



March 25, 2020

BY HAND

His Excellency Charlie Baker
Governor of the Commonwealth
State House, Rm. 360
Boston, MA 02133

Her Excellency Karyn Polito
Lieutenant Governor of the Commonwealth
State House, Rm. 360
Boston, MA 02133

Dear Governor Baker and Lieutenant Governor Polito,

This letter, signed by the chairs of the select boards of the towns of Nantucket, Aquinnah, Chilmark, Oak Bluffs, Tisbury and West Tisbury, is first to thank you for your leadership at the state and local level to help slow the transmission of the COVID-19 virus and to ensure that our medical systems are capable of assisting those who have and will need medical treatment.

This letter is also to acknowledge receipt of the March 25, 2020 correspondence from the Chief Legal Counsel to the Governor, and to ask for your immediate intervention with respect to the towns, collectively, the “Islands”.

In the March 25 letter from Chief Legal Counsel, he states that all local orders concerning construction operations be withdrawn as inconsistent with the Governor's March 23, 2020 order concerning closure of non-essential businesses. We seek your immediate assistance in protecting the residents of the Islands from additional exposure to the virus and the limited ability of the two island hospitals to provide appropriate levels of care to those already on the Islands, by exempting the Islands from the provisions of the Order designating construction and landscaping services as essential services.

Construction bans have been issued in Nantucket and all six of the Towns that comprise Martha’s Vineyard, Aquinnah, Chilmark, Edgartown, Oak Bluffs, Tisbury and West Tisbury. Additionally, the Town of Nantucket and all of the towns on the Vineyard have adopted (Aquinnah is poised to adopt) orders that excludes construction and professional landscaping from those businesses deemed essential. These local orders were enacted only after significant analysis and contemplation of the particular Islands-specific issues that make the Islands highly

susceptible to an uncontrollable COVID-19 outbreak and how to best protect the residents of each of the Islands.

The decision to implement the bans and orders was undertaken collaboratively, in each municipality, between boards, managers and administrators, police and fire departments and boards of health and health agencies. The following facts, and how they impact the Islands, were particularly relevant to such discussions.

Limited or No Mutual Aid:

Nantucket - No mutual aid: The island is comprised of a single town. Thus, there are no mutual aid options available to the Town of Nantucket if there are public health and safety issues that exceed the island's capacity.

Martha's Vineyard – Limited mutual aid: The island is comprised of six towns. Although any town on the island has the ability to call on another for mutual aid, if all communities are in crisis, mutual aid options may well be limited.

Population growth recently due to COVID 19:

During the winter months such as these, there are far fewer people on the Islands than in the summer months. However, many summer residents returned to the Islands when the COVID-19 outbreak intensified in various areas of the country. Similarly, many students and other permanent residents of the Islands have returned. It is estimated that there are hundreds more people on each of the Islands now than there were 30 days ago.

Police and Fire Department Staffing:

Police and fire department capacity in Nantucket and on Martha's Vineyard is calculated to address public health and safety needs of a winter population. The Islands are very concerned about potential exposure of our first responders. Nantucket already has at least three self-quarantines of public safety personnel and that number could easily rise as more people need to be transported. There are also three public safety personnel on Martha's Vineyard in self-quarantine.

Hospital Bed Capabilities:

Nantucket – There is only one hospital on the island, the Nantucket Cottage Hospital. It has 14 licensed beds, none of which are ICU beds. There are only three ventilators on the island.

Martha's Vineyard – There is only one hospital on the island, the Martha's Vineyard Hospital. It has 25 licensed beds, only three of which are ICU beds. There are only seven ventilators on the island.

Should the orders and social distancing efforts made by the Islands to date fall short, or be relaxed, we will have community spread of COVID-19 on the Islands and a significant percentage of the population affected. On Nantucket, assuming 15 percent of those infected will require hospitalization, and 5 percent will need ICU-level care, we could be looking at more than 300 island residents needing a hospital bed, and more than 100 requiring an ICU. On Martha's Vineyard, more than 600 island residents may need a hospital bed, and more than 200 may require an ICU. The Islands simply will not have the resources to respond to this level of need. The Islands are also aware that there is a possibility that the hospitals' partners in Boston could be at capacity when the Islands need them most, leaving the Nantucket Cottage Hospital and the Martha's Vineyard Hospital with severely limited or even no ability to transfer patients needing ICU-level care. Moreover, the need for COVID-19 treatment will make acute the need for other types of hospital care acute, and further stress an already stressed system.

The Nantucket Cottage Hospital President Gary Shaw and the Martha's Vineyard Hospital CEO Denise Schepici have said time and again that given the small size and the geographic isolation of the Islands and limited access to PPE and other emergency equipment, failure to limit exposure will necessarily result in the overburdening of each hospital's resources and lead to a further health crisis emergency. Both hospital leaders have further indicated that their ethics teams are now analyzing how the hospitals will make decisions as to who should receive treatment and who should not, or cannot. This is our reality today.

We are even more concerned about our reality tomorrow. The Select Board, Board of Health, Town Manager and Director of Health and Emergency Management Director of the Town of Nantucket, and Select Boards, Town Administrators, Boards of Health and Health Agents across the six towns on Martha's Vineyard, took decisive action to implement what they have determined to be essential to the health and well-being of those already on the islands. Each of these towns adopted a construction ban to ensure that persons who would typically come to the island to work would understand that the Islands are not "open for business". This ban effectively limits the risk of persons coming to the Islands each day who are infected with the virus and exposing others. In addition, all of the towns on the Islands implemented a stay-at-home order to limit the activity on the island further, and determined that only essential business should be conducted, defining the same to limit the potential for interactions. The local bans and orders do not limit the ability of any person to provide essential services or to undertake essential activities, including traveling. The bans and orders do, however, restrict construction and landscaping services from operating on the island for the time period necessary to protect our vulnerable communities. Emergency work would, of course, be allowed to occur as necessary.

Since the issuance of the Governor's March 23, 2020 order, the Town of Nantucket has already begun fielding calls from construction companies and general contractors asking when they can get back to work, suggesting that the Governor's Order supersedes the authority of the Town to keep its residents safe. The Martha's Vineyard Builders Association endorsed the

actions taken by the Martha's Vineyard towns. We received the Chief Legal Counsel's March 25, 2020 letter earlier today, however. While we may, with all due respect, disagree with certain conclusions, we nonetheless seek your immediate assistance to address the situation on the islands of Nantucket and Martha's Vineyard.

It is the sincere and measured concern of the elected and appointed leaders, public safety and public health officials of Nantucket and Martha's Vineyard, and of the President of the Nantucket Cottage Hospital and the CEO of Martha's Vineyard Hospital, the only hospitals on each island, that failure to follow through with the construction bans and stay-at-home orders as approved will put the Islands on an irreversible course, leading to an excessive strain on the medical system, law enforcement, EMTs, and potentially to a humanitarian crisis where doctors are forced to make difficult choices about who can be saved. Unlike hospitals on the mainland, there is nowhere else to send people who need treatment for the virus. There is also no "step-down" facility available to address the needs of other people who have other urgent medical problems. The Town and County of Nantucket, and the Towns of Aquinnah, Chilmark, Edgartown, Oak Bluffs, Tisbury, and West Tisbury are explicitly and fervently requesting your help now by modifying the application of your order to provide that on the islands of Nantucket and Martha's Vineyard, construction and landscaping services are non-essential services and must remain closed.

We again thank you for the leadership you are providing during this crisis, and implore you to provide us with an immediate response modifying the application of your March 23, 2020 Order to the Islands of Nantucket and Martha's Vineyard.

Thank you for your kind consideration of the within request.

Signed this 25th day of March, 2020 on behalf of their respective towns:

Dawn E. Hill Holdgate /s/, Chair, Nantucket Select Board
Juli Vanderhoop /s/, Chair, Aquinnah Board of Selectmen
Warran M. Dotty /s/, Chair, Chilmark Board of Selectmen
Margaret E. Serpa /s/, Chair, Edgartown Board of Selectmen
Brian Packish /s/, Chair, Oak Bluffs Board of Selectmen
Melinda F. Loberg /s/, Chair, Tisbury Board of Selectmen
Skipper Manter /s/, Chair, West Tisbury Board of Selectmen