

SELECT BOARD

Minutes of Meeting of January 20, 2021. The meeting took place via remote participation via Zoom Webinar pursuant to Governor Baker's March 12, 2020 Order regarding the Open Meeting Law (attached). Members of the Board present were Dawn Hill Holdgate, Jason Bridges, Matt Fee, Kristie Ferrantella and Melissa Murphy.

I. CALL TO ORDER

Chair Holdgate called the meeting to order at 5:00 PM. She read a prepared statement as to how the meeting would be conducted via remote participation and the ground rules for any discussion and called roll for those present.

II. SELECT BOARD ACCEPTANCE OF AGENDA

The agenda was accepted as posted. Town Manager C. Elizabeth Gibson noted that the FY 22 Sewer Enterprise Fund budget presentation will be moved to next week's meeting. Chair Holdgate expressed congratulations to new President Joe Biden; and noted the historic nature of having the first female Vice President.

III. ANNOUNCEMENTS

Town Manager C. Elizabeth Gibson noted the announcements as listed on the agenda.

IV. COVID-19 WEEKLY UPDATE

1. Public Comment. No public comments.

2. Report(s) from Public Health Director and/or Nantucket Cottage Hospital President:

- COVID-19 Case Metrics, Including Massachusetts COVID-19 Community-Level Data Map. Public Health Director Roberto Santamaria reviewed current tests, cases, and hospitalizations, from today and to date. He reviewed trends, and other metrics state-wide and nation-wide. He noted that the Island's case positivity rate over the last 7 days has dropped significantly and the curve has slowed although not levelled off. He noted the sewer testing did not come in yet this week but expects it to reflect a similar trend.

- Vaccine Distribution Plan Update. Mr. Santamaria reviewed the State's Phase I and Phase II plans, with the various groups in each Phase and the local status of vaccinations for Phase I. He said Nantucket's Phase I groups should be completely vaccinated within the next few weeks. He said Phase II has not started yet and reviewed how sign-ups occur. He noted there are two different on-line sign ups, between Nantucket Cottage Hospital (NCH) and the Town and explained these.

- COVID-19 Testing. Mr. Santamaria reviewed some graphs showing the 7-day positivity rate, and other demographics as related to NCH care capabilities, reiterating that Nantucket is in a positive trend and hopefully it will stay that way.

Mr. Bridges asked about the groups in Phase II with respect to some of the elderly housing facilities. Mr. Santamaria explained. Human Services Director Jerico Mele noted that they have all been signed up, at this point. Ms. Murphy asked if people have not received an email confirmation for Phase II, what they should do. Mr. Mele explained that due to a technology glitch there was an issue with confirmation emails at the beginning of the sign up for Phase II and said people could either sign up again or contact the Health Dept directly. Ms. Murphy asked about the phone number. Mr. Mele confirmed the number. Ms. Ferrantella

asked if Phase II could begin ahead of the State's start date. Mr. Santamaria explained how the transition process between Phases, works, according to the State's requirements.

- COVID-19 Task Force: Weekly Report. Mr. Mele provided an update on the Task Force's activity over the past week. He reviewed numbers of and nature of, inspections, enforcement actions, requests for information and reporting procedures, daily patrols, efforts to maintain and encourage compliance. He noted a minor spike in non-compliance which has caused an increase in outreach. He also noted that the sample "sniff test" kits as discussed at last week's meeting, have arrived, and said the Health Dept will be working with the researchers on how to go about testing it.

Gary Shaw, NCH President joined the meeting and supplemented Mr. Santamaria's report regarding testing and stated that the testing centers will continue for the time being with no definite date of shut down. He commented on the latest "variant" of the COVID virus that has surfaced and urged people to "triple down" on safety measures and to consider the vaccine as it becomes available. Ms. Ferrantella asked about how much longer the Stop the Spread testing site will continue. Mr. Shaw said it has been authorized by the state through March and has not yet heard if it will continue past that date. Mr. Bridges asked about the efficacy of the vaccine as related to restrictions easing. Mr. Shaw explained how the vaccine production, supply and distribution stream is working currently. He noted that with the new President, there may be a ramp up in distribution and that the Hospital is prepared to "lean into" getting vaccinations issued as quickly as possible.

- Economic Task Force: Update. Ms. Murphy reviewed a meeting held today by the Task Force, which was the first meeting of the full Task Force. She said there are 3 sub-groups of the Task Force: open places and streets; resources research; outreach/communications. She said the Task Force expects to provide the Board an update, weekly as well as to various social media and other media outlets.

- Board of Health Orders. No updates.

- Select Board Comments/Questions. Nothing further from the Board. Mr. Shaw said that all indications are that the vaccine is expected to be effective with the variant(s) of COVID. He spoke about the work of testing labs to examine the tests coming in for variant(s).

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

No public comments were received.

VI. NEW BUSINESS.

There was no new business.

VII. APPROVAL OF MINUTES AND WARRANTS

1. Approval of Minutes of January 12, 2021 at 5:30 PM; January 13, 2021 at 5:00 PM. Ms. Ferrantella moved approval; seconded by Mr. Fee. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

2. Approval of Treasury Warrants for January 20, 2021. Ms. Ferrantella moved approval; seconded by Mr. Fee. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

3. Approval of Pending Contracts for January 20, 2021 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Mr. Fee commented on the contract for repairs to the awning at the Jetties Beach concession and said that the awning should either be a part of the concession lease agreement; or, instead of an awning there should be a roof. He said there should not be a permanent awning there. Ms. Gibson said if there are specific questions as to the contract, staff is present to answer. Public Works Director Rob McNeil said he appreciated the feedback and that at some point as part of the Board's Municipal Facilities Plan process, he expects a discussion about the future of concessions as to their management and nature. Ms. Ferrantella moved approval of the pending contracts; seconded by Ms. Murphy. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes with a No on the awning contract; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

VIII. PUBLIC HEARINGS

1. Public Hearing to Consider Application to Transfer All-Alcoholic Beverages Package Store License from The Islander, Inc. dba The Islander, Paula Driscoll, Manager, to Portside Islander, Inc. dba The Islander, Zeina B. Metri, Manager, for Premises Located at 15 Old South Road. Chair Holdgate opened the public hearing and noted this is the "end of an era" for Paula Driscoll's operation of The Islander. Ms. Driscoll noted she has operated the business for 38 years. Licensing Administrator Amy Baxter reviewed the local quota for package store liquor licenses; and explained this application. She introduced the new owner, Zeina Metri. Ms. Metri reviewed her background and introduced her husband and partner, George. No public comments were made. Chair Holdgate closed the hearing. Mr. Fee moved approval; Ms. Ferrantella seconded. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

2. Public Hearing to Consider Application to Transfer Annual All-Alcoholic Beverages Restaurant License from Lola 41 Restaurant, LLC dba Lola 41 to Lola Hospitality Holdings, LLC dba Lola 41, Joseph Alan Burgess, Manager, for Premises Located at 15 South Beach Street (Matter Withdrawn; to be Re-advertised for February 3, 2021). No action taken.

3. Public Hearing to Consider Application to Transfer Seasonal Wine and Malt Beverages Restaurant License from Nantucket Rotary, LLC dba Lola Burger to Lola Hospitality Holdings, LLC dba Lola Burger, Heather Weyandt, Manager, for Premises Located at 1 Sparks Avenue (Matter Withdrawn; to be Re-advertised for February 3, 2021). No action taken.

IX. TOWN MANAGER'S REPORT

1. FY 2021 Second Quarter Budget Reports: General Fund; Our Island Home Enterprise Fund; Airport Enterprise Fund. Ms. Gibson introduced the agenda item and noted a slight order change, with reversal of order of Our Island Home and Airport presentations.

- General Fund. Director of Municipal Finance Brian Turbitt reviewed the presentation as contained in the Board's packet materials. He noted that over \$7m has been collected to date in room occupancy tax, which is a significant increase, already, over FY 20. He said the driver of that increase is the short-term rental tax income. He noted this is also a significant increase over the FY 22 revenue projection for this source of revenue. He said it could help offset potential revenue reductions in other areas and noted there remains concern about those due to the uncertainty of the ongoing pandemic. He noted a substantial increase in Marine Department expenses, which directly relates to COVID safety measures and requirements last summer. He said he is cautiously optimistic at this point in the year. Mr. Fee asked if the Town maintains a balance sheet. Mr. Turbitt said yes; however, the numbers fluctuate as the year

progresses. Mr. Bridges asked about the FY 21 revenue projections, as modified at the 2020 annual town meeting. Mr. Turbitt responded and explained that while the projections had been significantly reduced at that time, actuals have come in higher which is why he is cautiously optimistic but noted that close monitoring is necessary. Ms. Murphy commented on the room tax revenue increase, she also noted the Steamship Authority issued a press release today as to 2021 bookings so far, being up. She added that the meals tax revenue seemed higher also. Mr. Turbitt cautioned that there was an increase at the end of 2020 for meals tax revenue, but that for 2021 it is still being monitored. Chair Holdgate said she is confident that the rooms tax numbers, due to short-term rentals, will continue to be strong.

- Airport Enterprise Fund. Airport Manager Tom Rafter reviewed the Airport presentation in the Board's packet. He noted that it was fortunate that the Airport received some CARES Act funding, otherwise the picture would not be as good. He spoke on other aspects of the Airport's budget.

- Our Island Home (OIH). Acting Our Island Home Administrator Robert Eisenstein said that all things considered with COVID, OIH is "doing pretty well". He explained the receipt of the Certified Public Expenditure receipt recently received was very helpful for the budget.

2. FY 2022 Enterprise Fund Budget Presentations: Our Island Home; Wannacomet and Siasconset Water; Solid Waste; Sewer; Airport. The Sewer Enterprise Fund budget presentation was tabled to January 27, 2021.

- Our Island Home. Mr. Eisenstein spoke on some of the OIH goals for FY 22. He noted that a new position of Assistant Administrator was established in FY 21, which has been extremely helpful. He explained the expense increase requests. He provided an update on COVID vaccinations for OIH staff and residents, noting that the first round went very smoothly and to date, none of the residents have tested positive.

- Wannacomet and Sconset Water. Water Company Manager Mark Willett thanked the Finance Director and staff for their work to help put these budgets together. Mr. Willett said his projection for the year is that revenue is likely to be over that of FY 21 but most likely not as high as FY 20. He reviewed some of the line item increases, including salary – with two long-time employees expected to retire; billing software upgrade; repair and maintenance; meter replacements; and vehicle replacement. Mr. Willett reviewed the Sconset Water budget and noted that a home rule petition allowing both water companies to merge into one has finally been approved after several years. He said he will be working with Town Administration on the administrative details for implementation.

- Solid Waste. Public Works Director Rob McNeil provided an overview of the Solid Waste budget and noted some of the proposed increases, including travel due to Steamship Authority rate increases, and Take it or Leave it (TIOLI) facility improvements. Mr. Bridges said he was glad to see proposed funding for the TIOLI positions.

- Airport. Mr. Rafter reviewed the proposed Airport budget and noted some potential issues due to the application of CARES Act funding for some expenses. He said there are signs that conditions are getting more positive at the Airport, with respect to revenue. He reviewed expense increase requests, including two new positions. Mr. Bridges asked about revenue projections. Mr. Rafter explained some of the specifics with respect to commercial air services.

3. Monthly Town Management Activity Report. Ms. Gibson reviewed the report as contained in the packet materials, making particular note of activity with respect to the 2021 Annual Town Meeting, FY 2022 budget, PFAS communications and response, on-going COVID-related response and Baxter Road long-term planning. She noted that at the old fire station, a trailer for meeting space which has been elevated for the past year while awaiting being set, is finally being set this week, with HDC approval. She added that the delay to set the trailer has been COVID-related. Mr Bridges commented on an item in the report as to the Washington Street – Francis Street intersection project.

X. SELECT BOARD'S REPORTS/COMMENT

1. Continued Review of 2021 Annual Town Meeting Warrant Articles. Ms. Gibson reviewed the outline in the Board's packet materials and focused on items with updates since the Board's most recent discussion in December. Deputy Director of Planning Leslie Snell joined the meeting and provided an update as to zoning articles being proposed by the Planning Board. She reviewed the timing of hearings. Mr. Fee asked about a shared driveway article. Ms. Snell said that article is no longer being put forward. Mr. Fee asked about a change to the definition of a "qualified family member". Ms. Snell explained this is technical change to ensure consistency throughout the Town Code. Ms. Gibson continued reviewing updates and noted that while the Nantucket Historical Commission is seeking a bylaw relating to roads, Town Administration recommends that the Board proceed first with a policy because the potential unintended consequences of the impacts of a bylaw have not been able to be thoroughly reviewed.

Mr. Rafter explained an Airport request to seek an amendment to the rental car registration bylaw. He noted the request relates to the cap on the number of rental vehicle medallions. He said he would like to continue working on the specifics of language change proposals. Mr. Fee asked what the deficiencies are and is the cap requested to be lifted. Mr. Rafter said that due to the current language the medallions have become a "commodity" and can be withheld which can impact competition. Mr. Fee said he is very worried about lifting the cap because it might worsen the vehicle problem on the island. He said lifting the cap would be a mistake. Chair Holdgate disagreed saying that it would be of benefit to the Airport's revenue to eliminate the cap. Mr. Rafter added that it is also service-related. Mr. Bridges said that because of emerging new businesses like "Turo", it may be of benefit to lift the cap. Some discussion followed on the potential results of lifting the cap. Mr. Bridges asked about state and local control over rental car businesses. Some discussion followed as to the similarities between this situation and the Uber-taxi situation. Mr. Fee commented further on his concern that more rental cars will ruin the island. Some discussion following on space at the Airport for parking rental cars. Ms. Ferrantella said she is seeing both sides of this and wondered if there was a way to ensure that the medallions cannot be "held" without being used. She said it is worth exploring. Mr. Fee said he wants to see the specifics in writing as to the need for changing the bylaw. Mr. Bridges agreed that more information is needed but is agreeable to proceed with preparing proposed wording to further consider. Ms. Gibson noted that 10 additional citizen warrant articles were submitted as of today's 4:00 pm deadline and thanked the Town Clerk's office for certifying the signatures so quickly. Mr. Fee said he would like to see the Board enact a policy rather than a bylaw with respect to the Nantucket Historical Commission's request. Some discussion followed and it was the consensus of the Board to proceed with a policy, rather than a bylaw.

2. Committee Reports.

Ms. Ferrantella spoke on a recent Affordable Housing Trust meeting. Mr. Bridges spoke about dark sky initiatives that the Maria Mitchell Association is working on. He noted the current Town bylaw is difficult to enforce and spoke on voluntary efforts to reduce street light brightness. He noted comments in last week's

newspaper editorial criticizing the Board for not arguing enough. He commented that there are certainly disagreements but they are civil and healthy.

XI. ADJOURNMENT

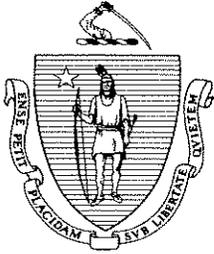
Mr. Fee moved to adjourn at 7:02 PM; seconded by Ms. Ferrantella. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

Approved the 27th day of January 2021.

**SELECT BOARD
JANUARY 20, 2021 – 5:00 PM
REMOTE PARTICIPATION VIA ZOOM
PURSUANT TO GOVERNOR BAKER'S MARCH 12, 2020
ORDER REGARDING OPEN MEETING LAW
NANTUCKET, MASSACHUSETTS**

List of documents used at the meeting:

- III. 2. Coastal Resilience Plan Open House Info
- IV. 2. Covid-19 Update
- VII. 1. Draft minutes of 1/12/2021; 1/13/2021
- VII. 3. Pending contracts spreadsheet
- VIII. 1. AIS re: The Island liquor license transfer; Liquor License Public Hearing Process; The Islander ABCC application
- IX. 1. FY 2021 Quarter 2 Budget Reports: General Fund; Our Island Home; Airport
- IX. 2. FY 2022 Enterprise Fund Budget Reports: Our Island Home; Wannacomet Water; Siasconset Water; Solid Waste; Sewer; Airport
- IX. 3. Monthly Town Management Activity Report
- X. 1. Outline 5 for 2021 ATM Warrant; Draft Planning Board Article Concepts for 2021 ATM as of 1/19/2021; Planning Board 2/4/2021 public hearing ad; Draft Planning Board Article Concepts for 2021 ATM as of 10/7/2020; Airport - Car Rental Bylaw email; Ch. 58 of Town Bylaws; Ch. 266 of the Acts of 1989



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.

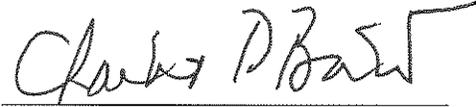
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby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