way, it’s not his fault," your dogs were off a leash too" and “hey my dog is always going to win”. "It’s just not my fault that my dog is going to win every time”.

**ASSESSMENT INFORMATION**

Alaskan Huskies appeared to be genetically between Malamutes and Siberian Huskies, most likely because of these breeds contributing to their founding to have the same DNA. Alaskan & Siberian Huskies are similar in look and coat (double coat). The Alaskan Husky is usually shorter. The difference between the two: Alaskan Husky Is a Mix/Mongrel and the Siberian Husky is a purebred. Siberian Huskies were bred to be working dogs and hunting dogs, but once they became an AKC registered breed, they were subject to scrutiny and fine tuning. And on the contrary, Alaskan Huskies were bred to be more loyal sled dogs, as such Alaskan Huskies may not enjoy being kept indoors, require a lot of exercise and stimulation in order to keep their minds and bodies healthy. Alaskan Huskies are known as escape artist, and have a high risk of fatalities as well.

Siberian Huskies are similar in temperament, requiring a few hours a day of exercise. Also escape artists, and both have a genetically high prey drive for wildlife, farm animals, cats and small dogs.

Both are known to be very vocal, and howl frequently.

d. **Recommended behavior modification plan and rationale, including references to literature to support interventions used.**
**Predatory Aggression/ Reactivity**

Our dogs’ predatory instincts are one of the things that makes them fun to play with. When you throw a ball or a stick and he chases it, you are triggering his natural predatory desire to chase things that move. In fact, some behaviorists argue that predatory behavior should not be called aggression at all – that it is more appropriately interpreted as a form of food-getting behavior.

It is very clear that Mr. Daily’s dogs are good family pets, and do coexist with people with children, however they do and for many years have been exhibiting Predatory Drive.

**Predatory Behavior: Is it Aggression?**

Indeed, the motivation to chase prey objects is vastly different from other forms of aggression, which are based on competition for resources and/or self-protection. It is distinguished from other forms of aggression by a marked absence of “affective arousal” (anger), and is a social survival behavior, not a social conflict behavior.

Predatory behavior is indicated by distinct behaviors: hunting (sniffing, tracking, searching, scanning, or waiting for prey); stalking; the attack sequence (chase, pounce/catch, shaking kill, choking kill); and post-kill consuming. The underlying motivation for chasing things that move is to eat them.

Dogs who challenge, bark, snarl, and chase skateboarders or joggers who pass the house are generally believed to be engaging in territorial aggression – individual predators don’t usually openly advertise their intent by making lots of noise (although anyone who has ever followed a pack of baying hounds knows that group hunting can be quite noisy!).

Dogs who hide in ditches or behind bushes and silently launch their attack on unsuspecting passers-by are exhibiting more classic predator behavior. However, the frustration of restraint on a chain or behind a fence combined with constant exposure to the trigger of rapidly moving prey objects can push a dog from predatory behavior to real aggression. Both behaviors, of course, are dangerous.

Just because predatory behavior is natural doesn’t mean that it’s acceptable in its inappropriate manifestations. It was not acceptable to Tiffany and her roommates for Newton to chase and kill a bunny, and it certainly wasn’t acceptable to the rabbit. Predatory behavior has been responsible for the death of many unfortunate pet cats, rabbits, chickens, sheep, goats, and other livestock, and even humans.
While it often can be expressed in harmless, even useful outlets such as games of fetch, retrieving ducks, and herding sheep, chase behavior can be dangerous to dog and prey alike. It is our responsibility, as caretakers for our canine companions, to be sure their natural predatory instincts don’t get them into trouble.

It’s in the Genes

It should come as no surprise that some breeds seem to have a much stronger predatory instinct than others. Dogs who were purposely bred over the centuries to chase and kill small animals are much more likely candidates for strong chase behavior than those with enhanced genes for lap-sitting.

While there are exceptions in every breed and group, and any individual dog from Chihuahuas to Newfoundlands can display predatory behavior – or not; in general, the following dogs are exceptionally likely to display strong predatory behavior:

- Herding breeds (such as Border Collies, Kelpies, Australian Shepherds, Cattle Dogs, etc.)
- Sporting breeds (Retrievers, Spaniels, Setters, Pointers, etc.)
- Hounds (Beagles, Bassets, Bloodhounds, Coonhounds, Greyhounds, Salukis, etc.)
- Terriers (Jack Russell’s, Scotties, Westies, Rat Terriers, Bull Terriers, etc.,)
- Northern breeds (Huskies, Malamutes, etc.)
- Wolf hybrids

Interestingly, because of the specialized purposes for which these dogs have been bred, many of these breeds will display parts of the predatory sequence of behaviors more strongly than others.

The herding breeds have a strong stalk and chase behavior, but the kill-and-consume part of the sequence has been greatly inhibited. Sporting breeds are strong on sniffing, scanning, watching, and grabbing, but again, have been bred not to actually destroy the prey – they are supposed to gently bring it back.

The hounds are split into two groups.

The scent hounds are built low to the ground, with long ears to catch scent particles. These dogs are very big on the sniffing and chasing aspects of the sequence. They may sometimes actually catch and kill, but it’s not their primary purpose. The sight hounds, on the other hand, are long-legged to enhance their ability to scan – to look for prey rather than finding it by smell – and to run after it, fast, when they see it.

Terriers have had the grab-and-kill part of the predatory sequence genetically enhanced, giving them a well-deserved reputation for a pugnacious personality. Their owners didn’t just want them to find the rats in the barn; they really wanted the dogs to
kill the rats. Or, historically, in the sad case of the Pit Bull Terrier, people wanted the fighting Terriers to kill any opposing dog.

The Northern breeds have been the least genetically manipulated, which is why, in part, they most closely resemble their wolf ancestors. Thus they, and the unfortunate Wolf hybrid, are most likely to display the complete predatory sequence.

Manage Your Predator

As with so many other undesirable dog behaviors, if your dog has a strong prey drive, your first line of defense is management. Make sure you have a secure fence from which your dog cannot escape. Don’t leave him in the yard unattended if he will be constantly tantalized by lots of fast-moving prey objects, such as squirrels, deer, skateboarders, small children running and playing.

Use leashes and long lines to prevent your dog from taking off after deer, rabbits, and squirrels when you are on walks and hikes. Especially keep him on leash at dawn and dusk, when the deer and the antelope – and other small, wild things – are most likely to play.

Look for ways to minimize his visual and physical access to prey in his own yard – a solid fence will prevent him from seeing things moving quickly by, and will prevent many potential prey animals (including small children) from entering easily. A non-visible underground electronic fence will not.

Nor will a non-visible fence necessarily prevent him from leaving the yard if he is highly motivated to chase prey. A muzzle can also be useful on a limited basis. Since muzzles restrict a dog’s ability to drink water and pant normally, you cannot leave one on your dog while you are away all day at work. But if he’s devastating the squirrel population in your backyard, or you want to give a litter of baby bunnies a chance to grow up and get wiser and faster, you can put a muzzle on him for brief fresh air/potty trips to the yard.

Be sure to take time to desensitize him to wearing a muzzle first, by associating it with yummy treats while you put it on him for gradually longer periods of time.

Training for Instinct

You will never train most herding dogs not to chase things that move, given the chance. Similarly, you’d be hard pressed to convince many terriers not to go after rats and other small creatures when the opportunity arises. Their brains are hardwired to chase, and you can’t change that. -(Pat Miller CBCC-KA, CPDT-KA-2019)

Rationale
Many Behaviorist and dog trainers do not believe that Predatory aggression to be predatory aggression at all because it is not a social conflict behavior. The goal of predation is to obtain food or at least to kill its prey.

It is not displayed in relation to social conflicts and may be seen more commonly in groups of dogs rather than in individuals.

True predatory behavior is usually not accompanied by threatening behavior, such a vocalizing, snarling, baring teeth, etc. When dogs kill birds, cats, and other small animals, this is probably just predatory behavior.

True predatory attacks on people are rare, but of the fatal attacks by dogs or groups of dogs on small children or babies, many are the result of predatory Behavior *

Managing a predatory problem is best done by not allowing the dog to be either off lead or unsupervised, which would give him/her a chance to chase and kill livestock and small mammals. Alternately the dog should be muzzled. If the dog cannot be managed with confinement and muzzle Euthanasia may need to be considered. *

**Final Assessment & Recommendations**

At this writing I have spent 22 hours with Mr. Daily and his two dogs. During these sessions we covered a lot of training material and I had the ability to get to know the personalities of both his dogs, as well as Frank.

I can assure you, that the Mr. Daily that you meet today, is not the Mr. Daily I met way back in September of 2019. Although his love and commitment to his dogs has not wavered, his education in and about dog responsibility has change exponentially. I can say that he has taken the time out of his busy schedule to take every one of my calls, has never missed an appointment and has followed through with each and every recommendation I have giving him in his training sessions.

As I have indicated, both dogs are husky mixes. Artic breeds have a genetic pre-disposition to have a hard wired prey drive. With the detailed history of both dogs having multiple successful fights and confirmed bites, it is in my opinion a long-term behavior modification program would not be successful.

Predatory behavior can be extremely difficult to work with. Management by keeping the dog on a leash or fenced may be the best approach. These dogs were successful while off lead, and can never be trusted again off lead. Even with a muzzle on, these dogs still have the potential to injure small animals, just by stalking, pawing and pinning them.
Counter commanding or counterconditioning can be tried, but usually the dog is so motivated to engage in the predatory behavior that it is very difficult to find a way to not reinforce that behavior.

I have only had the ability to observe the dog’s behavior on their property, so I have not been able to actually observe them in the “field”. I am basing my theory from over 25 years of experience, skill and training.

I did have my husband involved in one session; we worked the dogs in some distraction work. Frank had a treat bag filled with small pieces of hot dogs. We were on his property in his driveway.

I had a clicker, the instructions were for Frank to walk both dogs and when he says “look at me,” once the dogs looked at him, I would click and he would give treats. We would associate the click with the cue. Frank continued this as we walked and pretty quickly the dogs learned the behavior we were seeking. We added a “sit, click treat, look at me,” click treat and continued that. Now he had the dogs sitting and looking directly at him, as he walked around his property.

Meanwhile, my husband had crept up the driveway with our Pitbull puppy as Frank was rounding a corner…they smelled him—they shot forward, but Frank had them in a sit in short order, and we continued the treat, look at me exercise. They did it, but it was a struggle. Observing the strength it takes to control both dogs while fully aroused is nerve wracking. Embarking on a behavior modification program with these dogs would require a daily commitment of Mr. Daily and inevitably the family. I am concerned that because of the level of predation, and the ages of the dogs we would fail.

My recommendations are:

- The dogs be on muzzles at all times off the property
- The dogs be walked on 4’ Leather Leads
- The dogs be walked with appropriate martingale collars, and or 2 Hounds Halters with two leads
- The dogs continue to go with the owner to work

Both dogs have not exhibited aggression towards humans, it is very rare for a dog to “cross-over to a human” with predatory behavior. I have heard this so many times “what if it were a child, that is a whole different behavior case than this one. There is no such history, these dogs live and play with children daily.

Elizabeth McIsaac
Belle Chien Obedience & Behavior Counseling
REFERENCES:

Pat Miller CBCC-KA, CPDT-KA Canine behavior instinct, Whole Dog Journal 2019
Pet Behavior Protocols-Suzanne Hetts, PH.D
TOWN OF NANTUCKET

June 16, 2020 - ANNUAL TOWN ELECTION

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June 24, 2020

RE: Select Board Pledge 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. 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.

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 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 - to have the conversations, investigate our systems to understand and address the discrimination that may be subtle or over, and to make meaningful change to create a safer, more equitable community for all our residents.

Today, we make the following pledge and commitment, inspired by the Massachusetts Municipal Management Association Task Force on Diversity and Inclusion:

- 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 an 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 safety, 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.

Town of Nantucket Select Board

Dawn Hill Holdgate, Chair
Jason Bridges, Vice Chair
Matt Fee
Kristie Ferrantella
Melissa Murphy
07/01/2020 Select Board Discussion/Update as to Racial Equity/Race Relations

TOWN ADMIN

• Draft RFP for creation of a Diversity, Equity and Inclusion (DEI) Strategic Plan.
  1. Scheduled NEET meeting for 7/1 for discussion of this internal employee group role and
     specific task of RFP review.
  2. Continue have review as information evolves on goals of the RFP. Utilize known
     individuals who have educational or personal backgrounds including our Health Director
     (initiatives directly align with current dissertation Johns Hopkins), Human Services
     Director and Fincom Chair (prior global chief diversity officer 400,000 employees/190
     countries).
  3. Development of Equity Advisory Board review or CHS to begin prior to establishment of
     a separate EAB.

• 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).
  - Original plan was advertising as soon as able; however, further discussions tend to
    provide caution we are not moving too quickly without the department being fully
    developed given the importance of the role.
    o Logistic Challenges: funding, bargaining obligations with the Unions, office
      location
    o Functional Challenges: overlap with other departments (HR, HHS, C&T) and role
      position plays within the organizational structure. Ensure captures in job
      description/interview/process unbiased ability and actual diversity work
      experience. Mediation element to the role? Legal?
  - Add this element to the RFP for development of the office
  - Provide to SB for feedback as well

• Develop Equity Advisory Board (EAB) to work with the Equity/AA Office and assist in
  implementing the deliverables of the RFP among other identified work/tasks.
  - Council for Human Services newly appointment by Select Board 6/17 to draft mission,
    board size, initial tasks all in line with the Pledge adopted on 6/24 for Admin and Select
    Board review.
  - Advertise and appoint members to the newly developed EAB. Tentative begin in
    October/November to provide CHS mission development, Admin review, SB review,
    advertising, public hearing/appointments.

Collaboration w/ SELECT BOARD

• Schedule Board **Strategic Plan** Retreat to review and update Strategic Plan
  - Rescheduled to July 28th with Novak Consulting
  - Add racial equity/diversity to Quality of Life Goal?

• **Community Forum**
  - Engage a facilitator …… ? Do this as part of RFP focus groups, separate with task force,
    or entirely different forum?