

SELECT BOARD

Minutes of Meeting of April 8, 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, Director of Municipal Finance Brian Turbitt, Human Services Director Taylor Hilst, Housing Director Tucker Holland, Nantucket Cottage Hospital (NCH) President and CEO Gary Shaw and NCH Medical Director Dr. Diane Pearl.

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.

a) Ms. Gibson reviewed the various local emergency orders, noting that various departments including PLUS and the Nantucket Builders Association are working on back to work plans for construction, and other staff and groups are working on back to work plans for landscaping and restaurants and the hope is to have a plan to discuss at the Board's April 15, 2020 meeting. Ms. Gibson said that a plan is being put in place for modular house deliveries (not construction). She added that local Stay at Home Order No. 3 will expire April 6, 2020 and questioned if it should possibly be extended to coincide with the Governor's Emergency Stay at Home Advisory that is in effect until May 4, 2020; she noted this would be a Board of Health matter. Ms. Gibson said that there have been questions about boat repair and mooring businesses, launching boats, caretaking and property management but that at this time only essential services are allowed to operate. Ms. Gibson reviewed proposed Emergency Order No. 4 (attached) to extend recreational shellfish licenses. Mr. Fee moved to approve Emergency Order No. 4; Mr. Bridges seconded for discussion and asked what the thinking is behind it. Chief Pittman stated that this is for recreational, not commercial, and normally the permit window would be open for people to purchase 2020 shellfish licenses but because the permit window is closed the recommendation is to extend licenses to those who currently hold them. On the motion, so voted by roll call vote. Chair Hill Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Higgins – Yes.

b) Ms. Gibson noted that during his press conferences, the Governor is becoming more emphatic about people staying at home unless absolutely necessary.

c) Ms. Gibson said a frequent question that has been fielded is when can people go back to work. Mr. Shaw stated it has been 19 days since COVID arrived on Nantucket and advised that "we need to get to day 30 to see the index spread from the first case". He said Nantucket is not in the clear at all and won't be until the spread is examined over the next 11 days to see how social distancing is working. Mr. Shaw said he believes that as the Town reduces the measures it has put into place with emergency orders that there will be a spike in cases. He

said he thinks in two to three weeks measured activities could resume while keeping social distancing in place, including not sharing tools, not riding in cars together, etc. for construction and landscaping. Mr. Shaw reviewed testing numbers, saying that out of 180 tests, 10 have been positive, 164 negative, six pending and there has been one death. He added that more testing as well as antibody testing is needed before an "all clear" could be given. He said that testing is still not widely available and is allowed based on certain clinical symptoms or needs; he noted that drive-through testing at the hospital has recently decreased. He added that the next 10-11 days are going to be defining and that the disease off the coast needs to be monitored. Dr. Pearl said she is gratified to see how many people are taking the situation seriously and as a result, COVID is not "spreading like wild fire" here. She added that 25% of those who have the virus have no symptoms and that the science is constantly changing regarding COVID. Dr. Pearl expressed her concerns about people coming back to the island bringing COVID with them. Mr. Santamaria added that Nantucket has 10 cases and a census population of 12,000 which is a 0.083% infection rate, while Barnstable has 423 cases and a population of 214,000 people which is a 0.198% infection rate – more than double that of Nantucket. He said that Nantucket is rated one of the best areas in the state regarding social distancing. Ms. Higgins expressed appreciation having milestones/indicators to consider for back to work plans. Mr. Shaw said the milestone now is April 19 which is 30 days since the first case was diagnosed on island. Mr. Fee asked if there are no new cases by April 30 but then we get new ones does the clock start again. Mr. Shaw answered affirmatively. Ms. Ferrantella spoke in favor of education and outreach regarding travel to and from the island. Mr. Fee asked if people coming to Nantucket should quarantine for 14 days. Mr. Shaw said it should be considered.

d) Mr. Tivnan said that he and Public Outreach Manager Florencia Rullo have been working on quite a few outreach activities. He said the Town website is still the primary communication tool among the various social media platforms. 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.

e) Ms. Schulte said the Town's Economic Impact Work Group created a survey which was sent to 1,500 emails on Friday and they hope for 20% return rate; they have extended the deadline to April 18 in hopes of getting a higher response. She said the work group will meet again when the results are in. Ms. Hilst reviewed the new senior meal delivery program which is the result of a partnership between the Saltmarsh Senior Center and Sandbar/or, The Whale and has been serving an average of 60 meals a night. She said it is available for people who are 60 and over, who are living at home and who are not current Meals on Wheels recipients. Ms. Hilst said 738 meals have been delivered since the program started on March 23. She said it was scheduled to end on April 10 but has been extended to a date to be determined thanks to a grant from the Community Foundation for Nantucket. Ms. Hilst stated that the Town will release the remaining FY 2020 health and human services funding allocations to grant recipients to offer more flexibility in the services being offered.

f) Ms. Gibson reviewed the status of Town services, noting that Town offices are closed through May 4. She said that only essential services are being offered at this time and some staff members are working remotely. She said that Town Administration and Finance are reviewing current budget and staffing issues, noting that FY 2020 is looking like it will not be an issue, for now but that budget adjustments may need to be made for FY 2021. She added that meetings are being scheduled for next week for the Capital Program Committee and Finance Committee to review budgetary issues and additional discussion will be brought to the Board on April 22. Mr. Bridges thanked Ms. Gibson for the daily SITREPs (Situation Reports) she has been providing to the Board; and, Mr. Santamaria and his staff for working with the Stop & Shop to increase safety measures. Mr. Santamaria said that without a Board of Health Order, the Town cannot dictate what needs to happen at the

Stop & Shop. Mr. Santamaria urged people to reach out to the COVID phone line with questions. He noted that the Governor recently issued an Order that supermarkets can only be at 40% capacity and said that the local Stop & Shops have taken measures to comply. Some discussion followed as to what is or is not allowed with respect to Stop & Shop operations. Mr. Bridges said he is not looking for the "all clear" at this point, but his biggest concern is people who will feel forced to return to work to pay bills but added that we need a measured re-entry with systems, protocols and best practices in place and not be focused on a date; he said he feels there is a way to do that that is controlled. Ms. Ferrantella said every industry wants to comply, but they want information, guidelines and protocols on what re-entry will look like. She said the Board needs to think "big picture" as there are other parts of the economy besides construction and restaurants that need to be considered. Mr. Fee said the Governor looks at the state as a whole while Nantucket has an influx of people from around the world. Mr. Bridges said the Town needs to stress a 14-day quarantine work with the boat lines. Ms. Ferrantella said there are so many industries that are interconnected. Chair Hill Holdgate said there needs to be a measured plan, but she feels caretakers should be able to check clients' houses. She said the Board needs to give all industries the tools to plan ahead. Mr. Fee said there is no way to predict with a certainty when the "all clear" will be, adding no one should be planning events for this summer. Some discussion followed about the status of the 2020 Annual Town Meeting.

g) Chair Hill Holdgate opened the meeting to public comment. As to a question about whether seasonal homes can have the water turned on, Ms. Gibson stated that other towns are following the same protocol as Nantucket which is that at this time water cannot be turned on; she suggested that seasonal residents not come to their homes just yet. Chair Hill Holdgate said there is not going to be a way to stop it and she expects a much bigger influx in May and the Town needs to ensure water turn-ons are done safely. Mr. Bridges read other questions from citizens. Chief Pittman said discussing what can happen is good but much of what is allowed will be dictated by the state. He added that regarding cutting occupancy rates, the Town can make the rules stricter, not less strict and that the state is focusing on the peak right now, not future guidance.

3. Chair Hill Holdgate read a Census Complete Count Committee notice that the 2020 Census is ongoing and of vital importance to Nantucket. Mr. Fee suggested that handouts be placed in shopping bags at the Stop & Shop.

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

Mr. Bridges read a public comment asking if the Select Board is going to discuss a letter from the Conservation Commission to the Board regarding violations of the Siasconset Beach Preservation Fund (SBPF) with its Sconset bluff erosion control project. Chair Hill Holdgate said the matter will be discussed by the Board at its executive session meeting next week.

V. NEW BUSINESS

Mr. Turbitt reviewed a request regarding extending the due dates of fourth quarter tax bills from May 1, 2020 to June 1, 2020 pursuant to a recent Act signed by the Governor. He noted that Wannacomet Water Company can do the same for water bills. Mr. Turbitt recommended that the Board vote to adopt all three sections of Chapter 53 of the Acts of 2020 to provide relief to taxpayers and residents. Mr. Fee said he feels the Act doesn't go far enough but said the Board needs to support it. Mr. Fee moved to adopt all three sections of Chapter 53 of the Acts of 2020; 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.

VI. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

1. Approval of Minutes of October 2, 2019 at 6:00 PM. Mr. Fee moved to approve the minutes 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.

2. Approval of Payroll Warrants for April 5, 2020. Mr. Fee moved to approve payroll warrants 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 April 8, 2020. Mr. Fee moved to approve treasury warrants 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.

VII. TOWN MANAGER'S REPORT

None.

VIII. SELECT BOARD'S REPORTS/COMMENT

1. Review Draft Comment Letter to Massachusetts Environmental Policy Act (MEPA) Office Regarding Surfside Crossing Environmental Notification Form. Mr. Holland reviewed the draft letter to MEPA for Surfside Crossing's newest submission, noting that the letter was prepared by Town Counsel and input was provided by Nantucket Land Council executive director Emily Molden. Mr. Fee said he feels it is a great letter and MEPA should require a new environmental impact report and allow access to the property. Mr. Fee moved to authorize Town Counsel to send the letter to MEPA and to participate in a remote call with MEPA; 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. Committee Reports. None.

The Board and meeting participants clapped for the many frontline workers as part of an island-wide recognition program.

IX. ADJOURNMENT

Ms. Ferrantella moved to adjourn at 7:56 PM; 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.

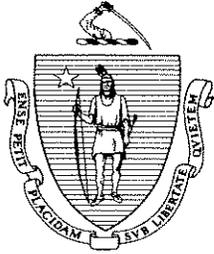
Approved the 6th day of May, 2020.

**SELECT BOARD
APRIL 8, 2020 – 6:00 PM
REMOTE PARTICIPATION VIA ZOOM AND YOU TUBE
PURSUANT TO GOVERNOR BAKER'S MARCH 12, 2020
ORDER REGARDING OPEN MEETING LAW
NANTUCKET, MASSACHUSETTS**

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); 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, Amended 4/2/20; proposed Emergency Order No. 4 (Extension of Recreational Shellfish Licenses)
- III. 2b. Mass. Stay at Home Order; 3/27/20 Mass. Travel Guidance; 3/31/20 Gov. Baker extends Stay at Home Order
- III. 2f. Human Services update
- III. 3. 2020 Census Notice
- VI. 1. Draft minutes of 10/2/19 at 6:00 PM
- VIII. 1. AIS re: Select Board comment letter to MEPA re: Surfside Crossing; draft comment letter



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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.

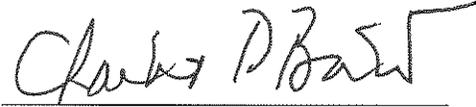
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby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

EMERGENCY ORDER No. 4 Extension of Recreational Shellfish Licenses

In consideration of the State of Emergency declared in the Town of Nantucket and the Commonwealth of Massachusetts, upon recommendation of Emergency Management and Public Health Officials, and the need to protect the health of the inhabitants of the Town of Nantucket, the following order shall be implemented until such time as the State of Emergency has been lifted.

Given that fishing and shell fishing are defined as essential services for the purposes of gathering food, that 2019-2020 recreational shellfish licenses were set to expire on March 31, 2020 and that the Town has suspended the issuance of any new permits until the State of Emergency is lifted. It is Ordered by the Nantucket Select Board that all recreational shellfish licenses are extended until the State of Emergency is lifted and regular license sales resume. All 2020 licenses already sold are considered valid.

Any person engaging in recreational shell fishing is required to abide by all rules and regulations set by the Commonwealth of Massachusetts and the Town of Nantucket. This includes proper display of each individual's license while engaging in shell fishing. Any person(s) engaging in shell fishing must practice proper social distancing in as recommended by the CDC in an effort to curb the spread of COVID-19.

Date: April 8, 2020

So Ordered by the Nantucket Select Board;
Dawn Hill-Holdgate, Chair
Rita Higgins, Vice-Chair
Matt Fee, Member
Jason Bridges, Member
Kristie Ferrantella, Member

In Concurrence with:
C. Elizabeth Gibson, Town Manager
William Pittman, Director, Office of Emergency Management
Roberto Santamaria, Director, Department of Public Health
Jeff Carlson, Director, Natural Resources Department