

SELECT BOARD

Minutes of Meeting of February 17, 2021. The meeting took place via remote participation via 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. She then recessed the meeting for the County Commission meeting. Chair Holdgate resumed the Board meeting at 5:42 PM.

II. SELECT BOARD ACCEPTANCE OF AGENDA

The agenda was accepted with the following changes:

- IX Real Estate Item #4 was tabled until March 3, 2021;
- XI Town Manager's Report Item #1 was moved to section IV (COVID-19 Weekly Update).

III. ANNOUNCEMENTS

1. Chair Holdgate noted the meeting is being audio/video recorded.

2. DPW: Textile Reuse & Recycling Collection (Drop-off Only) at Take-It-or-Leave-It Area at Landfill to be Held Sunday, February 21, 2021 from 8:00 AM to Noon. DPW Director Rob McNeil made this announcement and explained further what materials will be accepted. Chair Holdgate asked when the next household hazardous waste day is. Mr. McNeil said it will be on April 10, 2021.

3. No Select Board Meeting on Wednesday, February 24, 2021; Next Meeting Wednesday, March 3, 2021.

4. Ms. Ferrantella announced an upcoming movie series about systemic racism, sponsored by Nantucket Equity Advocates.

IV. COVID-19 WEEKLY UPDATE

1. Public Comment. None.

2. Report(s) from Public Health Director and/or Nantucket Cottage Hospital President:

- COVID-19 Case Metrics, Including Massachusetts COVID-19 Community-Level Data Map. In the absence of Public Health Director Roberto Santamaria and Human Services Director Jerico Mele, Town Manager C. Elizabeth Gibson provided a brief report as to current tests, and cases, as of today, to date. She said that the Island's case positivity rate over the last seven days has dropped significantly and the curve has slowed although not levelled off and cautioned that travel is still risky and people who may be travelling anyway for the upcoming school vacation week should be mindful of the on-going State travel restrictions and requirements.

- Vaccine Distribution Plan Update. Ms. Gibson noted that per Governor Baker as of tomorrow, the second group in Phase II (persons aged 65+ and/or with two or more co-morbidities) are eligible to sign up for vaccination. She said that locally vaccinations are going well.

- COVID-19 Testing. No updates.

- COVID-19 Task Force: Weekly Report. No updates.

- Economic Task Force: Update. Ms. Gibson introduced Ms. Karen Macumber, member of the Task Force, who provided an update and reviewed a grant agreement between the Town and the Chamber of Commerce for small business grant funding, for businesses impacted by COVID-19. Ms. Macumber explained how the grant will work and the criteria, as contained within the grant agreement. Ms. Ferrantella added that there will be an update next week with NCTV as to business re-opening issues with the Licensing Administrator, Amy Baxter, the Public Health Director and Human Services Director. Ms. Ferrantella also noted outreach efforts by the Task Force.

XI. TOWN MANAGER'S REPORT

1. Licensing Administrator: Update on 2021 Season Regarding Outdoor Dining and Proposed Street Closings. Licensing Administrator Amy Baxter noted that there will be a defined application process for outdoor dining and potential street closings and that this is under development now. Ms. Baxter explained the state allowances currently in place with respect to local approvals of premises changes for outdoor dining. Ms. Baxter reviewed the various street closings, sidewalk dining locations and loading zone locations for take-out pick-up, from last summer, fall and winter. Chair Holdgate asked what the next phase of restaurant occupancy will allow. Ms. Baxter said that is currently unknown and spoke about some potential assumptions which are being taken into consideration. Ms. Murphy commented that regardless of any potential limitations, there are many variables – especially with the variants of the virus which are emerging. She noted weather can also be an issue. She said that scenarios should be developed to allow the greatest flexibility for businesses to be successful. Mr. Fee concurred and agreed we are not “out of the woods”. He said he would like to see less “branding” with outdoor dining. He asked about non-liquor licensed businesses with outdoor dining and/or other accommodations. Ms. Baxter said the Task Force is reviewing that exact issue, with respect to things like line queues. She encouraged businesses to submit feedback on these issues. Mr. Fee asked if there will be coverage from the Police Department downtown when needed to be helpful and not punitive. Ms. Baxter said that remains under review. Mr. Fee said there were “issues on the Strip” last summer and he hopes that arrangements can be made in advance. Ms. Ferrantella commented on the need for clear guidelines with outdoor dining, depending on what the state restrictions might be. Ms. Gibson noted that the Town may have issues hiring Community Service Officers this year, if preliminary applications are any indication as they have been much lower this year than in prior years at this time. She added that decisions may have to be made as to prioritizing the deployment of resources to address issues such as line queues downtown and that hopefully businesses are doing what they can, now, to put in place measures to reduce things like that, for example on-line ordering for takeout and other establishments.

Mr. Bridges said that we are way ahead of where we were last year, which is good and this planning is necessary to be getting done now. He asked about the application process for outdoor dining as to approvals required. Ms. Baxter explained and spoke on other measures that businesses are working on, such as on-line ordering. Ms. Murphy added that sort of technology is one of the uses of the grant the Town is making to the Chamber. Chair Holdgate commented on some concerns about complete street closures with what is likely to be a very busy summer with traffic, people and parking. Mr. Bridges said he sees no problem with closing streets because it will encourage less use of cars. Ms. Murphy noted that retailer feedback has been that outdoor dining does benefit other businesses. Mr. Fee agreed with Chair Holdgate about the street closures. He said that the Task Force should talk about parking enforcement. Ms.

Ferrantella concurred with Mr. Bridges. Chair Holdgate said she agreed with all points but that she is concerned about closing a street like Cambridge Street which is a necessary route to the car ferry. Mr. Bill Grieder said that regarding outdoor dining, there is an impact on the surrounding neighborhood, which should be considered, especially with issues like trash. DPW Director Rob McNeil agreed and noted that DPW did spend a significant amount of time addressing trash issues from the high amount of take-out business.

- Board of Health Orders. No updates.

- Select Board Comments/Questions. Nothing further from the Board.

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

None.

VI. NEW BUSINESS.

There was no new business.

VII. APPROVAL OF MINUTES AND WARRANTS

1. Approval of Minutes of February 10, 2021 at 5:00 PM. Ms. Murphy moved approval; 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. Approval of Treasury Warrants for February 17, 2021. Ms. Murphy moved approval; 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. Approval of Pending Contracts for February 17, 2021 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Ms. Murphy recused from voting on the Grant Agreement to Chamber of Commerce, noting that she is currently the interim President of the Chamber of Commerce. Mr. Fee disclosed he is a member of the Chamber of Commerce but feels he can still vote. Mr. Fee moved approval; 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 (except for the Chamber grant agreement).

VIII. CITIZEN/DEPARTMENTAL REQUESTS

1. Coastal Resilience Advisory Committee: Request for Approval and Execution of ACKlimate Nantucket Partner Affiliation. Coastal Resilience Coordinator Vincent Murphy spoke on the request and recommended approval. Mr. Fee moved approval; 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.

IX. REAL ESTATE ITEMS

1. Request for Approval and Execution of Release of Easement for Portions of Property at 3 Gladlands Avenue Shown as Easement Area E-1, School Street and Easement Area E-2, Laurel Street and Shawaukema Avenue on Plan of Land Entitled "Roadway Acquisition Plan @ #3 Gladlands Ave, Nantucket, MA., Reference: 2012 ATM – Article 83 & 84" Dated September 10, 2020, Prepared by Earle & Sullivan, Inc., Pursuant to Vote on Article 84 of 2012 Annual Town Meeting. Chair Holdgate recused from this matter. Real Estate Specialist Ken Beaugrand reviewed this matter and the following matter as well.

Mr. Fee asked about a utility issue and whether it has been resolved. Mr. Beaugrand responded affirmatively. Mr. Fee moved to approve this matter as well as the following matter (IX. 2.); seconded by Ms. Murphy. So voted by roll call vote. Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

2. Request for Approval and Execution of Release of Easement for Portion of Property at 1 White Street Shown as Easement Area, Maclean Street and Wannacomet Street on Plan of Land Entitled "Roadway Easement Acquisition Plan #1 White Street in Nantucket, Massachusetts," Dated December 9, 2020, Prepared by Earle & Sullivan, Inc., Pursuant to Votes on Article 101 at 2011 Annual Town Meeting and Article 84 of 2012 Annual Town Meeting. See discussion and vote in IX. 1., above.

3. Request for Acceptance of Affordable Housing Restriction on 31 Fairgrounds Road. Housing Specialist Tucker Holland explained this agenda item and was joined by Housing Nantucket Executive Director Anne Kuszpa who spoke in favor. Mr. Bridges commented on what a good example of creative collaboration this is and thanked all those who made it work. Ms. Murphy agreed and commended Mr. Holland for his leadership on this. Ms. Ferrantella agreed. Chair Holdgate also agreed. Mr. Rick Atherton said he thought it would be helpful to recognize the source of the funding for this transaction and said Mr. Tobias Glidden should be recognized for his role in the funding getting approved by Town Meeting. Chair Holdgate agreed and thanked Mr. Glidden. Ms. Kuszpa added her thanks, as did Mr. Holland who also thanked the developer and the former property owner and noted the benefits to the community as to the additional housing units that will be created. Ms. Ferrantella moved to accept the restriction; 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.

4. Request for Acceptance of Gift of Improvements to Town-owned Land at 29 Vesper Lane from GG Development LLC Pursuant to December 17, 2014 License and Planning Board Subdivision Approval. This matter was tabled to March 3, 2021.

X. PUBLIC HEARINGS

1. Public Hearing to Consider Utility Petition from National Grid/Nantucket Electric Company for Plan #29889597 to Install a Handhole at Base of Pole 2-84 on Fairgrounds Road for Service to 20 Newtown Road. Chair Holdgate opened the hearing. Tim Lyford of National Grid explained the petition. Chair Holdgate asked for any public comment, there was none. Chair Holdgate closed the hearing. Mr. Fee moved approval of the petition with any conditions outlined in the Departmental Comments; seconded by Ms. Ferrantella. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes. Ms. Murphy stepped away from her computer and didn't vote.

2. Public Hearing to Consider Utility Petition from National Grid/Nantucket Electric Company for Plan #30103732 to Install 3" Riser, Two Handholes and 55' of 2-3" Conduit Encased in Concrete from Pole 40 on Old South Road to Provide Service to 11 Miller Lane. Chair Holdgate opened the hearing. Tim Lyford of National Grid explained the petition. Chair Holdgate asked for any public comment, there was none. Chair Holdgate closed the hearing. Mr. Fee moved approval of the petition with any conditions outlined in the Departmental Comments; 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.

3. Public Hearing to Consider Utility Petition from National Grid/Nantucket Electric Company for Plan #30174788 to Install a Handhole and Approximately 35' of 2-3" Conduit Encased in Concrete from Pole 5

on West Dover Street to Supply Service to 79R Orange Street. Chair Holdgate opened the hearing. Mr. Fee recused from the discussion and vote on this matter. Tim Lyford of National Grid explained the petition. Chair Holdgate asked for any public comment, there was none. Chair Holdgate closed the hearing. Ms. Ferrantella moved approval of the petition with any conditions outlined in the Departmental Comments; seconded by Mr. Bridges. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

4. Public Hearing to Consider Joint Utility Petition from Verizon New England, Inc. and National Grid/Nantucket Electric Company for Plan # MA2020-47 to Relocate Pole 159/9 on Pine Street Approximately 9'6" Southerly from its Current Location. Chair Holdgate opened the hearing. Tom Stanton of Verizon explained the petition. Chair Holdgate asked for any public comment and noted a letter received from an abutter was noted with an objection. Mr. Bridges said he could not support the petition as presented due to accessibility issues. Mr. Stanton said that the relocation would not change existing accessibility issues. Operations Administrator Erika Mooney reviewed photos of the pole and explained what would and would not change from existing conditions. Mr. Fee asked about a different configuration. Mr. Stanton said anchors might be required for that which would exacerbate the situation. Mr. Fee commented on the need to put wires underground. Mr. Rick Atherton expressed support for Mr. Fee's comment. Mr. Stanton explained that the cost of burying utilities falls to the Town. Some discussion followed on this. Chair Holdgate closed the hearing. Mr. Fee moved approval of the petition with any conditions outlined in the Departmental Comments; seconded by Ms. Murphy. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – No; Mr. Fee – Yes; Ms. Ferrantella – No; Ms. Murphy – Yes.

5. Public Hearing to Consider Multiple Amendment Application:

- Change Corporate Name from Sushi 21, LLC dba Bar Sushi to Oswack Associates, LLC dba Bar Yoshi
- Change of Category from Seasonal Wine and Malt Beverages to Seasonal All-Alcoholic Beverages
- Alteration of Premises for Oswack Associates, LLC dba Bar Yoshi, for Premises Located at 21 Old South Wharf.

Chair Holdgate opened the public hearing. Mr. Fee recused from this matter and the vote. Ms. Baxter reviewed and explained the applications. There was no public comment. Chair Holdgate closed the hearing. Ms. Ferrantella moved approval of the application; seconded by Mr. Bridges. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes. Mr. Jay Maroney, attorney for the applicant thanked Ms. Baxter and the Board.

6. Public Hearing to Consider Application for Change of License Classification from Annual Wine and Malt Beverages License to Annual Wine and Malt Beverages with Cordials License for Keeping the Beet LLC dba The Beet, for Premises Located at 9 South Water Street; Request for Determination that the Premises Licensed to Sell Alcoholic Beverages is Not Detrimental to the Spiritual Activities of a Church Pursuant to Section 16C of MGL Chapter 138. Chair Holdgate opened the public hearing. Ms. Baxter reviewed and explained the applications. Ms. Amy Young of The Beet spoke in favor of the application. There was no other public comment. Ms. Baxter acknowledged the community benefit provided by the Beet over the winter with meals and staying open. Chair Holdgate closed the hearing. Mr. Fee moved approval of the application and to find that the application is not detrimental to the spiritual activities of St. Mary's Church; 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.

XI. TOWN MANAGER'S REPORT

2. Monthly Town Management Report. Ms. Gibson reviewed the report as contained in the packet for the agenda and noted several items highlighted

XII. SELECT BOARD'S REPORTS/COMMENT

1. Adoption of 2021 Annual Town Meeting and Election Warrant. Ms. Gibson reviewed outstanding and/or updated warrant articles from the Board's last discussion on February 10, 2021 as follows:

- Article 7 (Annual Personnel Compensation): Ms. Gibson reviewed some items changed from last week
- Article 70 (Noise): Ms. Gibson reviewed changes made since last week, as did Attorney Gregg Corbo from Town Counsel's office. Mr. Corbo noted some potential constitutional issues but also said that some of this language has been in the bylaw already and has not been challenged. Mr. Atherton commented that the changes to this bylaw are very "technical" and said he finds it troublesome that the enforcement is potentially an impediment and the Board should find a way to "get around it". Mr. Corbo noted that noise can be a complicated subject due to constitutional issues. Deputy Director of Planning Leslie Snell said that much of the language is carried over and noted that necessary changes could be made in the Finance Committee motion, if need be; and, if not, it could be tabled for further discussion. Chair Holdgate agreed. Mr. Fee asked if the restrictions apply only to noise in the Old Historic District. Ms. Snell explained different types of noise is restricted in different areas, at different times of day and times of year. She added that the area most restricted is the Old Historic District. Some discussion followed. Chair Holdgate asked about the times of day, during the summer and if they might be too restrictive as proposed. Ms. Snell responded. General consensus was to keep the article in.
- Article 74 (Car Rental Bylaw): Mr. Corbo reviewed the changes made since last week with respect to this article. Mr. Fee said he is not ready to go forward with these amendments, he has too many concerns. Ms. Ferrantella asked about the clear goal and intent of this article. Airport Manager Tom Rafter explained that the issue for the Airport is that if a "new entrant" submits a bid for car rental business space at the Airport, they will not be able to acquire rental vehicle medallions unless they are able to buy them from an existing vendor. He added that he wants to see 700 medallions to be the "floor" of those to be available. Ms. Baxter commented on the lack of process for the transfer of medallions. Discussion continued about the number and transfer of medallions. Airport Commission Chair Dan Drake spoke in favor of the article. Mr. Fee said he feels the article needs more work and has "quality of life" impacts. Ms. Murphy asked about the Airport's procurement process if this article does not go forward. Mr. Rafter said he is unsure. Mr. Bridges said he doesn't have a problem moving forward, without a required date for Select Board action on the referenced regulations. Ms. Murphy asked Mr. Corbo about the procurement issue. Mr. Corbo stated that question should be referred to Airport Counsel and re-reviewed the medallion limitation issue. He said that his opinion would be that any bidder would be constrained by the Town's bylaws. Mr. Giorgio concurred and said the Airport's procurement documents should make clear what those bylaws are. Mr. Fee suggested that Town Counsel review the procurement documents. Ms. Ferrantella asked about staff capacity to put regulations together for Select Board approval. Chair Holdgate spoke in favor of the article as being requested by the Airport Commission and said the regulations could address Mr. Fee's concerns. Mr. Fee said the date should be removed as should proposed language about the cap. Chair Holdgate said she would support that. Mr. Corbo said his

original language was to authorize, not require, the Board to establish regulations. Mr. Bridges moved to include the article, with the suggestion from Mr. Corbo regarding “authorizing” the Board not “requiring”; removing the date referencing by when regulations would be adopted, and removing the proposed language relating to the cap; seconded by Ms. Murphy. Mr. Fee said that there is no reason why this cannot be worked on without an article. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – No; Ms. Ferrantella – No; Ms. Murphy – Yes. Mr. Fee asked if Town Meeting could amend the cap. Mr. Giorgio responded affirmatively but that it must be within the scope which can only be made by the Moderator. He speculated that most likely an analysis would be done as to whether or not the amendment would be more restrictive or less. Mr. Atherton cautioned against giving more authority to the Board with respect to this bylaw.

Mr. Fee spoke in favor of a home rule petition regarding pension obligations, and said the Town needs to do a better job budgeting and collective bargaining. He also said he did not think there should be so many ballot questions, specifically debt exclusions for Lover’s Lane improvements and Affordable Housing Trust (AHT). He spoke in favor of a citizen article instead which would use two-thirds of room occupancy tax revenue for affordable housing. Some discussion followed on the ballot questions and associated warrant articles. Chair Holdgate said she would support removing the Lover’s Lane question. Finance Director Brian Turbitt spoke on the impact the referenced citizen article would have on the FY 2022 budget. Ms. Murphy said she agrees with some of Mr. Fee’s concerns; however, supports keeping the AHT debt exclusion on the ballot and would agree with removing the Lover’s Lane question. Ms. Ferrantella expressed support for the AHT article and ballot question and said that it is a short-term article but that a longer-term solution is still needed. She added that she would support removing the Lover’s Lane question. Mr. Giorgio noted that putting a debt exclusion question on the ballot requires a 4/5 vote of the Select Board. Ms. Brooke Mohr spoke in support of keeping the AHT question on the ballot; and for an allocation of a portion of the room occupancy tax revenue to go to affordable housing. Mr. Atherton commented that any attempt at the Board “removing” long-term annual commitments to affordable housing is “concerning”. He added that new roads should not be constructed until existing roads are repaired. Mr. Art Gasbarro advocated for keeping the Lover’s Lane project on the ballot and said that it is in desperate need of repair and is a critical project. Some discussion followed. Mr. Fee moved to adopt the warrant with all of the existing ballot questions as proposed; Mr. Bridges seconded. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Murphy – Yes.

2. Review/Amend Select Board Public Comment Protocol. Mr. Giorgio reviewed a 2018 court case involving the Natick School Committee’s public comment policy, some parts of which were ruled unconstitutional. He explained that public comment itself is not required; however, if there is a policy it must not infringe upon First Amendment Rights. He also spoke about the need for the Board to get its business done in a timely and organized fashion. He said his office undertook a review of the Board’s current policy and is proposing some changes and proceeded to explain those changes. Some discussion followed as to a potential time limit on public comment. Mr. Fee suggested three minutes. Some discussion followed. Ms. Ferrantella concurred with Mr. Fee. Ms. Murphy said that depending on the topic, it may take more than three minutes. Mr. Giorgio noted that the Board can also restrict public comments to matters only within its scope. Mr. Atherton stated that in his experience public comment is at the jurisdiction of the chair and does not see a need to change it. Chair Holdgate commented that the Board has had some prior discussion about updating the policy. Ms. Murphy concurred and said that upon Town Counsel’s review, the policy is found to be in need of being updated. Discussion continued as to the time limit. Ms. Ferrantella asked how the time would be tracked. It was noted that would most likely be the responsibility of Ms. Mooney. Mr. Fee moved to approve the updated policy with a 3-minute time limit; 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. Committee Reports. Ms. Ferrantella spoke on the 31 Fairgrounds transaction again and the benefits of the collaboration.

Ms. Ferrantella asked for a future Board agenda item as to a “Covid-19 Relief Package”, similar to the town of Eastham, which supports child care assistance and working families. Some discussion followed as to unemployment claims and the time it takes for people to get benefits.

XIII. ADJOURNMENT

Ms. Ferrantella moved to adjourn at 8:33 PM; 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.

Approved the 3rd day of March 2021.

**SELECT BOARD
FEBRUARY 17, 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. Textile Reuse & Recycling info
- VII. 1. Draft minutes 2/10/2021
- VII. 3. Pending contracts; Chamber Grant Agreement
- VIII. 1. Email from Town Counsel, re: ACKlimate Partner Affiliation; ACKlimate Nantucket Partner Affiliation with CRAC
- IX. 1. AIS re: School St, Laurel St, Shawaukema Ave; Release of Easement; Plan
- IX. 2. AIS re: Maclean St, Wannacomet St; Release of Easement; Plan
- IX. 3. AIS re: 31 Fairgrounds Rd; Affordable Housing Restriction; Acceptance of Affordable Housing Restriction; Plan
- IX. 4. AIS re: 29 Vesper Ln; 2014 License Agreement; Plans (2)
- X. 1. AIS re: NGrid petition - Fairgrounds Rd/ Newtown Rd; Departments comments; NGrid petition - Fairgrounds Rd/Newtown Rd
- X. 2. AIS re: NGrid petition - Old South Rd/Miller Ln; Departmental comments; NGrid petition - Old South Rd/Miller Ln
- X. 3. AIS re: NGrid petition - West Dover St; Departmental comments; NGrid petition - West Dover St
- X. 4. AIS re: Joint Verizon-NGrid petition - Pine St; Abutter letter; Departmental comments; Verizon-NGrid petition - Pine St; Pine Street pole pictures
- X. 5. AIS re: Bar Sushi; Select Board Liquor License Public Hearing Process; ABCC application; Current liquor license
- X. 6. AIS re: The Beet; Select Board Liquor License Public Hearing Process; ABCC application; Current liquor license; Determination Letter
- XI. 1. AIS re: Outdoor dining; 2021 Outdoor Dining Application; ABCC Advisory re: Extension of Allowance of Outdoor Table Service; Open Streets 2020 Review
- XI. 2. Monthly Town Management Activities Report
- XII. 1. DRAFT 2021 ATM & Election Warrant
- XII. 2. Current Select Board Agenda Protocol; Proposed Select Board Agenda Protocol



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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