



AMENDED MEETING POSTING

Original posting date: 3/18/2021 Original Posting # T 269

TOWN OF NANTUCKET

Pursuant to MGL Chapter 30A, § 18-25

All meeting notices and agenda must be filed and time stamped with the Town Clerk's Office and posted at least 48 hours prior to the meeting (excluding Saturdays, Sundays and Holidays)

RECEIVED

2021 MAR 22 PM 03:28
NANTUCKET TOWN CLERK
Posting Number:T 275

Committee/Board/s	SELECT BOARD
Day, Date, and Time	WEDNESDAY, MARCH 24, 2021 AT 5:00 PM
Location / Address	REMOTE PARTICIPATION VIA ZOOM WEBINAR Pursuant to Governor Baker's March 12, 2020 Order Regarding Open Meeting Law (Attached) Information on viewing the meeting can be found at https://www.nantucket-ma.gov/138/Boards-Commissions-Committees
Signature of Chair or Authorized Person	ERIKA MOONEY

WARNING: IF THERE IS NO QUORUM OF MEMBERS PRESENT, OR IF MEETING POSTING IS NOT IN COMPLIANCE WITH THE OML STATUTE, NO MEETING MAY BE HELD!

AGENDA

Please list below the topics the chair reasonably anticipates will be discussed at the meeting

YOU TUBE LINK:

<https://youtu.be/l6lByNRqCl8>

- I. **CALL TO ORDER**
- II. **SELECT BOARD ACCEPTANCE OF AGENDA**
- III. **ANNOUNCEMENTS**
 1. The Select Board Meeting is Being Audio/Video Recorded.
 2. Coastal Resilience Advisory Committee: Arcadis Development of New Tools for Public Use Regarding Coastal Flooding, Erosion and Sea Level Rise.
 3. Director of Planning: Upcoming Build-out Analysis.
 4. Affordable Housing Trust: Housing Production Plan Survey and Focus Group Feedback Zoom Webinar on Tuesday, March 30, 2021 at 4:30 PM; Register at https://us02web.zoom.us/webinar/register/WN_RqxOPq6ZSD2yuVBMJaYUeg.
 5. No Select Board Meeting Wednesday, March 31, 2021 (5th Wednesday).

IV. COVID-19 WEEKLY UPDATE

1. Public Comment.
2. Report from Human Services Director.
3. Report from Economic Task Force.
4. Report from Licensing Administrator: Outdoor Dining for 2021/Update.
5. Other Reports/Comments/Updates.

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

VI. NEW BUSINESS*

VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

1. Approval of Minutes of March 17, 2021 at 5:00 PM.
2. Approval of Payroll Warrants for March 21, 2021.
3. Approval of Treasury Warrants for March 24, 2021.
4. Approval of Pending Contracts for March 24, 2021 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

VIII. CITIZEN/DEPARTMENTAL REQUESTS

1. Request for Town Manager Authority to Sign Special Permit Amendment Application for Ticcoma Green Housing Project at 2 Fairgrounds Road.
2. Request for Letter of Support to Department of Housing and Community Development (DHCD) for Local Preference for 31 Fairgrounds Road Project.
3. **Sewer Department: Request for Waiver of Town Noise Bylaw for Surfside Road Sewer Improvements Project (Surfside Road Starting at Miacomet Avenue to Vesper Lane) from April 5, 2021 to June 25, 2021, 4:00 PM to 2:00 AM, Sunday through Thursday Nights.**

IX. PUBLIC HEARINGS

1. Public Hearing to Consider 2021 Seasonal Liquor License Renewals.

X. TOWN MANAGER'S REPORT

1. Large-scale Project Updates from Marine/Police; Public Works; Wannacomet Water; Sewer; Natural Resources.

XI. SELECT BOARD'S REPORTS/COMMENT

1. Ratification of Decision Regarding Appeal of Historic District Commission (HDC) Disapproval of Certificate of Appropriateness (COA) No. HDC2020-09-1638 for Rooftop Solar Panels for Property Located at 83/85 Eel Point Road, Assessor's Map 32, Parcel 12 (Continued from March 17, 2021).

2. Committee Reports.

XII. ADJOURNMENT

****Identified on Agenda Protocol Sheet***

EXHIBIT 1
AGREEMENTS TO BE EXECUTED BY TOWN MANAGER
UNLESS RESOLUTION OF DISAPPROVAL BY SELECT BOARD
March 24, 2021
******AMENDED MARCH 22, 2021******

Type of Agreement/Description	Department	With	Amount	Other Information	Source of Funding	Term
Professional Services Agreement	DPW	Ultimate Abatement Co., Inc.	\$24,200	Contract for hazardous materials abatement at 131 Pleasant Street and 20 S. Water Street	Article 10/2011 ATM & Article 10/2019 ATM	March 24, 2021 - June 30, 2021
Professional Services Agreement	DPW	CC Construction	\$2,334,407.78	Contract for Waitt Drive roadway reconstruction	MassWorks Grant and Article 10/2018 ATM & Article 10/2019 ATM	March 24, 2021 - March 23, 2024

SELECT BOARD AGENDA PROTOCOL:

Roberts Rules: The Select Board follows Roberts Rules of Order to govern its meetings as per the Town Code Charter.

Public Comment: Public Comment is to bring matters of public interest to the attention of the Board. The Board welcomes concise statements on matters that are within the purview of the Select Board. At the Board's discretion, matters raised under Public Comment may be directed to Town Administration or may be placed on a future agenda, allowing all viewpoints to be represented before the Board takes action, if any. Except in emergencies, the Board will not normally take any other action on Public Comment in its sole discretion.

To facilitate that any individual who wishes to provide Public Comment has the opportunity and to ensure the ability of the Board to conduct its business in an orderly fashion, the following rules and procedures are adopted consistent with state and federal free speech laws:

- The agenda for regular Select Board meetings will include a Public Comment period at the beginning of the meeting unless there is more urgent business for the Board to take up first. This time is reserved for speakers to address the Board on matters that are not related to any other Agenda item. If a speaker wishes to address the Board on a matter that is related to another Agenda item, the Chair will accept public comment when that Agenda item is reached during the meeting.
- All speakers are encouraged to present their remarks in a respectful manner.
- All remarks will be addressed through the Chair of the meeting.
- The Chair of the meeting may not interrupt speakers who have been recognized to speak, except that the Chair reserves the right to terminate speech which is not constitutionally protected because it constitutes true threats, incitement to imminent lawless conduct, comments that were found by a court of law to be defamatory, and/or sexually explicit comments made to appeal to prurient interests. Verbal comments may also be curtailed if they exceed three (3) minutes and to the extent they exceed the scope of the Board's authority.

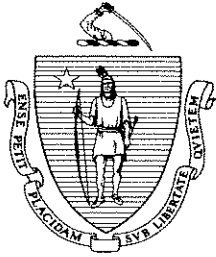
Disclaimer: Public Comment is not a time for debate or response to comments by the Board. Comments made during the Public Comment period do not reflect the views or positions of the Board. Because of constitutional free speech principles, the Board does not have authority to prevent all speech that may be upsetting and/or offensive made during the Public Comment period.

New Business: For topics not reasonably anticipated by the Chair 48 hours in advance of the meeting may be brought up for discussion in accordance with the Open Meeting Law.

Public Participation: The Board welcomes valuable input from the public at appropriate times during the meeting with recognition from the Chair at his/her sole discretion. For appropriate agenda items, the Chair will introduce the item and take public input. Individual Board Members may have questions on the clarity of the information presented. The Board will hear any staff input and then deliberate on a course of action.

Select Board Report and Comment: Individual Board Members may have matters to bring to the attention of the Board during a meeting. If the matter contemplates action by the Board, Board Members will consult with the Chair and/or Town Manager in advance and provide any needed information by the Thursday before the meeting and/or schedule the matter for a future Board meeting. Otherwise, except in emergencies, the Board will not normally take action on Select Board Comment.

Approved on February 17, 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.

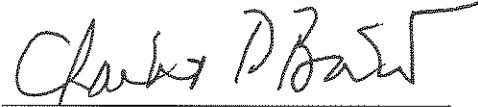
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby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

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts