

## SELECT BOARD

Minutes of Meeting of April 15, 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, Operations Administrator Erika Mooney, Police Chief William Pittman, Health Director Roberto Santamaria, Culture and Tourism Director Janet Schulte, Director of Planning Andrew Vorce, Deputy Director of Planning Leslie Snell, Building Commissioner Paul Murphy, Natural Resources Director Jeff Carlson, Senator Julian Cyr, Representative Dylan Fernandes, Attorney Gregg Corbo of Town Counsel's office, 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 6:03 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

The agenda was accepted as presented. Mr. Bridges said he is seeing and hearing from a lot of people as to their fear and anxiety regarding the COVID19 pandemic, in a lot of different ways and that while there is much uncertainty, what is certain is how the island comes together and is resilient.

Ms. Gibson asked for a moment of silence for Charles Balas who recently passed away and had served on the Town Personnel Board and the Visitor Services Advisory Committee for 20 years, in addition to being a past chair of the Nantucket Cottage Hospital Board and the Chamber of Commerce.

### 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) Sen. Cyr said that he and Rep. Fernandes are working on various issues and are looking at small steps to reopen but that there is a need to keep public health at the forefront. He said they are at least a week away on statewide guidance for reopening certain industries, noting that guidance will be a helpful tool for municipalities and businesses. Rep. Fernandes said that Nantucket has been a leader regionally and statewide with its closure policies, adding that Nantucket has some of the lowest COVID cases in the state. He commended Nantucket and Martha's Vineyard for the restrictions both islands put into place for certain essential work in order to work toward flattening the curve of the virus because of their unique circumstances; he said those actions are paying off. Rep. Fernandes reviewed legislation that has passed or is currently pending to provide relief to municipalities and businesses with respect to the impacts COVID19 is causing. Sen. Cyr and Rep. Fernandes answered questions from Board members. Mr. Fee asked how to address Nantucket's "churning" population. Sen. Cyr and Rep. Fernandes both indicated that they believe we can expect a "muted" summer with less visitors and to expect the state Stay at Home Advisory to be extended by the Governor. Chair Hill Holdgate asked non-in-person notary services would be allowed. Sen. Cyr said that is covered in pending legislation. Se. Cyr left the meeting at 6:36 PM. Rep. Fernandes said that a focus on public health is a top priority. He noted that he is open to constituents contacting him via email or the office phone or through local legislative liaison Tom Dixon. Rep. Fernandes left the meeting at 6:43 PM.

b) There were no Select Board comments.

c) Dr. Pearl noted that the island and Nantucket Cottage Hospital (NCH) have enjoyed a quiet time most recently, with no positive COVID cases for about 13 days. She said about five weeks ago NCH prepared for a large influx of patients but there has been an unexpectedly successful result from the local measures taken. She said it has left her “perplexed but content;” she noted that Mass General Hospital has not yet peaked with cases. Ms. Higgins asked if a person has had COVID19, are they then immune. Dr. Pearl said that is uncertain at this time. Mr. Shaw provided updates as to contact tracing and personal behavior changes, such as frequent handwashing, avoiding physical contact with others and maintaining social distancing. He added that Nantucket is a small island with limited medical resources and the goal is to not overwhelm the hospital with cases. He said caution is needed as we start to move forward, and that NCH is starting to resume surgeries again. Mr. Bridges asked if rapid testing is available, if there is an ability to conduct mass tests on island and when/if will a 15-minute test be available. Dr. Pearl responded that NCH has a good amount of test kits on hand, they do have an analyzer to test that can provide a result in 45 minutes, but they are limiting that availability to those with symptoms or who are in risk categories. Some discussion followed regarding quarantining, and not travelling to Nantucket if it is not necessary. Ms. Ferrantella stated that the message has to be unified: people should stay where they are right now and not travel to the Island.

d) Ms. Gibson reviewed the Town’s four emergency orders, noting Order No. 1 has been replaced by a supplemental order from the Board of Health and that Order No. 3 has expired so we are operating under the state’s Stay at Home Advisory. She noted that regarding the state orders, there are rumors that the Governor will be extending the Stay at Home Advisory beyond the current May 4 date. Chair Hill Holdgate noted that many of Nantucket’s local orders preempted state orders. Some discussion followed as to the differences between the local orders and the state orders and advisories.

e) Mr. Santamaria said the Health Department is expecting to receive guidance from the state as to inspection protocols and opening guidelines for restaurants. He reviewed a “very” draft work plan. Mr. Fee urged Mr. Santamaria to keep the restaurant industry involved in the process. Ms. Ferrantella noted this is not what many want to hear but it is the new reality.

f) Ms. Gibson explained that a draft of the construction and landscaping back to work plan was going through departments for discussion earlier today. Attorney Corbo reviewed the current draft. Some discussion on housing construction followed with respect to occupied vs. non-occupied dwellings and when work could/should occur; what makes sense. Chair Hill Holdgate and Mr. Bridges spoke in favor of allowing water turn-ons before people arrive to their houses. Ms. Higgins said the intent of Phase I is to get the town through the next couple of weeks while awaiting further federal and state guidance. Chair Hill Holdgate noted the Board of Health is meeting about this tomorrow and suggested that the Select Board provide a recommendation. Ms. Higgins said she only recommends Phase I for construction, not landscaping. Mr. Shaw said he supports Phase I for construction. Attorney Corbo said he can separate construction and landscaping into different documents if that is the preference. Mr. Santamaria said he is not sure the Town is ready to hit the ground running tomorrow with relaxing some of the restrictions being discussed. Ms.

Higgins said she would like to hear what the Board of Health has to say. Mr. Santamaria said it is on the Board of Health agenda for discussion tomorrow and that he feels it would be irresponsible to decide on this in one meeting. Mr. Bridges spoke in favor of leaving it for the Board of Health to decide. Mr. Fee said he feels a revolt will start due to people being out of work and unable to pay bills and that the Town can't move at the "speed of government"; that once it is safe, the process needs to be sped up. Ms. Gibson reviewed proposed language changes suggested by the Board on the draft order to be reviewed by the Board of Health. Attorney Corbo reviewed the timing of getting revisions completed for tomorrow's Board of Health meeting. He suggested that the Select Board make a broad recommendation to the Board of Health on Phase I subject to finalization and approval by the Board of Health. Ms. Higgins asked if the Board should send the draft plan as is to the Board of Health along with the Select Board's comments. Attorney Corbo recommended that the Board give its endorsement on the concept to the Board of Health. Chair Hill Holdgate asked how the Board would like to proceed. Ms. Ferrantella suggested having a joint meeting with the Board of Health. Discussion followed on scheduling a joint meeting; Attorney Corbo said he feels this matter would qualify as an emergency meeting for Friday. Ms. Ferrantella moved to endorse the plan in concept and to schedule a joint Select Board/Board of Health meeting for Friday, April 17, 2020 at 1:00 PM; 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.

Mr. Carlson reviewed details of the proposed landscaping back to work plan. Ms. Higgins said she doesn't think landscaping restrictions are worth relaxing as the priority is public health. She said she feels ongoing landscape maintenance is not essential and not an emergency, but she asked what the hospital thinks. Mr. Shaw said to look at the lowest risk. Mr. Fee said he feels one to two landscapers on site working outside is not a bad thing to try. Mr. Bridges said it will come down to education. Ms. Higgins questioned what is controllable. She said what is being proposed in the draft is too much for a phase one. Ms. Ferrantella stated that the plans will need to be translated into other languages as well as the Select Board and Board of Health videos. She added that she understands the concerns about opening the floodgates and she wants to focus on what is essential but asked what is essential. Chair Hill Holdgate suggested Ms. Higgins work with Mr. Carlson on expanding the proposed landscaping phase one plan into two phases. Ms. Higgins said she would be happy to do so adding that she feels some elements would be safe, but others would need to be reworked. Mr. Shaw said he feels Ms. Higgins is being overly cautious and that the island can be tested by loosening some of the rules to see how it goes. He added that NCH has the capability to address an outbreak. Ms. Higgins noted that she feels irrigation could start as part of phase I. Mr. Carlson suggested putting a protocol in place while waiting on updates from the state and NCH. Ms. Ferrantella said she is comfortable with Ms. Higgins working with Mr. Carlson on the landscaping plan. She added that she feels better now that NCH has assured the Board that it's okay to reopen slowly. Chair Hill Holdgate asked if the Board was comfortable with revising the landscaping phase I plan and allowing it to be discussed by the Board of Health tomorrow and at Friday's joint meeting. Mr. Bridges answered affirmatively. Chair Hill Holdgate asked for a motion to that effect. Ms. Ferrantella so moved; Mr. Fee second. So voted by roll call vote. Chair Hill Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Higgins – Yes. Mr. Shaw left the meeting at 9:56 PM.

g) Ms. Schulte gave an update on the Town's Economic Impact Work Group, noting there was a meeting today and three areas have been suggested to be looked at as relief measures: reducing the amount of

taxes for commercial properties that can't open; how to offer financial assistance to those who aren't eligible for Community Foundation for Nantucket grants; and planning guides for re-entry.

h) The public information section was skipped this week.

i) Ms. Gibson reviewed the status of Town services, noting that Town offices remain closed through May 4, 2020 per the Governor's update to the Stay at Home Advisory. She said that only essential Town services are currently occurring, with some employees working remotely.

3. Census Complete Count Committee Notice: 2020 Census is Ongoing and of Vital Importance to Nantucket. Mr. Bridges noted that Nantucket's response rate is currently 17% compared to the state average of 40%. He urged community members to respond to the Census.

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

1. There was a question about moorings and Ms. Gibson answered that mooring installations are not essential per the Governor's Order at least until May 4, 2020 and that the Harbor Master staff has to be in place to inspect moorings. Some discussion followed on this.

2. There was a question as to extending sewer connection deadlines. Ms. Gibson will have Mr. Santamaria and Sewer Director David Gray respond to this.

#### V. NEW BUSINESS

None.

#### VI. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

1. Approval of Minutes of April 1, 2020 at 6:00 PM. Mr. Fee moved to approve the minutes 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.

2. Approval of Treasury Warrants for April 15, 2020. Mr. Fee 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 15, 2020 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Mr. Fee moved to approve the pending contracts 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.

#### VII. CONSENT ITEMS

1. Gift Acceptance: Natural Resources Department. Ms. Ferrantella moved to accept a gift of \$336 from Proud Pour Inc. for the Brant Point Shellfish Propagation Facility; 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.

#### VIII. TOWN MANAGER'S REPORT

None.

## IX. SELECT BOARD'S REPORTS/COMMENT

1. Committee Reports. Mr. Bridges noted that a phased work reentry while there is no school in session is going to be "tricky" and needs thought. He commended Superintendent Cozort and the school teachers and staff for their work to continue engaging students remotely. Mr. Fee urged people to disclose if they are sick and to take the proper measures to ensure others don't become sick. Ms. Ferrantella noted that the Community Foundation for Nantucket has started a restaurant relief fund.

## X. ADJOURNMENT

Ms. Ferrantella moved to adjourn at 10:18 PM; 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.

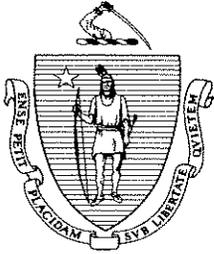
Approved the 20<sup>th</sup> day of May, 2020.

SELECT BOARD  
APRIL 15, 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. 2d. Emergency Order No. 1 (Temporary Moratorium on Construction); Board of Health 3/30/20 Supplemental Emergency Order, Amended 4/2/20; Emergency Order No. 2 (Personal Care Services and Retail Stores); Emergency Order No. 3 (Stay at Home aka Shelter in Place); Mass. Stay at Home Order; 3/27/20 Mass. Travel Guidance; 3/31/20 Gov. Baker extends Stay at Home Order
- III. 2e. Draft Restaurant Phased Return to Operations document
- III. 2f. Hospital comments on Construction "Back to Work" draft; draft phased "Back to Work" construction and landscaping plans with EOC comments; email from PLUS re: building permits
- III. 3. 2020 Census Notice
- VI. 1. Draft minutes of 4/1/2020 at 6:00 PM
- VI. 3. Pending contracts spreadsheet
- VII. 1. Letter from Natural Resources Dept. re: gift acceptance



OFFICE OF THE GOVERNOR  
**COMMONWEALTH OF MASSACHUSETTS**  
STATE HOUSE • BOSTON, MA 02133  
(617) 725-4000

**CHARLES D. BAKER**  
GOVERNOR

**KARYN E. POLITO**  
LIEUTENANT GOVERNOR

**ORDER SUSPENDING CERTAIN PROVISIONS  
OF THE OPEN MEETING LAW, G. L. c. 30A, § 20**

**WHEREAS**, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus (“COVID-19”); and

**WHEREAS**, many important functions of State and Local Government are executed by “public bodies,” as that term is defined in G. L. c. 30A, § 18, in meetings that are open to the public, consistent with the requirements of law and sound public policy and in order to ensure active public engagement with, contribution to, and oversight of the functions of government; and

**WHEREAS**, both the Federal Centers for Disease Control and Prevention (“CDC”) and the Massachusetts Department of Public Health (“DPH”) have advised residents to take extra measures to put distance between themselves and other people to further reduce the risk of being exposed to COVID-19. Additionally, the CDC and DPH have advised high-risk individuals, including people over the age of 60, anyone with underlying health conditions or a weakened immune system, and pregnant women, to avoid large gatherings.

**WHEREAS**, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise authority over public assemblages as necessary to protect the health and safety of persons; and

**WHEREAS**, low-cost telephone, social media, and other internet-based technologies are currently available that will permit the convening of a public body through virtual means and allow real-time public access to the activities of the public body; and

**WHEREAS** section 20 of chapter 30A and implementing regulations issued by the Attorney General currently authorize remote participation by members of a public body, subject to certain limitations;

**NOW THEREFORE**, I hereby order the following:

(1) A public body, as defined in section 18 of chapter 30A of the General Laws, is hereby relieved from the requirement of section 20 of chapter 30A that it conduct its meetings in a public place that is open and physically accessible to the public, provided that the public body makes provision to ensure public access to the deliberations of the public body for interested members of the public through adequate, alternative means.

Adequate, alternative means of public access shall mean measures that provide transparency and permit timely and effective public access to the deliberations of the public body. Such means may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body while those activities are occurring. Where allowance for active, real-time participation by members of the public is a specific requirement of a general or special law or regulation, or a local ordinance or by-law, pursuant to which the proceeding is conducted, any alternative means of public access must provide for such participation.

A municipal public body that for reasons of economic hardship and despite best efforts is unable to provide alternative means of public access that will enable the public to follow the proceedings of the municipal public body as those activities are occurring in real time may instead post on its municipal website a full and complete transcript, recording, or other comprehensive record of the proceedings as soon as practicable upon conclusion of the proceedings. This paragraph shall not apply to proceedings that are conducted pursuant to a general or special law or regulation, or a local ordinance or by-law, that requires allowance for active participation by members of the public.

A public body must offer its selected alternative means of access to its proceedings without subscription, toll, or similar charge to the public.

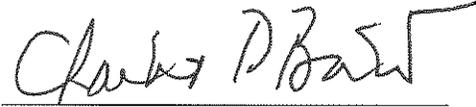
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby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

(3) A public body that elects to conduct its proceedings under the relief provided in sections (1) or (2) above shall ensure that any party entitled or required to appear before it shall be able to do so through remote means, as if the party were a member of the public body and participating remotely as provided in section (2).

(4) All other provisions of sections 18 to 25 of chapter 30A and the Attorney General's implementing regulations shall otherwise remain unchanged and fully applicable to the activities of public bodies.

This Order is effective immediately and shall remain in effect until rescinded or until the State of Emergency is terminated, whichever happens first.

Given in Boston at 6:40 PM this 12th day of  
March, two thousand and twenty.

A handwritten signature in cursive script, 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