



MEETING POSTING

TOWN OF NANTUCKET

Pursuant to MGL Chapter 30A, § 18-25
All meeting notices and agenda must be filed and time stamped with the
Town Clerk's Office and posted at least 48 hours prior to the meeting
(excluding Saturdays, Sundays and Holidays)

RECEIVED

2020 OCT 02 PM 02:23
NANTUCKET TOWN CLERK
Posting Number:T 2088

Committee/Board/s	SELECT BOARD/COUNTY COMMISSIONERS
Day, Date, and Time	THURSDAY, OCTOBER 8, 2020 AT 9:00 AM
Location / Address	REMOTE PARTICIPATION VIA ZOOM Pursuant to Governor Baker's March 12, 2020 Order Regarding Open Meeting Law (Attached)
Signature of Chair or Authorized Person	ERIKA MOONEY

WARNING: IF THERE IS NO QUORUM OF MEMBERS PRESENT, OR IF MEETING POSTING IS NOT IN COMPLIANCE WITH THE OML STATUTE, NO MEETING MAY BE HELD!

AGENDA

Please list below the topics the chair reasonably anticipates will be discussed at the meeting

I. CONVENE IN OPEN SESSION

Join Zoom Meeting

<https://zoom.us/j/99007889710?pwd=M3k2OWw3TVJwTWQ1T3dLYUIVnhuUT09>

Meeting ID: 990 0788 9710

Passcode: 469248

II. EXECUTIVE SESSION, PURSUANT TO MGL C. 30A § 21(A)

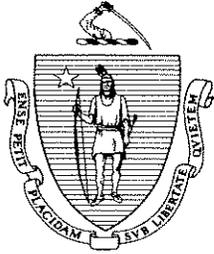
1. Purpose 6: To Consider the Purchase, Exchange, Lease, or Value of Real Property Regarding Beach Ownership, where the Chair has Determined that an Open Meeting May have a Detrimental Effect on the Negotiating Position of the Select Board/County Commissioners (Continued from September 17, 2020).
2. Purpose 6: To Consider the Purchase, Exchange, Lease, or Value of Real Property Regarding 1 - 3 Miller Lane, where the Chair has Determined that an Open Meeting May have a Detrimental Effect on the Negotiating Position of the Select Board/County Commissioners.
3. Purpose 3: To Discuss Strategy with Respect to Litigation Update, where the Chair has Determined that an Open Meeting may have a Detrimental Effect on the Litigating Position of the Select Board/County Commissioners:
 - a) Building Commissioner v. Glowacki, et al.

Nantucket Superior Court C.A. No.

- b) Opioid Litigation
- c) Palmer v. Nantucket Select Board, et al.
Nantucket Superior Court C.A. No. 2075CV00018
- d) PFAS Contamination
- e) Ray v. Nantucket Department of Public Works
Nantucket Superior Court C.A. No. 1875CV00041
- f) Town v. Charder
Southeast Housing Court, C.A. No. 20H83CV00052CI
- g) Waickowski v. Town Clerk, et al.
Nantucket Superior Court C.A. No. 2075CV00017
- h) SBPF v. Conservation Commission
Nantucket Superior Court, C.A. No. 1975CV00027
- i) Meredith, et al. v. ZBA, et al.
Nantucket Superior Court, C.A. 1975CV00024
- j) Nantucket Land Council, Inc., et al. v. Town of Nantucket Zoning Board of Appeals, et al.
Nantucket Superior Court, C.A. 1975CV00025
- k) Rugged Scott, LLC v. Zoning Board of Appeals
H.A.C. No. 2018-01
- l) Rugged Scott, LLC v. Zoning Board of Appeals II
H.A.C. No. 2018-04
- m) Surfside Crossing, LLC v. ZBA
Housing Appeals Committee, No. 2019-07
- n) MassCOPS v Town of Nantucket
- o) 1 Sunset Ridge HDC Appeals I and II
- p) 1 Sunset Ridge HDC Appeal (III)
- q) 41 Chuck Hollow Road HDC Appeal
- r) 6 Magnolia Ave. HDC Appeal
- s) Arena v. Nantucket Planning Board
Land Court No. 18MISC000028

- t) E.M. MAC Corporation v. Select Board, et al.
Nantucket Superior Court C.A. No. 2075CV00019
 - u) Ice Bear, LLC v. Town of Nantucket Select Board, et al.
Nantucket Superior Court C.A. No. 1975CV00035
 - v) Nantucket Meat & Fish - ABCC (II)
 - w) Nowak, et al. v. Select Board, et al.
Nantucket Superior Court C.A. No. 1875CV00029
 - x) SD White Properties, LLC v. Conservation Commission
Nantucket Superior Court Case No. 1975CV00023
 - y) SEIU, Local 888 v. Town of Nantucket-Our Island Home
 - z) Still Dock Nantucket, LLC, et al. v. Conservation Commission, et al.
 - aa) Town v. Lewis
Land Court Docket No. 18 MISC 000340 (MDV)
 - bb) Visco v. Conservation Commission
Nantucket Superior Court C. A. No. 1875CV00040
 - cc) Wald v. Board of Selectmen, et al.
Nantucket Superior Court C.A. No. 1975CV00014
 - dd) Wilson v. Chief of Police
Nantucket District Court No. 1888CV00033
4. Approval of Executive Session Minutes of September 10, 2020 at 9:00 AM;
September 17, 2020 at 9:00 AM.
 5. Release of Executive Session Minutes of February 24, 2012.

III. ADJOURNMENT



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

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

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

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

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

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

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

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

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

NOW THEREFORE, I hereby order the following:

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

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

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

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

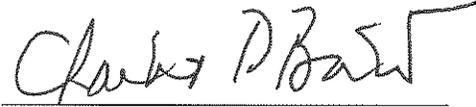
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby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

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

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

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

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

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

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts