

SELECT BOARD

Minutes of Meeting of January 27, 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 5:13 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.

III. ANNOUNCEMENTS

Town Manager C. Elizabeth Gibson noted the announcements as listed on the agenda. An additional announcement was made by Housing Director Tucker Holland regarding a housing survey underway in connection with the process to update the Town's Housing Production Plan. He said the survey is on the Town's website in multiple languages and will remain open for the next couple of weeks.

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 seven days has dropped significantly and the curve has slowed although not levelled off. He reviewed the weekly sewer testing and spoke as to the status of contact tracing efforts.

- Vaccine Distribution Plan Update. Mr. Santamaria reviewed the status of the active Phases of vaccine distribution – Phases I and II - and reviewed updates to those Phases from the state. He explained how eligible people can sign up. He noted the process for those who may not have access to a computer. Mr. Santamaria also spoke about the supply of vaccine from the state and allocation is made. Nantucket Cottage Hospital (NCH) President Gary Shaw introduced Dr. Diane Pearl for any additional updates. Dr. Pearl said that Mr. Santamaria gave a comprehensive update and spoke about the specifics of what recent COVID patients have been reporting as to symptoms. She agreed numbers are beginning to flatten, testing capability is strong, lines have been shorter lately and the hope is that positive cases continue to decline. Mr. Shaw commented on the emergence of COVID variants and explained how variants occur. He said it is important for people to get vaccinated which reduces the incidence of variants. He commended the NCH nursing staff, headed by NCH Director of Nursing Michelle Epps for all their hard work to get the vaccination organized. He noted over 500 Phase I doses have been administered, Phase II opens next week and spoke on the prioritized groups within Phase II and the specifics of where people can get vaccinated and the timeline. He elaborated on how and when people can schedule their vaccinations. He noted that there are two registration sites – NCH and thru the Town for those not in the NCH system. He said the easiest way for people to get vaccinated is go through the Mass General Brigham website and provided the contact information. He said that Phase III plans will begin shortly and vaccinations for those

eligible in Phase III will start in April. He commended the Town for its efforts to plan for and stand up a vaccination process for those who are homebound or otherwise are not captured in the NCH program. He emphasized the importance of signing up on the NCH "Gateway" Portal. He said this is the "light at the end of the tunnel" but that it remains important to be diligent until vaccinations are well underway. Mr. Bridges noted the Town's website looks very good and easy to navigate. He asked about the vaccine supply and those who have already signed up. Mr. Shaw responded and noted some logistical issues with the supply and some issues that have occurred nationwide that we have learned from. Ms. Murphy asked about some of the groups in Phase II. Mr. Bridges asked how long it takes once someone is vaccinated for the vaccination to be effective. Mr. Santamaria said there is a period of time for antibodies to build up to establish immunity, it is not immediate and that is why people need to continue the established safety protocols, once vaccinated. Dr. Pearl said it takes about two weeks for someone to be fully vaccinated. Mr. Shaw said that studies are underway as to communicability of the disease followed vaccination. Mr. Santamaria said restrictions as to occupancy should be lessened by summer. Human Services Director Jerico Mele explained efforts that are underway to assist those without access to electronic means to sign up for the vaccine. Ms. Ferrantella asked if any of the Town's metrics have been changed by the Board of Health. Mr. Santamaria said no because of concern that they will become obsolete quickly as more is learned, quickly. He reviewed the history of the last few months of emergency orders that have been issued in response to the number of cases. Ms. Murphy supported the approach expressed by Mr. Santamaria. She said if there are concerns, they should be brought forward for discussion. Mr. Shaw noted that if more vaccine is received than expected, the capability exists to administer them. He also spoke as to some of the logistics as to people arriving at the VFW site. Mr. Santamaria expressed sincere thanks to the VFW for allowing use of its premises.

- COVID-19 Testing. No updates.

- 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 spoke on actions that should be taken by those who believe they have been exposed to the virus. Mr. Mele provided an update on the "smell test" screening possibility discussed by the Select Board last week and also by the Board of Health. He noted another one being tested by a different group, that is farther along in the approval process and that deployment proposals are expected if the groups want to proceed with testing this screening tool in the community. Mr. Mele re-explained how people not registered with the NCH Gateway protocol can register through the Town. Ms. Ferrantella asked about how the smell test(s) could be used in the community. Mr. Mele said those details need to be provided by the sponsoring groups. He noted that depending on where the tools used there may be more management of it needed in certain places, like schools. Mr. Shaw added that the smell tests are not available for the general public and it is unknown right now if or when they will be due to the Federal Drug Administration approval process requirements. Mr. Mele concurred and said most likely roll-out is months away.

- Economic Task Force: Update. Ms. Murphy reviewed today's Task Force meeting and those of the Task Force's sub-groups, including discussions as to messaging and outreach, and business resources. She emphasized the continued need for caution even with an increased level of optimism about the summer season. Ms. Ferrantella added that the group is productive, and a lot of progress is being made.

- Board of Health Orders. No updates.

- Select Board Comments/Questions. Nothing further from the Board.

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 20, 2021 at 5:00 PM. Ms. Murphy moved approval; 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.

2. Approval of Payroll Warrants for January 24, 2021. Ms. Murphy moved approval; 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.

3. Approval of Treasury Warrants for January 27, 2021. Ms. Murphy moved approval; 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.

VIII. PRESENTATIONS

1. NCTV18 Annual PEG (Public, Educational and Government) Access Channel Report. Executive Director Lisa Getter presented a video as to NCTV's activities. Arlene O'Reilly of NCTV reviewed the presentation in the Board's packet and explained NCTV's purpose, what the PEG channel does, membership information, donor support and business sponsors, public service announcements, public meeting and government coverage, classes, website traffic and social media engagement, the YouTube channel service, an increase in the surcharge on cable bills for the PEG channel, budget numbers and funding sources. Chair Holdgate thanked Ms. Getter and Ms. O'Reilly for the thorough presentation. Ms. Brooke Mohr commended and thanked NCTV for its coverage and service provided to the community throughout the Covid crisis. Ms. Murphy agreed wholeheartedly. Mr. Bridges also agreed and said NCTV has an excellent reputation in the public access channel industry. Ms. Ferrantella agreed and said NCTV's assistance with getting public meetings onto Zoom has been extremely beneficial to the community. Mr. Bill Grieder also commended NCTV's services.

2. Capital Program Committee: FY 2022 Capital Project Recommendations. Capital Program Committee (CapCom) Chair Stephen Welch also commended NCTV's work. Mr. Welch called the CapCom meeting to order at 6:20 PM, as a quorum of members was present. He introduced the members and spoke on the Committee's process and the procedures it uses to review the project requests. He thanked Town staff for their help and involvement with the process. Mr. Welch presented the Committee's report and recommendations on FY 22 capital projects. He gave an overview of the projects and their categories, projected costs and proposed funding sources. He also noted debt service tables. He also reviewed the CapCom's recommendations as to improvements to the process. Mr. Fee asked about capital requests relating to the landfill. Mr. Welch said there were no requests relating to the landfill for FY 22. Mr. Fee expressed support for the Committee's process and procedures. Mr. Bridges said that a stronger focus on project timing and alternatives began last year and continued through this year. Mr. Welch agreed. Mr. Fee commented on the potential tax rate increase for these projects and said that ability to pay increased taxes

is not available to every taxpayer and the Town should be careful with spending. Mr. Welch said that the CapCom does focus on frugality but also recognizes the need not to be shortsighted. He commented on what the potential tax rate increases translate into for the average tax bill. Mr. Rick Atherton commented that road and sidewalk maintenance should have a higher priority. He added that several years ago, there was a proposal for reflectors to be placed on major roads, as a safety improvement and he thinks those should be reconsidered.

IX. REAL ESTATE MATTERS

1. Request for Approval and Execution of Purchase and Sale Agreement, Quitclaim Deed and Settlement Statement for Town-owned Yard Sale Parcels Known as Parcel 1, Quaril Avenue and Parcel 4, Hancock Street as Shown on Plan of Land Entitled "Plan of Taking for the Town of Nantucket in Nantucket, Mass.," Dated October 13, 2020, Prepared by Earle & Sullivan, Inc. and Recorded with Nantucket County Registry of Deeds as Plan No. 2020-57, Pursuant to Vote on Article 97 of 2014 Annual Town Meeting. Real Estate Specialist Ken Beaugrand explained this agenda item, noting the materials in the agenda packet. Mr. Fee moved approval; 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.

2. Request for Approval and Execution of Purchase and Sale Agreement, Quitclaim Deed and Settlement Statement for Town-owned Yard Sale Parcels Known as Parcel 2 and Parcel 3, Quaril Avenue and Parcel 5, Hancock Street as Shown on Plan of Land Entitled "Plan of Taking for the Town of Nantucket in Nantucket, Mass.," Dated October 13, 2020, Prepared by Earle & Sullivan, Inc. and Recorded with Nantucket County Registry of Deeds as Plan No. 2020-57, Pursuant to Vote on Article 97 of 2014 Annual Town Meeting. Mr. Beaugrand explained this agenda item, noting the materials in the agenda packet. Mr. Fee moved approval; 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.

3. Request for Approval and Execution of Purchase and Sale Agreement, Quitclaim Deed and Settlement Statement for Town-owned Yard Sale Parcels Known as Parcel 6 and Parcel 7, Hancock Street as Shown on Plan of Land Entitled "Plan of Taking for the Town of Nantucket in Nantucket, Mass.," Dated October 13, 2020, Prepared by Earle & Sullivan, Inc. and Recorded with Nantucket County Registry of Deeds as Plan No. 2020-57, Pursuant to Vote on Article 97 of 2014 Annual Town Meeting. Mr. Beaugrand explained this agenda item, noting the materials in the agenda packet. Mr. Fee moved approval; 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.

4. Request for Approval and Execution of License Agreement with Richmond Great Point Development, LLC for Access over a Portion of Ironwood Road, Formerly Known as Nancy Ann Lane to the Portion of Ironwood Road Owned by Richmond for Access to Old South Road. Mr. Beaugrand explained this agenda item, noting the materials in the packet. He explained that getting this parcel registered in the Land Court as has previously been agreed with Richmond has been much delayed by the Land Court and this is a temporary measure so that Richmond can begin utilizing the property. Mr. Fee moved approval; 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.

5. Request for Approval and Execution of Discharge of Housing Rehabilitation Loan Program Promissory Note for Roni N. and Andrew Roberts for 16 Allen's Lane. Housing Director Tucker Holland explained this agenda item, referencing the materials in the agenda packet. 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.

6. Request for Approval and Execution of Discharge of Housing Rehabilitation Loan Program Promissory Note for Mary P. Lockley for 7 Meadow View Drive. Mr. Holland explained this agenda item, referencing the materials in the agenda packet. 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.

X. PUBLIC HEARINGS I

1. Public Hearing to Consider the Taking of All or Any Portions of Paper Streets for Public Access, Open Space, Recreational Use Purposes and/or General Municipal Purposes and for the Purpose of Conveyance of Fee Title or Lesser Interests, Together with any Public and Private Rights of Passage, as Authorized by MGL Chapter 79 and Vote on Article 83 of 2012 Annual Town Meeting: a) Portion of School Street, Laurel Street and Shawaukema Avenue Shown as Easement Area E-1 and Easement Area E-2 on Plan of Land Entitled "Roadway Acquisition Plan @ #3 Gladlands Ave, Nantucket, MA," Dated September 10, 2020, Prepared by Earle & Sullivan, Inc. (Continued from October 7, 2020; October 28, 2020; November 18, 2020; December 16, 2020). Chair Holdgate recused from this item, citing a conflict. Vice Chair Bridges opened the hearing. Mr. Beaugrand reviewed this matter, referencing materials in the agenda packet. Mr. Bridges called for public comment. No public comments received. Mr. Bridges closed the hearing. Ms. Ferrantella moved approval; seconded by Mr. Fee. So voted by roll call vote. Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes. Chair Holdgate – recused.

2. Public Hearing to Consider the Taking of Portion of Maclean Street and Wannacomet Street Shown as "Easement Area" on Plan of Land Entitled "Roadway Easement Acquisition Plan #1 White Street in Nantucket, Massachusetts," Dated December 9, 2020, Prepared by Earle & Sullivan, Inc. for Public Access, Open Space and/or General Municipal Purposes and for the Purpose of Conveyance of the Fee Title or Lesser Interests, Together with any Public and Private Rights of Passage, as Authorized by MGL Chapter 79 and Article 100 of 2011 Annual Town Meeting and Vote on Article 83 of 2012 Annual Town Meeting. Chair Holdgate opened the hearing. Mr. Beaugrand reviewed this matter, referencing materials in the agenda packet. Chair Holdgate called for public comment. No public comments received. Chair Holdgate closed the hearing. 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. Chair Holdgate thanked Mr. Beaugrand for his work on these real estate items and commented on how helpful it is to have a dedicated Real Estate Specialist in Town Administration.

XI. TOWN MANAGER'S REPORT

1. FY 2022 Enterprise Fund Budget Presentation: Sewer (Tabled from January 20, 2020). Ms. Gibson introduced Sewer Director David Gray. Mr. Gray reviewed the proposed FY 22 Sewer Enterprise Fund budget. Mr. Gray also reviewed the on-going sewer lining project.

XII. SELECT BOARD'S REPORTS/COMMENT

1. Committee Reports. No committee reports.

XIII. PUBLIC HEARINGS II

1. Public Hearing to Consider the Appeal of ACK Smart Energy of Historic District Commission Disapproval of Certificate of Appropriateness No. HDC2020-11-2295 for Rooftop Solar Panels for Property Located at 9 Dennis Dr., Map 67, Parcel 366. Chair Holdgate opened the hearing. She reviewed the procedure for an

HDC appeal. Mr. Tim Carruthers, appellant, spoke on his solar energy business and its philosophy. He spoke on current HDC policies regarding solar panels and said that there is an existing precedent for solar panels and that this particular application should have been approved. Mr. Carruthers noted he had prepared a presentation for tonight. Chair Holdgate explained the documents that the Board can and cannot consider this evening for this matter, due to the parameters of an HDC hearing. Mr. Wesley Morris, owner of the property at 9 Dennis Drive, spoke on the appeal and commented that this property is not in an "historic area". He noted that he feels the HDC denial is "unreasonable" and spoke on state laws relating to solar energy systems, stating that he believes the HDC has acted contrary to a state-wide policy in favor of solar installations. He noted that his property is essentially only viewed by immediate neighbors and solar panels on his house would have no historic or negative impact on the neighborhood. He urged the Board to remand the application to the HDC. Mr. Carruthers reviewed specifics of the property with respect to placement of the solar panels, noted that due to the configuration of the house, the southern-facing roof is the only viable place to put them. He noted written abutter support for the installation. He added that the addition of "solar skins" which could make the panels appear like shingles, could be installed to lessen impact. He reviewed the HDC's solar guidelines and stated that he believes this installation meets the guidelines. He cited many examples of solar panels around the island which can be seen from a public way(s) and showed some photos. Mr. Tobias Glidden said that this application actually goes beyond the HDC guidelines. He commented that the HDC is inconsistent with this disapproval and rather than following its guidelines has used opinion to act on the application. Ms. Cathy Flynn, HDC Compliance Coordinator/Land Use Specialist explained the HDC's review process for this particular application. She said there had been discussion as to vegetative screening, but it was not deemed sufficient. HDC Chair Ray Pohl spoke about the status of the Island being an historic district in its entirety and the HDC must apply guidelines universally. He said that the HDC is in favor of alternative energy, including solar, but has to enforce and be mindful of historic requirements and guidelines. He commented that while the appellant referred to the HDC's decision as "unreasonable", that is an opinion but the basis upon which HDC appeals are considered is whether or not the decision was "arbitrary or capricious", not "unreasonableness". HDC Commissioner Vallorie Oliver spoke on the HDC's solar guidelines and noted some of the members have been working to update those but it is complicated and not completed. She noted that the "skins" were suggested to the HDC but an example was not provided. She stated that the HDC "cannot let these things proliferate all over the island on the fronts of structures". She said the decision was not personal, nor was it arbitrary or capricious. She added that the applicant asked for a denial so that they could appeal the decision. Chair Holdgate offered the opportunity for rebuttal. Mr. Carruthers spoke on the "solar skin" interaction and said the HDC said it would not approve them on this property and explained how examples were produced for the HDC. He added that he did not ask for a "denial" but rather, a "vote". Mr. Glidden said he believes the important issue is that the HDC has supported some solar panels around the island in residential areas and said that a reasonable standard should be upheld. Mr. Pohl commented on vegetative or other screening of solar panels in other circumstances, as a standard used "all the time" by the HDC but it wasn't put forward here. Mr. Rick Atherton expressed a general observation that there will likely be more such appeals and that the Select Board should support the HDC and that it may be better for larger scale solar project to be undertaken rather than on individual houses. He expressed support for a process to address solar panels. Mr. Bridges asked if there was a difference between solar panels on commercial structures and residential. Mr. Pohl said that it depends on the location, the type of material the building is made of and roof pitch. Mr. Bridges asked about the standard regarding viewability from a public way. Mr. Pohl said the HDC looks for "devices" that mitigate the view from a public way, including screening, positioning and coverings. He said the HDC is pre-disposed to approve solar installations but within existing guidelines. Ms. Ferrantella asked why the solar skins were not approved because from photos it appeared that they mitigated the appearance. Mr. Pohl discussed some photo examples of solar skins and said that

they do not always cause solar panels to “blend in”. Further discussion occurred as to what may or may not have made this application more approvable as related to the specific conditions of this property. Chair Holdgate closed the hearing. Mr. Fee asked for clarification as to the HDC appeal criteria with respect to “reasonableness”. Mr. George Pucci, representing Town Counsel said that the specific words are arbitrary and capricious but “reasonableness” is a very similar standard and that basically, if the Board finds that the HDC’s decision is “way outside” of these similar words, that is reasonable basis for upholding an appeal. Mr. Pucci reviewed the HDC’s standards and the rationale used for this decision. Mr. Fee said his understanding is that the Select Board cannot substitute its own judgement for that of the HDC. He asked about the Town’s legal exposure with respect to the state statutes referenced earlier. Mr. Pucci said those statutes do not apply here due to the enabling legislation of the HDC. Mr. Morris disagreed with Mr. Pucci’s assessment and cited the case of “Gumley vs Nantucket Board of Selectmen” with the Mass Supreme Judicial Court. Mr. Pucci responded that the outcome of that case is “not governing” and that although it can be cited as a persuasive argument enabling legislation of the HDC is the only governing act. Chair Holdgate commented on her prior service on the HDC when solar guidelines were initially adopted. She agreed it is time to revisit updating those guidelines based on new technology and the “Sheer necessity for solar”; however, they are not yet updated and the HDC needs to uphold what is existing. She indicated she would not object to a re-visitation on this by the HDC and the appellant. Ms. Murphy concurred. She noted that environmental leadership is a focus area in the Board’s Strategic Plan. She said while she is disappointed with the outcome, she does not see that the HDC was arbitrary or capricious. Ms. Ferrantella agreed with both Ms. Murphy and Chair Holdgate. She added that she was disappointed at the inference that the HDC would deny the application to prompt an appeal. She added that she hopes the applicant and HDC could come to an agreement about these solar panels. Mr. Bridges said he thinks the HDC decision is “close” to being arbitrary or capricious but he would not vote to make that determination. He agreed the guidelines need to be updated. Mr. Fee concurred. He added his view that these solar panels would blend in and become normal in a short period of time; and, that they are becoming more and more necessary due to sustainable energy needs. Ms. Murphy voted to deny the appeal and uphold the HDC decision, finding that the HDC did not act arbitrarily or capriciously; seconded by Mr. Bridges. Mr. Fee asked about a remand. Chair Holdgate said that it is not really necessary as the applicant could go back at any time. Mr. Glidden agreed. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

XIV. ADJOURNMENT

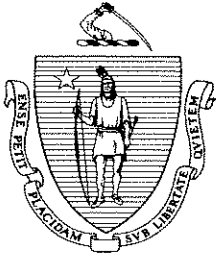
Ms. Ferrantella moved to adjourn at 8:06 PM; seconded by Mr. Fee. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

Approved the 3rd day of February 2021.

**SELECT BOARD
JANUARY 27, 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 1/20/2021
- VIII. 1. NCTV18 PEG Report
- VIII. 2. FY22 CapCom Capital Project Recs
- IX. 1. AIS re: Parcel 1, Quaril Ave & Parcel 4, Hancock St; P&S; Deed; Settlement Statement; Plan No. 2020-57
- IX. 2. AIS re: Parcels 2 & 3, Quaril Ave & Parcel 5, Hancock St; P&S; Deed; Settlement Statement; Plan No. 2020-57
- IX. 3. AIS re: Parcels 6 & 7, Hancock St; P&S; Deed; Settlement Statement; Plan No. 2020-57
- IX. 4. AIS re: License Agreement with Richmond; License Agreement; Richmond Sketch Plan
- IX. 5. AIS re: Mortgage Discharge for 16 Allens Ln; Mortgage Agreement; Promissory Note; Discharge of Mortgage
- IX. 6. AIS re: Mortgage Discharge for 7 Meadow View Dr; Mortgage Agreement & Promissory Note; Discharge of Mortgage
- X. 1. AIS re: Taking of Portion of Laurel St, Shawaukema Ave & School St; Order of Taking; Taking Plan
- X. 2. AIS re: Taking of portion of Maclean St & Wannacommet St; Order of Taking - Portion of Maclean St & Wannacommet St; Taking Plan
- XI. 1. FY 2022 EF Budget Report - Sewer
- XIII. 1. HDC appeals Procedure; HDC appeal of 9 Dennis Dr (appellant submission); HDC file; HDC response to appeal



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.

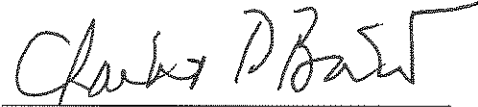
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby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