

SELECT BOARD

Minutes of Meeting of April 14, 2021. The meeting took place via remote participation using Zoom Webinar pursuant to Governor Baker's March 12, 2020 Order regarding the Open Meeting Law (attached). Members of the Board present were Dawn Hill Holdgate, Jason Bridges, Matt Fee, Kristie Ferrantella and Melissa Murphy.

I. CALL TO ORDER

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

II. SELECT BOARD ACCEPTANCE OF AGENDA

The agenda was accepted with no changes.

III. ANNOUNCEMENTS

1. The Select Board meeting is being audio/video recorded.

2. DPW: Textile Reuse and Recycling Collection (Drop-off Only) at Take-It-or-Leave-It Area at Landfill to be Held Sunday, April 18, 2021 from 8:00 AM to Noon. DPW Director Rob McNeil reviewed the announcement and spoke briefly on prior events. He also noted an upcoming "Litter Derby" scheduled for this weekend.

3. Surfside Road Sewer Improvements Project on Surfside Road between Miacomet Avenue and Vesper Lane Ongoing through Friday, June 25, 2021 – Road Blockings and Detours:

- 4:00 PM to 2:00 AM, Sundays through Thursdays
- 9:00 AM to 2:00 PM, Fridays

First Phase is Surfside Road between Miacomet Avenue and Windy Way. <https://www.nantucket-ma.gov/2106/Surfside-Road-Sewer>

Sewer Director David Gray reviewed the announcement and provided a brief update as to the progress of the project.

Town Manager C. Elizabeth Gibson noted an additional announcement, per action of the Board at its April 7, 2021 meeting, the following streets will be closed to allow for outdoor dining beginning on April 21, 2021: Cambridge Street, North Union Street, Oak Street; and the following will have parking closures: South Water Street, India Street.

Ms. Gibson added that there is no Select Board meeting next week.

IV. COVID-19 WEEKLY UPDATE

It was noted that Public Health Director Roberto Santamaria and Nantucket Cottage Hospital (NCH) President and CEO Gary Shaw will be providing updates as well.

1. Public Comment. Ms. Catherine Slattery spoke about a testing tool "U Smell It" and suggested that it be "deployed" in the community. She said that misinformation has been circulating that the tool has not been "approved" for use, which is incorrect. She asked that the Board approve the deployment of the test. Mr. Derek Toomre also spoke on the "U Smell It" test and suggested its use locally. Ms. Gibson said that

something like this is more properly put before the Board of Health. Mr. Santamaria said that the Board of Health did review it and cannot endorse a specific project. Mr. Shaw added that when/if the project is commercially available, anyone can purchase it. Mr. Shaw stated his understanding that the product is not yet commercially available.

2. Report from Human Services Director. Mr. Santamaria gave an update on the total number of COVID PCR tests to date, noting that the positivity rate has gone down from approximately 8% to approximately 6% since last week. He reviewed the characteristics of the current volume of cases, nationally. He reviewed the most recent sewage testing results for incidence of COVID which indicates 20 new cases per day. Mr. Santamaria reviewed the current local, regional and national concern and discussion as to the evolution of COVID virus variants. He said these variants are mutating, evolving quickly and are highly transmissible. He emphasized the need to continue with safety protocols and reviewed the physical distancing guidelines for schools vs restaurants. Mr. Santamaria reviewed the current Phase of vaccine distribution; as well as the status of vaccinations on the Island. He thanked all those involved in this effort.

Mr. Shaw agreed the clinic has been very successful. Mr. Shaw reviewed the "cadence" of the vaccine and how the allocations have been coming in through the Hospital, and a recent issue that arose as to first vs second doses resulting in less doses being available. He explained how the federal distribution is currently working and noted that supply remains constricted. He noted that recent controversy as to the use of the Johnson & Johnson vaccine has impacted supply, adding that the Island has never received any Johnson & Johnson vaccine. Ms. Ferrantella asked if local pharmacies can start vaccinations. Mr. Shaw said that pharmacies can apply to do that but the supply remains an issue. Mr. Shaw said that Mass General Brigham has been advocating the State for more allocation. Mr. Fee said he's very discouraged and disappointed as to all of this news. Mr. Shaw agreed that it is a difficult situation and noted that it is a "modern miracle" that there is a vaccine at all at this stage and that fortunately Nantucket's elderly population has been almost entirely vaccinated. Mr. Santamaria reiterated Mr. Shaw's comments and noted a letter has been sent to Nantucket's legislators, per the Board's meeting last week. Ms. Murphy concurred with Mr. Fee and asked if a similar letter should be sent to the local pharmacies encouraging them to apply to initiate vaccinations. Mr. Santamaria said that at least one pharmacist has been authorized to do so but has not been able to procure any vaccine. Ms. Murphy asked about other public policies that can be put into place to address this situation and said that could be a discussion for the Board of Health tomorrow. Ms. Slattery commented on the shortage of vaccine being a concern and suggested that a rapid antigen test be initiated on the Island. Mr. Santamaria said that those tests are available over the counter on the island; and, by mail. Ms. Ferrantella asked if the shortage affects anyone awaiting their second dose. Mr. Shaw said second doses are not impacted with how appointments are being scheduled. Ms. Ferrantella asked if a letter to Congressman Keating would help. Mr. Shaw said it couldn't hurt, although there is active communication with state legislators. Mr. Toomre commented again about initiating the "U Smell Test" locally, saying that it would "have a massive impact" on reducing transmission island-wide. Mr. Shaw spoke about the need for, and protocol for, the type of effort that Mr. Toomre is discussing. Ms. Murphy said perhaps the Board of Health could establish a small work group on this, with NCH. Mr. Santamaria said that is already in place. Some discussion followed as to whether or not the behaviors of those who have been fully vaccinated, have changed. Mr. Fee asked about public health concerns about any of the variants "taking hold". Mr. Santamaria said that they are much more transmissible, but those infected are treated the

same way. The concept of "slowing the spread" remains necessary. Ms. Ferrantella asked if the Town could fund additional vaccine for the island. Mr. Santamaria said towns cannot "buy" more vaccine, the allocation is set by the state. Mr. Fee urged employers to do what they can to ensure their seasonal employees are vaccinated before coming to the Island. Mr. Scott McElhearn suggested that the Town pay for people to go to pharmacies in Hyannis to get vaccinated. Discussion continued about seasonal employees getting vaccinated. Mr. Fee said he hopes the Board of Health will come up with some measures to keep the spread down. Ms. Murphy said that perhaps the Economic Task Force could examine resources for businesses as to testing.

3. Report from Economic Task Force. Ms. Ferrantella spoke in more detail about the provisions for outdoor dining; ways to bring families into town, safely for activities; grant applications continued to be reviewed and grants should be awarded in the next week or so, from the "Rock Solid" business assistance fund. Ms. Murphy commented on the Task Force's work on getting information to employers about safety protocols for customers and employees.

4. Other Reports/Comments/Updates. No other updates.

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

No public comment.

VI. NEW BUSINESS

No new business.

VII. APPROVAL OF MINUTES AND WARRANTS

1. Approval of Minutes of April 5, 2021 at 4:00 PM; April 7, 2021 at 5:00 PM. Mr. Fee moved approval after noting a minor amendment to the April 5 minutes; seconded by Ms. Murphy. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

2. Approval of Treasury Warrants for April 14, 2021. Ms. Murphy moved approval; seconded by Mr. Bridges. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

VIII. CITIZEN/DEPARTMENTAL REQUESTS

1. Public Works: Request for Noise Bylaw Waivers for Spring and Fall Projects: a) Town-wide Line Painting (April through June); b) Waitt Drive Construction (May through June); c) Roadway Mill and Overlay – Easy Street and Lower Broad Street (Fall). Mr. McNeil introduced the item and reviewed the details of each request. Mr. Fee said he has no issues with the lines and said he is concerned about "blanket" approval in neighborhoods, such as Waitt Drive. He said he would need more information before agreeing to this. Mr. Bridges said he supports the line painting and the road work but agreed more information is needed as to the specifics of the timing of the Waitt Drive work. Mr. Fee spoke on more cars and more noise and road work as a result of "what we are doing here". Ms. Murphy moved approval of items "a" and "c" with "b" to be approved for no more than five nights of work with notices to be issued to neighbors in advance; seconded by Mr. Bridges. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

2. Nantucket Preservation Trust: Request for Preliminary Review of Historic Preservation Restrictions to be Held by Nantucket Preservation Trust for: a) Nantucket Island School of Design and the Arts (NISDA), 23-25 Wauwinet Road; b) 79 Orange LLC, 79 Orange Street. Nantucket Preservation Trust Director Mary Bergman spoke on the proposed restrictions, explaining each one.

Ms. Murphy moved to move item "a" forward; 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.

Mr. Fee recused from item "b". Ms. Murphy moved to move item "b" forward; seconded by Ms. Ferrantella. So voted by roll call vote. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

3. Nantucket Preservation Trust: Request for Letter of Support to Nominate Nantucket for World Monuments Watch List 2022. Ms. Bergman reviewed the request and noted she has been working with Town staff members on this, including Preservation Planner Holly Backus, Energy Coordinator Lauren Sinatra and Culture and Tourism Director Janet Schulte.

Mr. Fee moved approval; seconded by Mr. Bridges. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

IX. PUBLIC HEARING

1. Public Hearing to Consider the Permanent Installation of a Stop Sign on Coffin Street, Siasconset at the Intersection of West Sankaty Road to Create a Three-way Stop. Chair Holdgate opened the hearing noting this was recommended by Traffic Safety and the Board. There was no public comment. Chair Holdgate closed the hearing.

Mr. Bridges moved approval; seconded by Ms. Murphy. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

X. TOWN MANAGER'S REPORT

1. Review Status of Baxter Road Feasibility Assessment. Ms. Gibson reviewed the project, noting that a contract with Arcadis was approved by the Board on February 10, 2021, that stakeholder meetings have been underway, there was a Select Board workshop meeting yesterday with the Coastal Resilience Advisory Committee (CRAC) for the Select Board and CRAC to provide input as to thoughts about long-term planning for this road. Ms. Gibson introduced Jennifer Lachmayr and Kate Edwards of Arcadis to provide an overview of the status of the project. Ms. Lachmayr introduced the firm and those working on this project and gave a presentation as to the status of the project. She reviewed project objectives, current project schedule and stakeholder engagement to date. She noted that that the Town has requested that the project be completed as soon as possible and while they are pushing to do that, it is unclear at this stage whether that will be able to be fully done. She reviewed some of the tools the team is using to keep track of events that have happened at Baxter Road since about 2010. Ms. Edwards reviewed the status of an Alternative Analysis and reviewed the Alternatives under review so far, as well as the criteria developed to assess the Alternatives. She reviewed a Mission Statement that has been developed so far with stakeholder input. Ms. Lachmayr reviewed various concerns and "key tensions" that have been put forward so far and how these will be addressed and/or explored, with an emphasis on collaborative decision making. She reviewed the status of the current schedule. Ms. Murphy thanked the Arcadis team and noted the complexity of this issue and feels the challenges and opportunities have been well captured. She

thanked them for developing the approach being used. Chair Holdgate agreed and said she thought the polling tool used in yesterday's meeting was especially effective and productive. Some discussion followed as to the approach and when the team should come back for a review with the Board. Chair Holdgate suggested early July.

2. Revisit of Request for Proposals and Term Sheet for Five-year Lease Agreement (2022 – 2026) for Jetties Beach Concession, Retail Shop, Bathhouse and Beach Event Area Regarding Awning (Tabled from April 7, 2021). Finance Director Brian Turbitt explained a revised recommendation as to the terms of proposals for the Jetties Concession lease and noted the circumstances that arose which prompted the recommendation. He also noted a modified recommended starting date for the lease as well as a lower base rental payment due to these circumstances. Ms. Murphy moved reconsideration of the Board's prior vote; 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. Mr. Turbitt reviewed the specifics of the revised recommendations of the lease term and payments. Ms. Ferrantella moved approval of the recommendations as listed in the "Agenda Item Summary" document in the Board's agenda packet; seconded by Ms. Murphy. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes. Mr. Fee stated that his previous comments and concerns are independent of who the tenant is; adding thanks for the reconsideration which he appreciates.

3. Review of 2021 Committee/Board/Commission Openings; Review of Modified Committee Appointment Process. Ms. Gibson noted a discussion the Board had last August regarding a more transparent committee appointment process and said that a draft revised committee appointment process is contained within the Board's packet, that staff and one Board member worked on it and it was modeled after a process used in the town of Dennis, MA. Operations Administrator Erika Mooney reviewed the policy issues that are needed from the Board. She noted four committees with specific term limitations as contained in the Board's agenda packet, with recommendations for the Board's consideration. Ms. Murphy moved approval of the recommendations as noted in the packet; 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. Ms. Mooney continued with review of the proposed committee appointment timeline for 2021. She then reviewed the revised policy statement noting that not only was it modeled after the Town of Dennis but citizen comments were incorporated as well. Ms. Murphy thanked Ms. Mooney for her work on this. Ms. Ferrantella said she appreciates this work and supports the modifications. Some discussion followed as to getting the information on the Town website and allowing for additional public comment/input, with adoption at the Board's April 28, 2021 meeting. The Board agreed the timeline could proceed in the meantime. The Board thanked Ms. Mooney for her efforts.

XI. SELECT BOARD'S REPORTS/COMMENT

1. Review/Adoption of Select Board Comments to 2021 Annual Town Meeting Warrant Articles. Chair Holdgate called each article for discussion and/or proposed comment by the Board. Mr. Fee suggested a Comment from the Board to strongly support the Motions for Articles 11 and 13 and that they relate to the Board's Strategic Plan goals. Mr. Fee so moved approval of that Comment; seconded by Ms. Murphy. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes. Mr. Fee said he does not support funding for Article 14. Ms. Ferrantella suggested a Comment to Article 24 supporting the Finance Committee motion. Ms. Ferrantella so moved approval of that Comment; seconded by Ms. Murphy. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes. Ms. Ferrantella moved to retain the same Comment to Article 34 that the Board had for the 2020 Annual Town Meeting, as is; Mr. Fee seconded. So

voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes. Mr. Fee suggested a comment on Article 35 that explains what the Select Board is doing with beach access and ownership. Some discussion followed. Mr. Fee moved to include a Comment; 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. Mr. Fee said he supports Article 37. No action taken by the Board. Mr. Fee suggested a comment on Article 38. Ms. Ferrantella noted a revised comment from the Finance Committee. Chair Holdgate said she supports the idea of a comment. Ms. Murphy agreed. Some discussion followed. Ms. Murphy moved to include a Comment to indicate support for the current Finance Committee Motion and that the Board is willing to review this funding source in the future; 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. Mr. Fee suggested the Board support the Planning Board Motion for Article 48, noting that the Finance Committee and Planning Board motions are different. Ms. Murphy said she felt torn between the two motions. Chair Holdgate said she supports the Finance Committee motion. No action taken by the Board. Mr. Fee suggested a comment supporting Article 62. Ms. Gibson asked if that is for the article or the motion. Mr. Fee said for the Planning Board motion and the Finance Committee comment. Mr. Fee so moved; seconded by Ms. Murphy. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – No; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes. Chair Holdgate asked about a comment for Article 67 to support the Finance Committee motion. Mr. Bridges commented that he is not sure random Select Board comments to support Finance Committee motions are effective without a specific reason; and that is why he voted No on the previous vote. Ms. Murphy agreed. Some discussion followed on roundabouts. No action was taken by the Board. Mr. Fee suggested a comment on Article 90. Chair Holdgate and Ms. Murphy recused citing conflicts. Mr. Fee suggested support of some kind if an “appropriate” amendment is made at Town Meeting, noting that short-term rentals are an issue and have an impact on housing. He said he thinks the article needs to be worked on more with a work group to bring back a revised proposal for the 2022 Annual Town Meeting. Some discussion followed as to potential comments. Mr. Fee said he does not support the Finance Committee motion. Mr. Bridges said he supports the Finance Committee motion. Ms. Ferrantella said she supports the Finance Committee motion. Mr. Rick Atherton expressed support for Mr. Fee’s proposed comment. Ms. D Anne Atherton commented that she thinks there is a “model” to be used to deal with this issue via a work group, that was used previously to develop fertilizer regulations. Discussion continued as to the specifics of a comment and whether or not to reference a work group. Ms. Brooke Mohr suggested some language for a comment. Discussion continued. Ms. Atherton spoke again about the prior work group. Mr. Tobias Glidden, noting that he is the sponsor of the Article, said that in his opinion there was limited capacity or interest by the Finance Committee to engage “in depth” in discussion on this Article during its deliberations. He said he is “interested in solutions” and says he believes there will be regulations and he is available to work with people on this. Discussion continued among the Board members as to the wording of a comment. Mr. Bridges asked if Mr. Fee and Ms. Ferrantella support the main components of a comment: support the Finance Committee motion; and, strongly support continued conversation around the impacts of short-term rentals on the community. Mr. Fee said he does not really support the Finance Committee motion. Ms. Ferrantella and Mr. Bridges both said they support the Finance Committee motion. Mr. Bridges commented that he does not see the point of a 2-1 vote for a comment, so perhaps there should not be one. Ms. Mohr reviewed some proposed language. Mr. Bridges said he would support the language Ms. Mohr proposed. Mr. Fee and Ms. Ferrantella concurred. Mr. Atherton agreed with what Ms. Mohr read and said the Select Board should take on the responsibility of setting up the work group referenced in the proposed comment. Mr. Henry Sanford commented on the Article and said there are many unanswered questions and supports the Finance Committee motion. Ms. Ferrantella moved to approve the comment as follows: “the Select Board supports the Finance Committee motion and also supports a thorough review of the impact of short-term rentals on

the community"; seconded by Mr. Fee. So voted by roll call vote. Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes. Chair Holdgate and Ms. Murphy rejoined the meeting. Mr. Fee said he would like a comment on Article 97 to support the Finance Committee's motion and comment and to strongly urge support for Articles 8, 10 and 24 as related to housing. So moved to include such a comment by Mr. Fee; seconded by Ms. Murphy. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella - Yes; Ms. Murphy – Yes. Mr. Fee commented on amendments being potentially confusing at Town Meeting, with the outdoor set-up and no video screen to show amendments and suggested people bring copies of their amendments to Town Meeting. Some discussion followed about this.

2. Committee Reports.

No committee reports.

XII. ADJOURNMENT

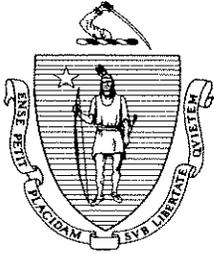
Ms. Murphy moved to adjourn at 8:10 PM; seconded by Mr. Bridges. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella - Yes; Ms. Murphy – Yes.

Approved the 28th day of April 2021.

SELECT BOARD
APRIL 14, 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. DPW Textile Reuse flyer
- III. 3. Surfside Road Sewer Improvements Project ad
- VII. 1. Draft minutes 4/5/2021; 4/7/2021
- VIII. 1. AIS re: DPW request for waivers of Town Noise Bylaw; nighttime pavement markings painting press release
- VIII. 2. AIS re: Request for preliminary review of two Preservation Restrictions; Conservation Restriction and Preservation Restriction Policy; letter from Nantucket Preservation Trust
- VIII. 2a. Historic Preservation Restriction for NISDA, 23-25 Wauwinet Rd
- VIII. 2b. Historic Preservation Restriction for 79 Orange St
- VIII. 3. AIS re: Worlds Monument Fund Watch List 2022; Nantucket Preservation Trust request for support letter
- IX. 1. AIS re: Stop Sign public hearing; portion of 3/10/2021 Board minutes; GIS graphic; photos (2)
- X. 1. AIS re: Baxter Road Engineering Feasibility Assessment; Baxter Road Engineering Feasibility Assessment project update presentation
- X. 2. AIS re: Jetties Beach Concession RFP re: awning; 2/10/2021 AIS
- X. 3. AIS re: Annual Committee Appointments; 2021 Committee Appointment Timeline; 2021 Committee Openings Info; Draft Policy Statement and Procedures for Appointments to Committees, Commission, Boards
- XI. 1. Draft 2021 Annual Town Meeting Warrant



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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.

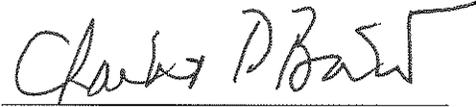
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby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