SELECT BOARD

Minutes of the meeting of March 25, 2020. The meeting took place via remote participation via Zoom and YouTube pursuant to Governor Baker’s March 12, 2020 Order regarding the Open Meeting Law (attached). Members of the Board present were Jason Bridges, Matt Fee, Kristie Ferrantella, Rita Higgins and Dawn Hill Holdgate. Also present were Town Manager C. Elizabeth Gibson, Assistant Town Manager Gregg Tivnan, Operations Administrator Erika Mooney, Police Chief William Pittman, Health Director Roberto Santamaria, Culture and Tourism Director Janet Schulte, Housing Director Tucker Holland, Nantucket Cottage Hospital Medical Director Dr. Diane Pearl and Nantucket Cottage Hospital President and CEO Gary Shaw.

I. CALL TO ORDER
Chair Hill Holdgate called the meeting to order at 6:00 PM. She read a prepared statement of how the meeting would be conducted via remote participation and the ground rules for any discussion.

II. SELECT BOARD ACCEPTANCE OF AGENDA
Chair Hill Holdgate noted that all COVID items will be discussed first. The agenda was accepted with this change.

III. ANNOUNCEMENTS
1. Chair Hill Holdgate announced that the Select Board meeting is being audio/video recorded in accordance with the Open Meeting Law.

2. COVID-19 Weekly Update.

Ms. Gibson noted that the Town has issued three local emergency orders: No. 1 – a temporary moratorium on construction, No. 2 – a temporary shutdown of personal care services and No. 3 – a Stay at Home Order. She noted that since then, the Governor has issued a state-wide stay at home order. Ms. Gibson said that Town Counsel has reviewed the state's order to see how it compares with the Town's local order and the basic difference appears to be with respect to whether construction and landscaping are essential services.

At 6:08 PM Attorney Lauren Goldberg of Town Counsel's office joined the meeting via Zoom.

Ms. Gibson noted that the state's order indicates that construction and landscaping are considered essential services, which conflicts with the Town Orders No 1 and 3 and that Town Counsel has drafted a letter for Nantucket and all six towns on Martha's Vineyard to potentially send to the state requesting an exemption from the state order so that the moratorium on construction and landscaping in Nantucket (and Martha's Vineyard) will stay in place due to specific local conditions. Attorney Goldberg noted that some towns are withdrawing their local orders now that the State has issued one but stated that the islands are in a different position due to a variety of Island-specific conditions including risks from commuter workers and other travelers on the ferries, hospital facilities which cannot handle a surge of COVID19 patients, as well as public safety resources that also cannot handle a surge, nor can the Islands rely on mutual aid. Attorney Goldberg noted she just sent a final draft of the letter to the Town Manager; she reviewed the changes from the previous draft. Mr. Fee spoke in support of sending the letter to the Governor but asked if there is push back, is there a way to do have “partial” bans on construction and landscaping. He said he'd like to keep
these services closed but feels there should be a “fallback plan”. Attorney Goldberg said that the Governor, through his chief legal counsel, has indicated that a set of safety standards will be released for construction job sites. She reiterated that the letter states that for the Islands, landscaping and construction are not essential services and should not continue for the duration of the local Order. Nantucket Cottage Hospital (NCH) Medical Director Dr. Diane Pearl noted that there are signs that the spread of the virus has been slowed in the community because of social distancing and an increase in hygiene. She noted that there are currently three confirmed cases of Coronavirus on Nantucket and said that if the precautions being taken are relaxed the number of cases will most likely increase. Ms. Ferrantella disclosed that she has family members who are landscapers, but she feels she can act on behalf of the community as a whole. She noted that unemployment assistance is available, and she spoke in favor of continuing the local orders. Ms. Higgins said she is “absolutely” in favor of continuing the orders and including landscape construction and maintenance into the moratorium. Mr. Bridges said he feels the letter to the Governor is well written and he would be in favor of sending it. Chair Hill Holdgate questioned what the Town should do while the Governor is considering the Town's request. Attorney Goldberg advised that the Town not lift its orders, adding that she feels there is a case for approval but that the state will have to determine a mechanism by which to grant the approval. Mr. Bridges moved to approve the letter as drafted; Mr. Fee seconded. So voted by roll call vote. Chair Hill Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Higgins – Yes.

Ms. Gibson noted that regarding the state’s Stay at Home Order, the Governor has extended school closures state-wide to May 4, 2020.

NCH President and CEO Gary Shaw provided an update on hospital operations, noting that NCH has cancelled all non-urgent appointments and elective procedures. He said people should call the hospital if they have urgent needs. Mr. Shaw stated that the hospital building is currently locked down with the exception of the Emergency Room. He added that NCH has issued a statement with Martha’s Vineyard Hospital urging people not to come to the Islands if they don’t have to as the hospital resources are scarce if people become sick. Mr. Shaw said the hospital has requested donations from the community for gloves, and face masks and to please keep them coming. Mr. Shaw said there are currently three confirmed Coronavirus cases on the Island, with 28 tests pending and 31 negative tests have been returned. Ms. Gibson said that National Guard and State Police resources have been requested and approved for deployment to Nantucket. Chief Pittman explained that the state reached out to the Town following a conference call a couple of days ago regarding the Town’s support needs. He said that if/when there is a surge of confirmed cases, these extra resources will be needed from a security and safety standpoint. Chief Pittman stated there is no need for alarm, it just means the Town is preparing.

Assistant Town Manager Gregg Tivnan reviewed ongoing public outreach efforts, noting that press releases are being issued on almost a daily basis as well as press releases from NCH. He said that he has handled 32 requests from the media so far. He reviewed sources to which Town information is being sent. It was noted that a dedicated email (covid19@police.nantucket-ma.gov) and a dedicated phone line 508-325-4111 have been established for people to use for questions or concerns.
Culture and Tourism Director Janet Schulte gave an update on the Town’s recently enacted Economic Impact Work Group. She said there has been a suggestion for relief or postponement of real estate taxes. Ms. Schulte said she has been working closely with Ms. Ferrantella at the Chamber of Commerce and has met with ReMain Nantucket and EBT to discuss conducting an economic impact study.

Ms. Gibson reviewed the status of Town services. She noted that the pursuant to the local Stay at Home Order, Town offices will remain closed through April 6/7 (local vs state orders), and that essential services are only in place at this time, with some work occurring remotely. Ms. Gibson noted the Emergency Response Team has been covering all bases as best it can, working seven days a week. The Emergency Response Team has a daily call and there have also been daily calls and emails with employees. Ms. Gibson said she has been working to get a daily situation report (SITREP) to the Select Board. She said that the Finance Director has already begun examining revenue impacts to the Town and is looking at potential austerity measures regarding the Town budget and staffing for FY 2021. Ms. Gibson said there are reports that the pandemic could recur later in the year. She discussed possibly having a Select Board meeting dedicated to COVID issues, weekly. Discussion followed as to “messaging” both in the community, the Town and the Hospital; with the consensus being that the message isn’t to shun anyone but if seasonal homeowners don’t need to be on Nantucket, please do not come to the Island. Ms. Ferrantella spoke in favor of having dedicated COVID meetings as it shows the importance the Board is placing on protecting the community and supporting the hospital. She clarified that the Town’s message has been related to the public’s safety, that if people come to the island and get sick, there may not be available services to care for them. Mr. Bridges stated that the island can’t handle any more population; that we can barely handle the winter population, now with supplies, and hospital resources. Ms. Higgins said the Board is looking at this as a public health emergency and we need to keep the population low to keep the number of cases low. She said that regarding any allegations of “fairness” in telling people not to come to the Island and Islanders to stay home, it is about what is best for the community at large and the actions needed to minimize exposure to the public. Mr. Fee said that if people do come to Nantucket from off-island, they should quarantine themselves. Chair Hill Holdgate said she was contacted by a number of news agencies, she provided the message as discussed yet she was never quoted.

The meeting was opened for questions from the public. Chief Pittman noted that regarding the State Police and National Guard resources, he fully expects that as sickness occurs that security will be essential for the Hospital, which has little to no security resources now. He added that he needs to preserve the police officers he has while maintaining community order. Ms. Ferrantella said regarding messaging, that the Town should continue to put out information about resources that are available, especially for mental health. Ms. Gibson said that Human Services Director Taylor Hilst is working on that. Mr. Bridges read some of questions that were posted on YouTube Chat. It was noted that the Town will post answers to the questions on its website. Mr. Shaw did note that the hospital is working on a “surge” plan.

3. Town of Nantucket Decrees Emergency Order No. 1 (Temporary Moratorium on Construction), Emergency Order No. 2 (Personal Care Services and Retail Stores) and Emergency Order No. 3 (Stay at Home aka Shelter in Place).

IV. PUBLIC COMMENT
There was no public comment not related to COVID-19 or other matters on the agenda.
V. NEW BUSINESS
None.

VI. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS
1. Approval of Minutes of March 18, 2020 at 5:00 PM. Mr. Bridges moved to approve the minutes of March 18, 2020 at 5:00 PM as presented; Ms. Higgins seconded. So voted by roll call vote. Chair Hill Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Higgins – Yes.

2. Approval of Payroll Warrants for Week of March 8, 2020; March 22, 2020. Ms. Higgins moved to approve the payroll warrants for the weeks of March 8, 2020 and March 22, 2020 as presented; Mr. Bridges seconded. So voted by roll call vote. Chair Hill Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Higgins – Yes.

3. Approval of Treasury Warrants for March 18, 2020; March 25, 2020. Ms. Higgins moved to approve the treasury warrants for March 18, 2020 and March 25, 2020 as presented; Mr. Bridges seconded. So voted by roll call vote. Chair Hill Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Higgins – Yes.

4. Approval of Pending Contracts from March 18, 2020 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Ms. Higgins moved to approve the pending contracts from March 18, 2020 with the date for the construction services agreement with Barrett Enterprises to be extended as needed; Mr. Fee seconded. So voted by roll call vote. Chair Hill Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Higgins – Yes.

VII. TOWN MANAGER’S REPORT
1. Housing Director: Request for Renewal of Housing Choice Community Designation. Mr. Holland reviewed the request. Mr. Holland reviewed the request, noting that the designation recognizes the continued progress Nantucket is making in addressing its housing crisis, demonstrates strong support for a signature program of the current Administration and keeps the Town eligible for access to grant funding exclusive to Housing Choice Communities as well as bonus points when the Town applies to broader state funding programs such as MassWorks. Mr. Fee moved to authorize Mr. Holland to submit the Town’s Housing Choice Designation Application 2020 to the state; Mr. Bridges seconded. So voted by roll call vote. Chair Hill Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Higgins – Yes.

VIII. SELECT BOARD’S REPORTS/COMMENT
1. Discussion Regarding Emergency Order #1 Temporary Moratorium on Construction. This matter was discussed under item III. 2.

2. Committee Reports. Mr. Fee said he would like to see people be able to use the Atheneum to pick up books. He also noted that the reason the Town instituted its Stay at Home Order is because New York is trying to figure out how many people can share a respirator and we don’t want to have that same dilemma on Nantucket. Ms. Higgins thanked Town staff for all their work, stating she feels Nantucket is ahead of other towns. Chair Hill Holdgate noted that staff is working very hard. Mr. Bridges thanked Town staff, Stop and Shop workers, Sewer Department staff and all public safety workers, noting they all need to be kept safe.
IX. ADJOURNMENT
Mr. Fee moved to adjourn at 7:38 PM; Ms. Higgins seconded. So voted by roll call vote. Chair Hill Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Higgins – Yes.

Approved the 1st day of April, 2020.
List of documents used at the meeting:

State Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, s. 20
III. 2 COVID-19 Update Outline; Stay at Home Order
III. 3 Emergency Order No. 1 (Temporary Moratorium on Construction); Emergency Order No. 2 (Personal Care Services and Retail Stores); Emergency Order No. 3 (Stay at Home aka Shelter in Place)
VI. 1 Draft minutes of March 18, 2020 at 6:00 PM
VI. 4 Pending contracts spreadsheet for March 18, 2020
VII. 1 AIS re: Housing Choice Community Designation; Application
VIII. 1 Draft letter to Governor Baker re: construction moratorium
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 \( \frac{2}{3} \) PM this 12th day of March, two thousand and twenty.

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts