



# AMENDED MEETING POSTING

Original posting date: 2/12/2021 Original Posting # T 149

## 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**

2021 FEB 12 PM 04:30  
NANTUCKET TOWN CLERK  
Posting Number:T 154

<b>Committee/Board/s</b>	SELECT BOARD
<b>Day, Date, and Time</b>	WEDNESDAY, FEBRUARY 17, 2021 AT 5:00 PM
<b>Location / Address</b>	REMOTE PARTICIPATION VIA ZOOM WEBINAR Pursuant to Governor Baker's March 12, 2020 Order Regarding Open Meeting Law (Attached)  Information on viewing the meeting can be found at <a href="https://www.nantucket-ma.gov/138/Boards-Commissions-Committees">https://www.nantucket-ma.gov/138/Boards-Commissions-Committees</a>
<b>Signature of Chair or Authorized Person</b>	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

#### YOU TUBE LINK:

[https://youtu.be/30pMiTT7\\_uq](https://youtu.be/30pMiTT7_uq)

- I. CALL TO ORDER***
- II. SELECT BOARD ACCEPTANCE OF AGENDA***
- III. ANNOUNCEMENTS***
  1. The Select Board Meeting is Being Audio/Video Recorded.
  2. DPW: Textile Reuse & Recycling Collection (Drop-off Only) at Take-It-or-Leave-It Area at Landfill to be Held Sunday, February 21, 2021 from 8:00 AM to Noon.
  3. No Select Board Meeting on Wednesday, February 24, 2021; Next Meeting Wednesday, March 3, 2021.
- IV. COVID-19 WEEKLY UPDATE***
  1. Public Comment.
  2. Report(s) from Public Health Director:
    - COVID-19 Case Metrics, Including Massachusetts COVID-19 Community-Level Data Map

- COVID-19 Testing
- Stop the Spread Testing Program
- Vaccine Distribution Plan Update
- COVID19 Task Force: Weekly Report
- Economic Task Force Update
- Board of Health Orders
- Other
- Select Board Comments/Questions

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

**VI. NEW BUSINESS\***

**VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS**

1. Approval of Minutes of February 10, 2021 at 5:00 PM.
2. Approval of Treasury Warrants for February 17, 2021.
3. Approval of Pending Contracts for February 17, 2021 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

**VIII. CITIZEN/DEPARTMENTAL REQUESTS**

1. Coastal Resilience Advisory Committee: Request for Approval and Execution of ACKlimate Nantucket Partner Affiliation.

**IX. REAL ESTATE ITEMS**

1. Request for Approval and Execution of Release of Easement for Portions of Property at 3 Gladlands Avenue Shown as Easement Area E-1, School Street and Easement Area E-2, Laurel Street and Shawaukema Avenue on Plan of Land Entitled "Roadway Acquisition Plan @ #3 Gladlands Ave, Nantucket, MA., Reference: 2012 ATM - Article 83 & 84" Dated September 10, 2020, Prepared by Earle & Sullivan, Inc., Pursuant to Vote on Article 84 of 2012 Annual Town Meeting.
2. Request for Approval and Execution of Release of Easement for Portion of Property at 1 White Street Shown as Easement Area, Maclean Street and Wannacommet Street on Plan of Land Entitled "Roadway Easement Acquisition Plan #1 White Street in Nantucket, Massachusetts," Dated December 9, 2020, Prepared by Earle & Sullivan, Inc., Pursuant to Votes on Article 101 at 2011 Annual Town Meeting and Article 84 of 2012 Annual Town Meeting.
3. Request for Acceptance of Affordable Housing Restriction on 31 Fairgrounds Road.
4. Request for Acceptance of Gift of Improvements to Town-owned Land at 29 Vesper Lane from GG Development LLC Pursuant to December 17, 2014 License and Planning Board Subdivision Approval.

**X. PUBLIC HEARINGS**

1. Public Hearing to Consider Utility Petition from National Grid/Nantucket Electric Company for Plan #29889597 to Install a Handhole at Base of Pole 2-84 on Fairgrounds Road for Service to 20 Newtown Road.

2. Public Hearing to Consider Utility Petition from National Grid/Nantucket Electric Company for Plan #30103732 to Install 3" Riser, Two Handholes and 55' of 2-3" Conduit Encased in Concrete from Pole 40 on Old South Road to Provide Service to 11 Miller Lane.
3. Public Hearing to Consider Utility Petition from National Grid/Nantucket Electric Company for Plan #30174788 to Install a Handhole and Approximately 35' of 2-3" Conduit Encased in Concrete from Pole 5 on West Dover Street to Supply Service to 79R Orange Street.
4. Public Hearing to Consider Joint Utility Petition from Verizon New England, Inc. and National Grid/Nantucket Electric Company for Plan # MA2020-47 to Relocate Pole 159/9 on Pine Street Approximately 9'6" Southerly from its Current Location.
5. Public Hearing to Consider Multiple Amendment Application:
  - Change Corporate Name from Sushi 21, LLC dba Bar Yoshi to Oswack Associates, LLC dba Bar Yoshi
  - Change of Category from Seasonal Wine and Malt Beverages to Seasonal All-Alcoholic Beverages
  - Alteration of Premises for Oswack Associates, LLC dba Bar Yoshi, for Premises Located at 21 Old South Wharf.
6. Public Hearing to Consider Application for Change of License Classification from Annual Wine and Malt Beverages License to Annual Wine and Malt Beverages with Cordials License for Keeping the Beet LLC dba The Beet, for Premises Located at 9 South Water Street; **Request for Determination that the Premises Licensed to Sell Alcoholic Beverages is Not Detrimental to the Spiritual Activities of a Church Pursuant to Section 16C of MGL Chapter 138.**

***XI. TOWN MANAGER'S REPORT***

1. Licensing Administrator: Update on 2021 Season Regarding Outdoor Dining and Proposed Street Closings.
2. Monthly Town Management Report.

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

1. Adoption of 2021 Annual Town Meeting and Election Warrant.
2. Review/Amend Select Board Public Comment Protocol.
3. Committee Reports.

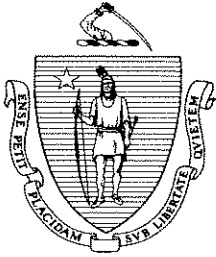
***XIII. ADJOURNMENT***

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

**EXHIBIT 1**  
**AGREEMENTS TO BE EXECUTED BY TOWN MANAGER**  
**UNLESS RESOLUTION OF DISAPPROVAL BY SELECT BOARD**  
**February 17, 2021**

Type of Agreement/Description	Department	With	Amount	Other Information	Source of Funding	Term
Lease Agreement	Town Admin	Commonwealth of Massachusetts - Dept of Capital Asset Management	(\$5,940/year)	Lease agreement for Sheriff's Dept space at 20 S. Water St.	n/a	February 17, 2021 - April 14, 2022
Amendment to Professional Service Agreement	DPW	Architectural Consulting Group, Inc.	n/a	Amend existing contract for Owner's Project Manager services for Nobadeer Field House project to extend project completion date from June 30, 2020 to June 30, 2022	n/a	February 17, 2021 - June 30, 2022
Amendment to Professional Service Agreement	DPW	Structor Engineering	Add \$3,702 to original contract amount of \$103,820 for a new contract total of \$107,522	Amend existing contract for engineering services associated with the preparation of a Corrective Action Design for the landfill to include additional liability insurance coverage	Solid Waste Budget	February 17, 2021 - June 30, 2022
<i>Grant Agreement*</i>	<i>Select Board</i>	<i>Chamber of Commerce</i>	<i>\$153,500</i>	<i>Grant for small business assistance due to COVID-19 Global Pandemic impacts</i>	<i>\$53,500 - from FY 21 Culture &amp; Tourism budget; \$100,000 from Cape &amp; Islands License Plate Fund</i>	<i>February 17, 2021 - June 30, 2022</i>

*\*Pending legal review as of 02/11/21*



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

**CHARLES D. BAKER**  
GOVERNOR

**KARYN E. POLITO**  
LIEUTENANT GOVERNOR

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

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

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

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

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

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

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

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

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

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

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

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

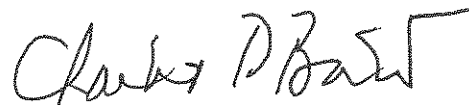
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby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

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

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

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

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

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

CHARLES D. BAKER  
GOVERNOR  
Commonwealth of Massachusetts