SELECT BOARD
Minutes of the Meeting of April 1, 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, Assistant Town Manager Rachel Day, Operations Administrator Erika Mooney, Police Chief William Pittman, Health Director Roberto Santamaria, Culture and Tourism Director Janet Schulte, Town Clerk Nancy Holmes, Director of Municipal Finance Brian Turbitt, Moderator Sarah Alger, Attorney Lauren Goldberg of Town Counsel’s office 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 there is a New Business item. 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 on March 30, 2020, the Board of Health approved a Supplemental Emergency Order to local Order No. 1 (a temporary moratorium on construction) which limited construction and landscaping to emergency work only to prevent the Coronavirus from spreading but had a clause that allowed one worker on a job site for certain minor types of work. She noted that the state has extended its Stay at Home Order through May 4, 2020. Ms. Gibson stated that the Supplemental Order has possibly resulted in an increase of workers coming to the island, noting it was estimated by a police officer that about 100 people came off the Hy-Line this morning, a higher number than in recent days. Attorney Goldberg said that the Governor’s Order does not override the Town’s determination of what services/work can/cannot be carried on with respect to appropriate safety measures to prevent the spread of COVID19; and that the local Board of Health has the authority to issue orders limited or banning certain types of work if it is determined that proper enforcement and monitoring cannot be provided. Ms. Higgins, the Select Board’s representative on the Board of Health, noted that Essential services as listed in the Board of Health Order are directly related to public health. Mr. Bridges stated that most calls he has received are from contractors or workers who do not want to work out of personal safety concerns but are being pressured to work. Mr. Fee expressed disappointment that so many people were on the morning boat, adding that he finds the last paragraph of the Supplemental Order misleading.

Mr. Shaw said that the eighth confirmed coronavirus case has been reported on Nantucket. He said 135 people have been tested with 96 being negative and 31 pending; He added that 14 samples were collected today. Mr. Shaw stated that no one has been hospitalized yet and the low case load can be attributed to social distancing and the Stay at Home orders. He said the Select Board as leaders have put into place actions intended to keep the coronavirus at bay and this is not the time to let up.

Ms. Gibson 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. Mr. Tivnan reviewed ongoing
public outreach efforts, noting that he and Public Outreach Coordinator Florencia Rullo are working to keep up with the social media messaging and website updates. He said most incoming questions are from contractors and landscapers who want to get back to work. Mr. Tivnan reviewed the Town’s website hit statistics and noted that the recent numbers are far above those at this time last year. He reviewed Town employee communications and communications with the public via Facebook, Instagram and Twitter.

Ms. Gibson suggested that the Board review the Board of Health Supplemental Order language regarding one person at a jobsite being allowed to work. She said that allowance is intended to be for minor repair or maintenance work related to public health or safety reasons, not “full-on” work that is not essential. Ms. Gibson said the Emergency Response Team’s recommendation is for the Select Board to recommend that the Board of Health revisit the Supplemental Order as soon as possible and reconsider this language. Mr. Bridges spoke in support of removing the last paragraph of the Supplemental Order that allows one person on a jobsite. Ms. Higgins explained that the Board of Health’s clear intention was to help with safety measures, not to allow for a rotating schedule for people to work. Chair Hill Holdgate said she is worried about making continuous changes to the Orders, saying it might be confusing. Ms. Ferrantella said she feels people are looking for a loophole and that she is in favor of removing that language. Mr. Santamaria said he will try to get a Board of Health meeting scheduled as soon as possible to address this issue. Mr. Fee said he finds the order confusing and added that he wants a process developed to monitor and control job sites. Chair Hill Holdgate said the reason Nantucket’s case numbers are low is because of the construction and landscaping ban and other measures taken to reduce opportunities for people being together. Mr. Santamaria spoke in favor of remaining strict and removing the last paragraph. Mr. Bridges moved to request the Board of Health to revisit its March 30, 2020 Supplemental Emergency Order and remove the last paragraph and any other language as needed; 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. Mr. Fee said the Town might need to find a way to allow work to occur in a safe manner. Ms. Ferrantella noted that today the Massachusetts Building Trade Association wrote to Governor Baker asking for a state-wide shut-down of all construction and added that local people should not try to circumvent the local Orders and put people in harm’s way.

Ms. Schulte gave an update on the Town’s Economic Impact Work Group which she said has met twice in the past week. She said she has shared emails with appropriate Town departments and a survey for businesses is being developed to send out next week. Ms. Higgins asked if the Work Group is looking at the impacts to individuals as well as businesses, such as rent and utility bill relief. Ms. Gibson responded that Human Services Director Taylor Hilst has been working on that.

Ms. Gibson reviewed the status of Town services, noting that Town offices remain closed through April 7, 2020 but now that the Governor has extended the stay at Home Order through May 4, 2020 then Town offices will need to be closed through then as well. She said that only essential services are being offered at this time and some remote work. Ms. Gibson said that the DPW has stopped most of its work which will result in being very behind for the summer in terms of activities such as line painting, brush cutting, mowing, and roadwork. She reviewed the daily calls with the Emergency Response Team, Human Resources daily communications with employees and daily situation reports (SITREP) to the Select Board. Ms. Gibson said the Finance Department is starting to look at potential revenue gaps for FY 2021. Mr. Turbitt said he has started the preliminary analysis and is awaiting guidance from the Department of Revenue on revenue projections. Mr. Fee stated that some restaurants would like to be open but cannot schedule inspections because the Health Department is not open. He asked what the process is to open for take-out and get staff working, noting that restaurants have to be open
in order to apply for small business relief. Mr. Santamaria said he has been discussing this matter with his staff, that it is on his radar and they are looking at the possibilities. Ms. Ferrantella reviewed relief possibilities available for businesses.

The meeting was opened for questions from the public. Mr. Bridges suggested Ms. Hilst report out at Board’s next meeting to discuss the services being provided to those in need in the community. 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 as soon as possible.

IV. PUBLIC COMMENT FOR ITEMS NOT RELATED TO COVID-19 OR OTHER AGENDA ITEMS
None.

V. NEW BUSINESS
1. Chair Hill Holdgate noted the new business item is a Town Noise Bylaw waiver for the mid-island Stop & Shop to keep their refrigerated trucks running at night. Chief Pittman reviewed the request. Mr. Fee recused himself from this matter. Ms. Ferrantella moved to approve a waiver of the Town Noise Bylaw for the mid-island Stop & Shop to run refrigeration trucks during the COVID-19 State of Emergency; Ms. Higgins seconded. So voted by roll call vote. Chair Hill Holdgate – Yes; Mr. Bridges – Yes; Ms. Ferrantella – Yes; Ms. Higgins – Yes.

VI. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS
1. Approval of Minutes of October 2, 2019 at 6:00 PM; March 25, 2020 at 6:00 PM. Ms. Higgins moved to approve the minutes as presented; 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.

2. Approval of Treasury Warrants for April 1, 2020. Ms. Higgins moved to approve the treasury warrants as presented; Ms. Ferrantella 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 Pending Contracts from April 1, 2020 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Ms. Gibson noted there is one pending contract to amend the Town landscaping contract. She requested that the contract be tabled as the Town will not be engaging in landscaping at this time.

VII. TOWN MANAGER'S REPORT
1. Review of 2020 Committee/Board/Commission Openings. Ms. Gibson reviewed the draft timeline and committee/board/commission seats available. She said the information is online, the openings will be advertised, the incumbents will be requested to respond as to whether or not they are seeking reappointment and applications are also available on-line.

Chair Hill Holdgate noted she received a public comment via email from Nantucket Land Council executive director Emily Molden regarding Surfside Crossing's recent filing of an Environmental Notification Form with the Massachusetts Environmental Policy Act office. Ms. Molden is requesting that the Select Board submit written comments. She noted this matter will be on the Board’s April 8, 2020 agenda.

Ms. Gibson also announced today is Census Day.
VIII. SELECT BOARD’S REPORTS/COMMENT

1. Moderator Consultation with Select Board Regarding Rescheduling 2020 Annual Town Meeting. Moderator Sarah Alger explained that she is required to consult with the Select Board to postpone the 2020 Annual Town Meeting as was discussed at the Board’s March 11, 2020 meeting. She said that her authority is currently limited to extend the date only for 30 days and currently her plan is postponing Town Meeting to Saturday, May 2, 2020 at 9:00 AM and then postpone again to Saturday, May 30, 2020 at 9:00 AM if needed, which seems likely at this point.

2. Discussion Regarding Rescheduling April 14, 2020 Annual Town Election. Town Clerk Nancy Holmes said that she has been in discussions with various parties about rescheduling the Annual Town Election to either Tuesday, June 16, 2020 or to postpone without setting a new date. Attorney Goldberg noted that the existing ballots can be used for a postponed election. Ms. Holmes said regarding polling hours, the state is allowing early voting by mail, and she asked the Board to consider reducing the polling hours for a shorter day as most election workers are older. Attorney Goldberg stated that the minimum time polling hours have to be open is from noon to 4:00 PM. Ms. Holmes said she is concerned with getting people to work the polls and her office needs to prepare for physical distancing at the polls regardless. Chair Hill Holdgate spoke in favor of waiting to set a date. Ms. Holmes clarified that she doesn't propose the polls be open for four hours but is in favor of less than 13. Some discussion followed on pending legislation regarding rescheduling of town elections. Mr. Fee moved that in accordance with Chapter 45 of the Acts of 2020, the declaration of a State of Emergency and Stay at Home Order by the Governor, and the emergency orders issued by the Town of Nantucket, the April 14, 2020 Annual Town Election shall hereby be postponed to a date prior to June 30, 2020; Ms. Ferrantella seconded. So voted by roll call vote. Chair Hill Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Higgins – Yes.

3. Committee Reports. Ms. Ferrantella reiterated that today is Census Day and how important it is for the community to respond. Mr. Bridges said he is enjoying the Human Resources daily videos. He added that the Board might need to hold more meetings. Mr. Fee suggested that the entire community be tested for Coronavirus.

IX. PUBLIC HEARINGS

1. Public Hearing to Consider the Appeal of Lydia Denney Palmer LLC of Historic District Commission Approval of Certificate of Appropriateness No. 72738 for an Addition, Regarding Property Located at 112 Wauwinet Road, Map 11, Parcel 20 (Continued from January 15, 2020; February 5, 2020; REQUEST TO CONTINUE TO MAY 13, 2020). Chair Hill Holdgate reopened the public hearing. Mr. Fee moved to continue the public hearing to May 13, 2020; Ms. Ferrantella seconded. So voted by roll call vote. Chair Hill Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Higgins – Yes.

X. ADJOURNMENT

Mr. Fee moved to adjourn at 7:49 PM; Ms. Ferrantella 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 15th 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. 2a. Emergency Order No. 1 (Temporary Moratorium on Construction); 3/25/20 letter to Baker/Polito from Nantucket/Martha’s Vineyard; Emergency Order No. 2 (Personal Care Services and Retail Stores); Emergency Order No. 3 (Stay at Home aka Shelter in Place); Board of Health 3/30/20 Supplemental Emergency Order
V. Email from Chief Pittman re: Town Noise Bylaw waiver for Stop & Shop
VI. 1. Draft minutes of 3/25/20 at 6:00 PM
VI. 3. Pending contracts spreadsheet for 4/1/20
VII. 1. Draft 2020 committee appointments timeline; 2020 committee openings information
VIII. 1. Declaration of Recess and Continuance of 2020 Annual Town Meeting
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 \( \text{2:30 PM} \) this 12th day of March, two thousand and twenty.

[Signature]

CHARLES D. BAKER  
GOVERNOR  
Commonwealth of Massachusetts