

## SELECT BOARD

Minutes of Meeting of May 12, 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. Nantucket Behavioral Health Advisory Group and National Alliance on Mental Illness (NAMI) on Nantucket: National Mental Health Awareness Month Proclamation. Sergeant Kevin Marshall, representing the Nantucket Police Department and the Nantucket Behavioral Health Advisory Group read a statement as to the importance of Select Board support for mental health awareness initiatives. Sgt. Marshall read the proclamation. Mr. Bridges moved to adopt the Proclamation; 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.

3. 2021 Committee/Board/Commission Vacancies. Town Manager C. Elizabeth Gibson reviewed the timeline and upcoming meetings with regarding to annual appointments.

4. June 5, 2021 Annual Town Meeting General Information (Set-up, Procedures) Public Session to be Held via Zoom on Tuesday, May 18, 2021 at 5:00 PM. Join Zoom Meeting at <https://us06web.zoom.us/j/81873338343?pwd=TDZtUHpkAVE2a1pXZTZrc3FmTlZkdz09> Meeting ID: 818 7333 8343; Passcode: 352927. Ms. Gibson reviewed the upcoming informational session.

5. June 5, 2021 Annual Town Meeting Finance Committee Information Session Regarding Warrant Motions to be Held via Zoom Webinar on Monday, May 24, 2021 at 5:00 PM. YouTube link to view meeting: <https://youtu.be/poJbO08kHLU>. Registration link to participate as an attendee: [https://us06web.zoom.us/webinar/register/WN\\_tZCeLKUkQzyjCiLzVplk0w](https://us06web.zoom.us/webinar/register/WN_tZCeLKUkQzyjCiLzVplk0w). Ms. Gibson reviewed the upcoming session.

6. 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 Bartlett Road.

<https://www.nantucket-ma.gov/2106/Surfside-Road-Sewer>

Sewer Director David Gray provided an update on the project, he was present at the site and showed live video feed of the project underway. He noted an issue recently encountered regarding the duration of project exceeding the nightly 2:00 AM deadline and explained that the project is at a particularly difficult point that has necessitated going over the allotted time frame. He said that will hopefully not happen again.

#### IV. COVID-19 WEEKLY UPDATE

1. Public Comment. There were no public comments.

2. Report from Health Director. Public Health Director Roberto Santamaria reviewed current positive COVID cases to date and number of tests to date. He noted a less than 5% positivity rate as of today. He reviewed the status of vaccinations, noting the VFW clinic will be shut down at the end of May, while a concurrent plan is underway for a more mobile application of vaccinations, to get directly to populations that have not been able to get to the VFW. He said vaccine "clinics" will be set up with businesses as well. He reviewed vaccine supply on hand. He noted that a clinic will be set up at the public school for children 12 and older, as recently approved by the federal government. He noted children will need consent forms signed and provided and explained that procedure. Mr. Santamaria noted that four other venues/providers are currently able to provide vaccinations. Ms. Ferrantella asked if there is a size limitation for the mobile clinic. Mr. Santamaria spoke on the Johnson & Johnson vaccine as to recent public health concerns with its use. He emphasized the safety of this vaccine. He added that five employees and up is a good vaccination number because there are five doses in one vial however, it can easily be managed if an employer has fewer than five employees. Mr. Fee asked if the VFW volume has slowed. Mr. Santamaria responded affirmatively and noted that is why a mobile clinic is likely more effective at this point. Ms. Murphy noted a local business "Ack Dental Art" also has been offering testing. She added that she believes the Island is trending in a very positive direction. Discussion followed as to testing venues and availability. Ms. Ferrantella asked if more vaccine will be available as more people arrive on the Island. Mr. Santamaria responded affirmatively and that will most likely be Johnson & Johnson because the single dose is less complicated to administer for non-residents. Ms. Murphy asked about ethnicity of vaccinations. Mr. Santamaria said he would have to locate that information but that it is available. Some discussion followed as to how more disparate populations can be vaccinated without going through the Town; and data collection as to the demographics of vaccinations. Mr. Santamaria shared his screen to show demographics for Nantucket from a state website. Some discussion followed.

3. Report from Economic Task Force. Ms. Ferrantella noted a joint grant for technology that was received for Nantucket and Martha's Vineyard. She said the Task Force is working on recommendations for future outdoor dining.

4. Report from Licensing Administrator: Events/Outdoor Activities Update. Licensing Administrator Amy Baxter reviewed the status of outdoor dining downtown, noting that all street areas where outdoor dining will be occurring have been blocked off, either partially or fully as previously approved by the Board. She said that restaurants utilizing sidewalks will continue to set up over the next couple of weeks. She noted that the space allocations are likely to be "tighter" this year with many more people expected to be on the Island this summer. Mr. Bridges commented that the outdoor dining set-ups seem "better" this year with perhaps improvements and more advance planning learned from last year. Ms. Baxter reviewed recently issued state guidance, including allowance for indoor singing. She said as of May 29, 2021, state mandates

regarding gathering limits are scheduled to increase, as well as other restrictions that are being dropped or lessened. She spoke about the state's Sector Specific Safety Protocols are also updated routinely. Mr. Bridges asked about walk-up service to bars and when that might change; discussion followed about local orders vs state orders. Ms. Ferrantella asked about a state August 1 date for a potential new phase that would allow for the walk-up bar service without being seated. Some discussion followed as to what the state's State of Emergency allows for regarding local orders. Mr. Fee commented that he has emphasized with restaurant owners that he has talked to, that if they want outdoor dining to continue, they need to do a very good job, this summer, managing it. Board members indicated general agreement with Mr. Fee's comment.

5. Other Reports/Comments/Updates. There were no other reports.

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

Ms. D. Anne Atherton stated that she is representing the Nantucket Coastal Conservancy and made a statement as to a pending lawsuit involving the Conservation Commission (ConCom) and Siasconset Beach Preservation Fund (SBPF) and a recent continuance of the case agreed to by the Select Board and ConCom. She spoke against this action. She also spoke on an upcoming ConCom meeting relating to violations of SBPF's erosion control project.

#### VI. NEW BUSINESS

There was no New Business.

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

The items below were taken up as one, with Mr. Fee moving 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 – abstained, noting that she was not present at the May 5, 2021 Board meeting.

1. Approval of Minutes of May 5, 2021 at 5:00 PM.

2. Approval of Treasury Warrants for May 12, 2021.

3. Approval of Pending Contracts for May 12, 2021 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

#### VIII. CITIZEN/DEPARTMENTAL REQUESTS

1. Sewer Department: Request for Waiver of Town Noise Bylaw from May 13 – 20, 2021, 8:00 PM to 1:00 AM to Replace Broken Sewer Manhole Frames and Covers: a) Washington Street at Meader Street; b) Prospect Street at Number 6. Mr. Gray explained the request, noting the difficulty of conducting this work during the day in these areas due to heavy traffic volumes. Mr. Fee commented that this type of request is a consequence of Nantucket being a "small city", where this sort of night work is common. Mr. Bridges moved approval; 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.

#### IX. PUBLIC HEARINGS

1. Public Hearing to Consider:

a) Renewal of Private Shellfish Aquaculture License held by Jamie Marks.

b) Renewal of Private Shellfish Aquaculture License held by Pocomo Meadows, LLC.

Chair Holdgate opened the public hearing. Natural Resources Director Jeff Carlson introduced the item, noting a staff recommendation for renewal. There being no further public comment, Chair Holdgate closed the hearing. Mr. Fee asked about trends in reports received by the two licensees. Mr. Carlson explained. Some discussion followed about environmental conditions in the areas. Mr. Fee moved approval of both licenses; 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.

2. Public Hearing to Consider the Revocation of Private Shellfish Aquaculture Licenses held by Theodore Lambrecht. Chair Holdgate opened the hearing. Mr. Carlson introduced the item. Mr. Carlson explained that the licenses are not in compliance and that the Harbor and Shellfish Advisory Board (SHAB) has also recommended revocation; and, to re-issue them, noting there are three people on a waiting list. Mr. Ted Lambrecht stated that he “ran into difficulties” for a period of time and is now “ready to go”. Following questions by Board members, Mr. Carlson spoke on additional time that had been provided to the licensee in order to come into compliance, but it was not achieved. Mr. Lambrecht commented on being told “not to work” last year. Mr. Fee asked who told him not to work. Mr. Lambrecht said it was because of COVID and said he has been working on gaining compliance but has not been able to meet the deadlines. Some discussion followed as to the number of licenses held by Mr. Lambrecht and their status. Mr. Carlson said that at least one of the licenses was not renewed by Mr. Lambrecht. Mr. Lambrecht said he was not aware of that and did not know the licenses were staggered. Mr. Carlson reviewed the renewal process, noting that the process was not followed by Mr. Lambrecht. Mr. Fee suggested giving Mr. Lambrecht one year to come into compliance for the remaining two licenses that he currently holds, noting the other has expired as explained by Mr. Carlson. Some discussion followed. Mr. Carlson reviewed the location of these licenses and said there is gear that should have been removed four years ago that was not, despite repeated requests; and, that is a main reason for the revocation recommendation. Additional discussion followed as to the history of the lack of gear removal. Mr. Lambrecht spoke about health issues he experienced a few months ago and his plans to address the gear issue. Some discussion followed. Mr. Fee reiterated his suggestion, citing understanding for health issues. There being no further public comment, Chair Holdgate closed the hearing. Mr. Fee moved to continue the licenses for one year and if compliance has not been achieved to re-visit; seconded by Mr. Bridges. Ms. Ferrantella suggested a deadline for addressing the gear equipment, noting the recommendation from SHAB. She asked Mr. Carlson what a reasonable amount of time would be. Mr. Carlson suggested 30 days. Mr. Fee asked if Mr. Lambrecht could accomplish this in 30 days. Mr. Lambrecht said he is not sure what “total compliance” means. He said he could “get some stuff done in 30 days”. Chair Holdgate suggested 45 or 60 days.

Ms. Murphy left the meeting due to technical difficulties at 6:20 PM.

Mr. Bridges suggested specificity as to what compliance means. Mr. Carlson provided a description as to compliance, that he can provide to Mr. Lambrecht in writing. Discussion continued as to the timeframe. Mr. Fee withdrew his motion with the consent of Mr. Bridges. Ms. Ferrantella suggested a 45-day timeframe for the gear to be in compliance and if it is, to continue the licenses for one year and if not, another revocation hearing to be scheduled; seconded by Mr. Fee. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella - Yes.

X. TOWN MANAGER'S REPORT

Ms. Gibson said that public access restrictions to Town offices, put in place due to the COVID pandemic will be lifted as of Monday, May 17, 2021 and that safety measures will be in place at all public buildings,

including face coverings. She noted that while the public will be able to enter the public buildings, calling ahead for an appointment is still recommended and/or conducting business remotely, for the time being.

#### XI. SELECT BOARD'S REPORTS/COMMENT

1. Committee Reports. No committee reports.

#### XII. ADJOURNMENT

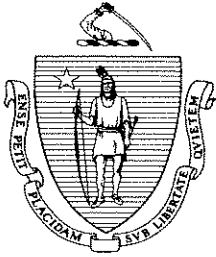
Ms. Ferrantella moved to adjourn at 6:23 PM; seconded by Mr. Bridges. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella - Yes.

Approved the 19<sup>th</sup> day of May 2021.

**SELECT BOARD  
MAY 12, 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. Nantucket Behavior Health/NAMI request for proclamation; Mental Health Month 2021 Proclamation
- III. 3. 2021 Committee Appointments Timeline; 2021 Committee Openings Information
- III. 6. Surfside Road Sewer Improvements Project ad; Construction Schedule; Updated detour map as of 5/7/2021
- VII. 1. Draft minutes of 5/5/2021
- VII. 3. Pending contracts spreadsheet
- VIII. 1a & b. AIS re: Town Noise Bylaw waiver request for Sewer Work; Washington St map; Prospect St map
- IX. 1 & 2. Cover letter from Natural Resources Director re: Renewal/Revocation of Aquaculture Licenses
- IX. 1a. Jamie Marks current license
- IX. 1b. Pocomo Meadows LLC current license
- IX. 2. Revocation letter to Ted Lambrecht; Letter from Harbor and Shellfish Advisory Board re: Lambrecht revocation; Lambrecht current license # 12; Lambrecht current license # 12b



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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.

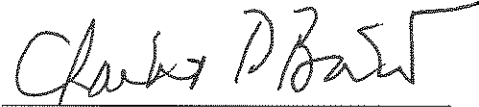
(3) A public body that elects to conduct its proceedings under the relief provided in sections (1) or (2) above shall ensure that any party entitled or required to appear before it shall be able to do so through remote means, as if the party were a member of the public body and participating remotely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