

SELECT BOARD

Minutes of Meeting of May 19, 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, Kristie Ferrantella and Melissa Murphy. Matt Fee was absent.

I. CALL TO ORDER

Chair Holdgate called the meeting to order at 5:07 PM, following a meeting of the Nantucket Regional Transit Authority Advisory Board. 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 the following changes: the item under the Town Manager's Report is postponed until May 26; and, there is a New Business item involving a request for a noise bylaw waiver.

Chair Holdgate noted discussion underway as to the possibility of the Finance Committee making a motion at the beginning of the June 5th Annual Town Meeting to move Articles 38, 90 and 97 out of order as printed in the warrant. Town Manager C. Elizabeth Gibson noted that the Finance Committee will likely take this matter up at its meeting on Monday, May 24.

III. ANNOUNCEMENTS

1. The Select Board Meeting is Being Audio/Video Recorded.

2. 2021 Committee/Board/Commission Vacancies. Town Manager C. Elizabeth Gibson reviewed the timeline for annual committee applications, hearings and appointments.

3. 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.
Ms. Gibson noted the announcement.

4. 2021 Annual Town Meeting is Saturday, June 5, 2021 at 9:00 AM at Nantucket Public Schools Backus Playing Field, Backus Lane (RAIN DATE: Sunday, June 6, 2021 at 9:00 AM). Ms. Gibson added that a general information session as to how Town Meeting will be run this year, being outdoors, was held yesterday with approximately 30-40 attendees.

5. 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, Mondays through Thursdays

- 9:00 AM to 2:00 PM, Fridays

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

Sewer Director David Gray provided an update regarding the project

IV. COVID-19 WEEKLY UPDATE

1. Public Comment. There was no public comment.

2. Report from Human Services Director. Human Services Director Jerico Mele provided an update as to the current vaccination efforts, noting his presence on scene at a mobile vaccination site at the Saltmarsh Senior Center parking lot. He said that the vaccination effort over the next few weeks will move more to a mobile platform, as well as other local providers issuing the vaccine at their businesses; and, appointments. He said that the fixed site at the VFW will end at the end of May. He also noted a workplace vaccine program actively underway.

Public Health Director Roberto Santamaria said there will be a vaccine clinic held at Nantucket Public schools for eligible children on May 26, 2021. He provided an update as to vaccinations on the island, noting that about 10,000 island residents will be fully vaccinated within the next two weeks. Mr. Santamaria reviewed statistics of mortality rate, positive cases, total number of tests and compared these numbers with state and national numbers. He commented that Nantucket's numbers are "nothing short of extraordinary" and thanked the Board for its support. He asked for people to reflect on the toll the virus has taken on so many people, noting that while things are improving, there will be resulting issues for years to come. He spoke about the world-wide impact, noting how lucky we are to have been vaccinated so quickly compared to other areas of the world.

He reviewed Governor Baker's announcements on May 17, 2021 regarding the lifting of all COVID restrictions state-wide as of May 29, 2021 and the expected lifting of the state-wide State of Emergency on June 15, 2021. Mr. Santamaria spoke on some of the specifics of the lifted restrictions, including masks, gathering, occupancy rates. He said that private businesses may implement their own rules and those should be respected. He noted that voluntary mask wearing should be respected as well. Chair Holdgate thanked Mr. Santamaria for his comments and thanked him for his hard work and dedication throughout the pandemic. Ms. Murphy agreed and said that Mr. Santamaria has been a tremendous leader for the community. Ms. Murphy said that a "return to normal" could involve a "lessons learned" session with the Board at some point. Chair Holdgate suggested perhaps that could be part of the Board's next Strategic Planning session. Ms. Brooke Mohr thanked the Select Board, Board of Health and businesses for efforts to benefit the community throughout the pandemic. Ms. Mohr noted that the increased access for public participation has been a benefit and said she hopes it can continue somehow. Some discussion followed on this. Mr. Bridges said that the development of improved relationships between the Town and other groups was a benefit of the pandemic. He added that the Governor's announcement is concerning because of its suddenness and difficulty in transitioning, with not much time to plan. Licensing Coordinator Amy Baxter noted that the Governor did note the multitude of orders associated with the State of Emergency that need to be reviewed and guidance provided to municipalities. She said that for example, outdoor dining is currently tied to a 60-day end once the State of Emergency is lifted, which could be difficult now that it is underway. Ms. Baxter commented on the Town's outdoor dining restrictions and reviewed the Board's vote on outdoor dining. Ms. Ferrantella concurred with Mr. Bridges. She asked about the occupancy of restaurants with outdoor dining. Ms. Baxter explained that the capacity with outdoor dining, cannot change from whatever the capacity of a restaurant was, pre-COVID. Ms. Ferrantella expressed support for continuing to help local businesses. Mr. Bill Grieder asked about Millie's outdoor dining and expressed

concern that it has not been discussed or approved by the Board. Ms. Baxter responded that private outdoor dining space use was approved as a matter of practice during the pandemic, noting that Millie's did not change their plan for 2021 and there was no need for additional hearing before the Board. She noted some of the complaints relating to Millie's that were made last year and how these were addressed. She said if the Board would like to take up any perceived issues with Millie's, that is up to the Board. She added that Madaket is a very popular area during the summer, especially at sunset.

3. Other Reports/Comments/Updates. No other reports.

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

Ms. Mohr said that next week the Affordable Housing Trust will be presenting a webinar about Nantucket's housing crisis and its impact on community members. She cited a quotation from Maya Angelou.

Mr. Grieder said that he has a continuing issue with Millie's and said the Madaket Conservation Association has sent in a letter with concerns and would like a response and to have a discussion about it at a Board meeting.

VI. NEW BUSINESS

Chair Holdgate noted a New Business item from KOBO and Clean Harbors to conduct work for National Grid relating to an oil spill clean-up at 11 India Street, that would be best done at night rather than during the day to avoid traffic problems and business interference due to the necessity to shut off electricity to area restaurants. The request is for the work to occur at night after 11:00 pm on May 27. Mr. Paul Holt of KOBO reviewed the situation and reasoning for the night work. Operations Administrator Erika Mooney elaborated on the need for the request. Mr. Bridges moved approval; seconded by Ms. Ferrantella. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Ms. Ferrantella - Yes. Ms. Murphy – Yes.

VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

Chair Holdgate asked if there were any changes or questions, before taking up all of the items with one vote. Ms. Ferrantella asked about the Paramedic class contract and whether there is a requirement for Paramedics to remain employed with the Town for a period of time after completion of the program. Fire Chief Stephen Murphy explained there is not such a requirement and explained it.

Ms. Murphy moved approval of each of the following; seconded by Ms. Ferrantella. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Ms. Ferrantella - Yes. Ms. Murphy – Yes.

1. Approval of Minutes of May 12, 2021 at 5:00 PM.

2. Approval of Payroll Warrants for May 16, 2021.

3. Approval of Treasury Warrants for May 19, 2021.

4. Approval of Pending Contracts for May 19, 2021 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

VIII. CITIZEN/DEPARTMENTAL REQUESTS

1. Housing Office: Request for Authorization for Chair to Sign Request Letter for Certification of Housing Production Plan for Submittal to Department of Housing and Community Development. Housing Director Tucker Holland introduced the item, noting a vote to authorize the Chair to sign the Plan is a required part of the certification process. Ms. Ferrantella moved to authorize the Chair to sign the request letter as reviewed; seconded by Ms. Murphy. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Ms. Ferrantella - Yes. Ms. Murphy – Yes.

IX. PUBLIC HEARINGS

1. Public Hearing to Consider Utility Petition from National Grid/Nantucket Electric Company for Plan #30107824 to Install Handhole (HH 109-1), 3" Riser and Approximately 30' of 2-3" Sched 40 PVC Conduit from Pole 109 Across Hummock Pond Road for Service to 245 Hummock Pond Road. Chair Holdgate opened the public hearing. Mr. Jose Vazquez of National Grid explained the petition. There being no public comment, Chair Holdgate closed the hearing. Ms. Ferrantella moved approval subject to conditions as may be set forth by Town departments; seconded by Mr. Bridges. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Ms. Ferrantella - Yes. Ms. Murphy – Yes.

2. Public Hearing to Consider Utility Petition from National Grid/Nantucket Electric Company for Plan #30264278 to Install Handhole (HH 3-2) and Approximately 50' +/- of 2-3" Sched 40 PVC Conduit from Pole 3 Across Sherburne Turnpike for Service to 0 Folger Road. Chair Holdgate opened the public hearing. Mr. Jose Vazquez of National Grid explained the petition. There being no public comment, Chair Holdgate closed the hearing. Mr. Bridges moved approval subject to conditions as may be set forth by Town departments; seconded by Ms. Ferrantella. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Ms. Ferrantella - Yes. Ms. Murphy – Yes.

X. TOWN MANAGER'S REPORT

1. Pre-Season Beach Update. Tabled to the May 26, 2021 Board meeting.

Ms. Gibson noted that all Town offices are open to the public with the removal of access restrictions as of Monday, May 17, 2021.

XI. SELECT BOARD'S REPORTS/COMMENT

1. Review/Adoption of Modified Committee Appointment Process (Continued from April 14, 2021; May 5, 2021). Chair Holdgate noted some public comments that had been received. Mr. Charles Stott stated he is speaking on behalf of the Nantucket Civic League. He spoke on a recent decision to launch a program called "Meet the Committees". He urged the Board not to adopt the proposed policy and suggested a group composed of Town staff and members of the public, under the provisions of the Open Meeting Law, by a certain date. He noted a letter submitted by the Civic League on this matter. Ms. Mary Wawro agreed with Mr. Stott and spoke about delays with the policy and said it is not sufficient. She spoke on the need for "standards" for committee appointments which need to be documented. Ms. Maureen Phillips agreed with Mr. Stott. Ms. Judith Wegner noted she has submitted a letter and stated the committee process needs to be transparent and the appointment process needs to assure the public of legitimacy and integrity. Mr. Bridges said that he appreciates what was sent in, plus the staff comments. He said that if the Board does not agree with every single public comment, that does not meet the comments are not considered. He said that integrity of the process is not and should not, be at issue. He said perhaps the Board members could do a better job explaining their votes. He said that additional questioning of applicants most likely would limit the inclusivity that is being sought. Ms. Joanna Roche agreed with Mr. Bridges and said that it is part

of the Select Board's job to make appointments and if the public does not agree with the appointments made, they can also not vote for a Select Board member. She added some other suggestions and said she does not believe the integrity of the process is a problem and supports to the proposed modified process. Ms. Ferrantella commented on the need for more diversity on Town boards, committees and commissions and in her view, some of the public suggestions would not lead to increasing diversity and would in fact make the process more intimidating. She spoke about personal experience with feeling intimidated by the existing process. She said that one appointment is not representative of the Board's general practice. Chair Holdgate applauded the Civic League for the new forum "Meet the Committees". She said she does not see any reason not to adopt the proposed policy as presented. She spoke on the need to attract new diverse people to the Town's committees and some of the public suggestions would not necessarily further that, agreeing with Ms. Ferrantella. She said the public is always welcome to submit public comments at any time. She said the Board's process has been extremely open and does not see an issue with integrity. Ms. Murphy concurred with the other Board members comments. She spoke about the process to develop the proposed modifications. She thanked Ms. Mooney for her research with other towns and best management practices with committee appointments. She expressed support for the Civic League's initiative and thanked the public for their comments. She said she has some major concerns with some of the suggestions, specifically those that could limit the increase of equity and inclusion with this process. She suggested adoption of the proposal tonight and said she is not sure a committee is really needed to work on this and that perhaps the Government Study Committee could review this issue. Ms. Wawro said her point has been entirely missed and that she is looking for a commitment and statement by the Board to reach out and bring in people across all spectrums of the population. She suggested a more expansive "preamble" statement to the policy. She suggested that proposed "Talent Bank" needs a framework. She spoke about the Board's meeting last August regarding the committee policy. She expressed disappointment at the Board's comments. Ms. Murphy commented on the current "preamble" of the policy and read it, stating that she believes it captures just what Ms. Wawro was suggesting. She acknowledged that the "Talent Bank" will need to be developed and can be, moving forward. She spoke further on the proposed policy, saying she feels it does clear up concerns and provides clarification. Ms. Ferrantella concurred with Ms. Murphy. Ms. Phillips said that she too is concerned about the Board's comments and spoke on the need for the Board to incorporate her comments into the policy. Chair Holdgate expressed appreciation for the public comments. Ms. Mooney explained the proposed "Talent Bank" and reviewed how it is envisioned to work. She reviewed her research with other towns; and discussed some of the outreach that would be implemented. Discussion followed as to how a "Talent Bank" would work, function and be used. Ms. Ferrantella reiterated that public comments about individual applications are often barriers to people of other ethnicities, despite what some of the public commenters have said. Ms. Roche stated that people need to be encouraged not discouraged from applying for Town committees and spoke on the need to remove barriers. Ms. Phillips commented on concerns that having public involvement will diminish diversity, indicating she disagrees, and said it is the responsibility of the Town to ensure diversity. She said she hoped the Board wouldn't "rush into" adopting the policy tonight. Discussion followed as to adoption of the policy tonight, with Ms. Phillips urging the Board not to do that. Ms. Murphy stated she is finding it hard to understand why what is presented is getting so much pushback from the individuals who spoke. She said she is not clear on what is missing from the policy. She added that she believes everyone actually wants the same outcome ultimately. Ms. Ferrantella concurred. Mr. Bridges agreed. Ms. Ferrantella suggested further discussion in July as to how the 2021 appointments went. Mr. Bridges moved adoption with the suggested July review; seconded by Ms. Murphy. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes. Ms. Murphy suggested an update as to the development of the Talent Bank at some point. Further discussion followed as to how the Talent Bank

would be utilized. Ms. Mooney displayed and reviewed a test area on the website that allows people to submit an application(s) to the Talent Bank. Some additional discussion followed.

2. Committee Reports. Ms. Ferrantella spoke on recent activities of the Affordable Housing Trust Fund. She commended Mr. Holland for his work to get the Town to "Safe Harbor" for affordable housing. She noted the Nantucket Planning & Economic Development Commission met this week and updated its Unified Planning Work Program, which is out for a 21-day public review and is available on the Town's website. She asked if the DEI Director could give an update to the Board on his position and the initiatives he is working on.

Ms. Wawro asked if the committee policy is being considered "interim", adding she hopes the numerous "general" issues will be addressed. She asked what specifically the intent is of the Board to re-discuss this issue in July. Chair Holdgate said the intent, again, is to review the 2021 appointment process. Ms. Wawro asked if "remaining issues" from the August 2020 meeting will be addressed. Chair Holdgate said additional public input is welcome; however, it is unclear to the Board what is missing. Ms. Wawro asked how the public input should be submitted. Chair Holdgate said in writing and/or public comment. Ms. Wawro asked for confirmation that the policy as adopted is "interim"; and, if the "Talent Bank" will be formally approved by the Board; and, how will the Talent Bank be made known to the public. Ms. Mooney said that her understanding is that the Talent Bank will progress, following any further input from Board members, and a report provided to the Board as requested.

XII. ADJOURNMENT

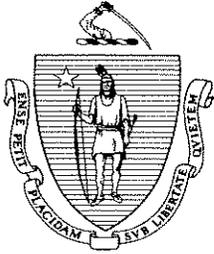
Mr. Bridges moved to adjourn at 7:22 pm; seconded by Ms. Murphy. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

Approved the 26th day of May 2021.

SELECT BOARD
MAY 19, 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. 2021 Committee Appointments Timeline; 2021 Committee Openings Information
- III. 5. Surfside Road Sewer Improvements Project ad; Construction Schedule; Updated detour map as of 5/14/2021
- VII. 1. Draft minutes 5/12/2021
- VII. 4. Pending contracts spreadsheet
- VIII. 1. AIS re: Housing Production Plan Certification Request Letter; 6/25/2019 letter to DHCD; 11/13/2019 letter to DHCD
- IX. 1. AIS re: NGrid utility petition for Hummock Pond Rd; Departmental Comments; NGrid petition for Hummock Pond Rd
- IX. 2. AIS re: NGrid utility petition for Folger Road; Departmental Comments; NGrid petition for Folger Road
- XI. 1. Staff responses to public comments re: Committee Appointment Process; Draft Policy Statement and Procedures for Appointments to Committees, Commissions Boards as of 5/11/2021; Appointing Town Boards, Commissions and Committees Consideration of the BOS; Current Committee Appointment Process; Comments received from Wagner, Phillips, Wawro 5/13/2021; Comments received from Nantucket Civic League 5/14/2021



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 black ink and is positioned above a horizontal line.

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts