

Town and County of Nantucket  
Select Board • County Commissioners

Dawn E. Hill Holdgate, Chair  
Jason Bridges  
Matt Fee  
Kristie L. Ferrantella  
Rita Higgins



16 Broad Street  
Nantucket, Massachusetts 02554

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C. Elizabeth Gibson  
Town & County Manager

March 18, 2020

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

Dear Governor Baker:

Please accept this letter as a request, pursuant to Article II, Section 8, Paragraph 1, Clause (2) of the Amendments to the Massachusetts Constitution, as amended by Article LXXXIX, that you file legislation with the General Court on behalf of the Town of Nantucket. The purpose of the legislation is to authorize the postponement of the Town's annual election to a date later in the fiscal year, or, if necessary to protect the public health and safety, to a date in the first two months of the next fiscal year. Enclosed herewith, please find a copy of the Select Board's vote to request the filing of special legislation, as well as a proposed special act.

As you are well aware, the Commonwealth is in a State of Emergency. Cities and towns throughout the state have closed schools and public buildings, cancelled meetings and gatherings, and taken proactive steps to limit the opportunity for the transmission of the novel coronavirus COVID-19. We are experiencing an unprecedented interruption in our day-to-day lives, as individuals across the state have been told to work from home, public and private entities, including professional sports leagues, universities, school districts, cultural institutions and events, and more, have been cancelled, closed, or temporarily suspended, and the World Health Organization has identified the current crisis as a pandemic.

For all the same reasons, and because elections require participation by Town officials and staff, volunteers and poll workers, many of whom fall into the category deemed most vulnerable to COVID-19, Department of Public Works assistance to set up and break down polling places, a Police Officer at each polling location, the use of schools and other public buildings, as well as substantial numbers of voters, there exists significant concern as to the safety of all those involved.

While there are various statutory mechanisms for delaying the date of a town meeting, no similar authority exists with respect to elections scheduled pursuant to a charter or bylaw, or that otherwise have been called. In most cases, the need for such rescheduling or postponing of an election is created by an actual or anticipated snowstorm or other natural disaster. There is a general

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Governor of the Commonwealth  
March 18, 2020  
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consensus, however, that it is important to provide regularity with respect to elections, and typically, the only option available to reschedule or postpone an election is pursuant to a court order addressing various issues. In this case, we are facing an emergency, one that is not predictable or typical, and we are concerned that proceeding with our Annual Town Election at this time will force our staff, employees, public safety personnel, and voters, to choose between doing their jobs or participating in the democratic process, respectively, and protecting their health and well-being.

The calling and holding of elections is subject to an interlocking web of statutes, some found in G.L. c.39, some in G.L. c.51, and others in G.L. c.53 and 54. Suffice it to say, however, that delaying the date of an election requires attention to many aspects of the conduct of election. For example, what date will appear on the ballots? What voting list will be used? When will voter registration close? How will absentee ballots be treated? Will voters that were ineligible to participate in an earlier election now be able to participate? Will early voting by mail be permitted? We have thus prepared a draft special act that addresses these issues to the best of our ability. While we are in unpredictable times, we have attempted to anticipate the various issues that require special permission from the General Court.

In our view, voters will not be harmed by this requested postponement authority. Instead, the special legislation will promote enfranchisement of voters and will allow the Select Board, in consultation with the Town Clerk, Board of Health, and public safety officials, to ensure that persons who want to participate in the election can do so. The protections against fraud found in the election laws of the Commonwealth remain in place, and authorization of early voting by mail for this election will allow those who are still concerned about being in public places and in large crowds to participate in the election. The proposed legislation provides a reasonable timeframe for notice to be provided to the public of the date of the postponed election and encourages voter participation by making a like change to the voter registration deadline.


In summary, swift approval of this act will ensure that the Town is able to respond appropriately to the current COVID-19 crisis, avoid the diversion of important municipal resources at this unsettled time, and protect the rights of the voters of the Town of Nantucket to participate fully in the selection of their elected representatives at the Annual Town Election. Please note that the Select Board also is supportive of the adoption of generally applicable legislation allowing towns to delay their annual town elections this year, or of any other relief that could be provided by executive order.

For all these reasons, the Select Board of the Town of Nantucket, as well as the undersigned, respectfully request that you submit the enclosed special legislation on behalf of the Town.

Thank you for your willingness to consider the Town's request and for your consideration in this important matter. If you need further information, please contact the Town Manager, C. Elizabeth Gibson, at 508-228-7200 x 7305.

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Governor of the Commonwealth  
March 18, 2020  
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Respectfully submitted,

  
Dawn E. Hill Holdgate, Chair  
Nantucket Select Board

Rita Higgins, Vice Chair  
Nantucket Select Board

Jason Bridges  
Nantucket Select Board

Matt Fee  
Nantucket Select Board

Kristie L. Ferrantella  
Nantucket Select Board

Nancy L. Holmes  
Nantucket Town Clerk

Hon. Julian Cyr  
State Senator

Hon. Dylan A. Fernandes  
State Representative

Enc.  
714682/NANT/0001

## SELECT BOARD

Minutes of Emergency Meeting of March 18, 2020. The meeting took place in the Public Safety Facility Community Room, 4 Fairgrounds Road, Nantucket, MA 02554. Members of the Board present were Dawn Hill Holdgate. Jason Bridges, Matt Fee, Kristie Ferrantella and Rita Higgins participated remotely via conference call pursuant to MGL C. 30A, Section 20\*. Town Manager C. Elizabeth Gibson was also present. Also participating remotely were Deputy Director of Planning Leslie Snell, Police Chief William Pittman, and Gary Shaw, President and CEO of Nantucket Cottage Hospital.

### I. CALL TO ORDER

Chair Hill Holdgate called the meeting to order at 5:00 PM.

### II. OFFICIAL EMERGENCY BUSINESS

1. Request for Select Board to Ratify State of Emergency Declaration in Response to Corona Virus COVID-19 Global Pandemic. Chair Hill Holdgate noted she signed an emergency declaration earlier in the day. Ms. Higgins moved to ratify the State of Emergency declaration; Ms. Ferrantella seconded. So voted by roll call vote. Chair Hill Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Higgins – Yes.

2. Request for Select Board Endorsement of Emergency Order #1 Pursuant to State of Emergency Declaration for Temporary Moratorium on All Construction Projects on Nantucket. Chair Hill Holdgate explained the reasoning for the request for a temporary moratorium on all construction. Ms. Higgins asked what job sites can be controlled by the Town. Mr. Fee asked what is defined as “construction” and asked if the moratorium applies to landscaping. Chief Pittman explained the proposed Order, noting that landscapers are not included. Chair Hill Holdgate stated that the message that the public needs to understand is that they need to stay away from one another, that the more people stay away from each other the better we are all going to be and ultimately this action will help save lives. She added that while this may sound dramatic, the Hospital is 100% behind the Order. Mr. Fee said he agreed with Chair Hill Holdgate’s sentiment but asked for further clarity – what does the Order exactly apply to and how will it be enforced. Chief Pittman explained the difficulty in crafting an Order that covers every single scenario and what is allowed and now allowed. He noted that it was modeled after Boston’s Order. He noted that an occupied house having work done for habitation purposes is exempt from the Order. Chief Pittman noted further provisions for exceptions and emergency work. He reviewed issues regarding employees travelling from off-island on the boats, people gathering in groups at job sites and in public offices. Discussion on enforcement followed. Mr. Bridges said that he supports the Order, but he is concerned for the people involved in preventing/dealing with the enforcement. He added that he feels there needs to be a timeframe for the moratorium which could be extended if necessary. Chair Hill Holdgate said she wants the moratorium in place for the shortest amount of time possible. Ms. Higgins asked if Boston put a timeframe on its Order. Chief Pittman said Boston did not. He reminded people of the reason behind the Order which is to help flatten the curve. He said that a timeframe could be put on the Order consistent with the School’s closing. Mr. Bridges, Ms. Higgins and Ms. Ferrantella were in agreement on a timeframe consistent with the School closing. Mr. Fee said the Town needs to “message” the concerns and get answers to citizens’ questions. Chair Hill Holdgate said the moratorium could be discussed at the Board’s April 1, 2020 meeting. Chair Hill Holdgate read a letter from the Nantucket Builder’s Association (NBA) (attached) with numerous questions. Chief Pittman reiterated that the Town is trying to stop 1:1 contact in the trade setting which is going to be difficult to enforce. He urged people to listen to what the Nantucket Cottage Hospital (NCH) is saying – that the next five to eight-day period is going to make or break this island and people are either going to live or they are going to die. He noted state and federal programs are coming on-line to help people with unemployment benefits. Mr. Fee spoke about loan opportunities and issues with businesses losing money. Chief Pittman reviewed the Town’s efforts to help the community. Chair Hill Holdgate noted that NCH President and Chief Executive Officer Gary Shaw had joined the meeting via conference call. Mr. Shaw gave an overview of the situation and the significance of the Order and stated that he has never seen anything as significant as Coronavirus in his 40-year experience; he

added that it is extremely transmittable. Mr. Shaw said that NCH's resources are extremely limited; he reviewed statistics and what is needed for NCH to be able to care for people who become afflicted. He reiterated that the goal is to flatten the curve as soon as possible and as much as possible. Mr. Shaw spoke in support of the Town's measures. Chair Hill Holdgate opened the meeting to comments via YouTube chat. There was some discussion for this new temporary process for public meetings. Chair Hill Holdgate read many comments and questions from the public, both related and unrelated to the proposed moratorium. Chair Hill Holdgate read the proposed Order. Mr. Fee moved to approve Emergency Order #1 pursuant to the State of Emergency declaration for a temporary moratorium on all construction projects on Nantucket. Mr. Bridges suggested an end date for the moratorium of April 6, 2020 for now, with weekly reviews. Mr. Fee accepted Mr. Bridges' comment as a friendly amendment to his motion. Mr. Bridges seconded motion as amended. Ms. Ferrantella spoke in favor of reaching out to the Governor to stop people from coming to Nantucket. On the motion, so voted by roll call vote. Chair Hill Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Higgins – Yes.

3. Affirmation of Vote of Select Board to File Special Legislation in Connection with Rescheduling April 14, 2020 Annual Town Election. Mr. Fee moved to file special legislation in connection with rescheduling the April 14, 2020 Annual Town Election; Ms. Higgins seconded. So voted by roll call vote. Chair Hill Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Higgins – Yes. Ms. Gibson noted a proposed date for the election is to be determined.

Mr. Bridges thanked all staff working on these matters. Chair Hill Holdgate said one of the questions received is regarding the Emergency Declaration and how it will help Nantucket. Chief Pittman said that for all practical purposes, the state and federal Emergency Declarations accomplish what the Town needs to protect citizens; however, the local declaration emphasizes the seriousness of the situation that our community is confronting and makes available potential reimbursement from FEMA (Federal Emergency Management Agency) and MEMA (Massachusetts Emergency Management Agency) for recovery funding and other resources. Chair Hill Holdgate ended the meeting by urging that all citizens stay at home and shelter in place as much as possible. She added that this is supposed to be a message of the severity of the situation and for people to understand how serious the situation is.

### III. ADJOURNMENT

Mr. Bridges moved to adjourn at 6:20 PM; Ms. Higgins seconded. So voted by roll call vote. Chair Hill Holdgate – Yes; Mr. Bridges – Yes; Mr. Fee – Yes; Ms. Ferrantella – Yes; Ms. Higgins – Yes. Ms. Gibson noted, again, a proposed date for the election will need to be determined.

Approved the day of, 2020.

**SELECT BOARD  
MARCH 18, 2020 – 5:00 PM  
PUBLIC SAFETY FACILITY COMMUNITY ROOM  
4 FAIRGROUNDS ROAD  
NANTUCKET, MASSACHUSETTS**

List of documents used at the meeting:

- II. 1. Town of Nantucket Emergency Declaration
- II. 2. Emergency Order No. 1 – Temporary Moratorium on all construction projects on Nantucket
- II. 3. Draft letter to Gov. Baker re: special legislation to reschedule April 14, 2020 Annual Town Election; proposed Act Relative to the Postponement of the 2020 Annual Election in the Town of Nantucket

DRAFT

**From:** [Board of Directors](#)  
**To:** [Town Manager; Dawn Hill Holdgate](#)  
**Cc:** [Board of Directors](#)  
**Subject:** NBA INPUT: LOCAL JOBSITE CLOSINGS (URGENT)  
**Date:** Wednesday, March 18, 2020 4:58:19 PM

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To the Town of Nantucket Administration:

The Nantucket Builders Association sincerely appreciates the severity of the situation we currently are in and thanks the Town for its ongoing work and efforts to mitigate this crisis on all of our behalf. As we represent numerous tradespeople and their island families, we submit the following list of pressing questions, considerations, ideas and concerns for your consideration, as it relates to the possible closing of construction sites island-wide.

- In Nantucket's construction industry, onsite workers cannot "take their work home." This means countless families will be without paychecks, and this in turn will ripple out to unpaid rents, bills, and families going hungry. A jobsite closure will have significant negative financial impact on the year-round population.
  - How will the Town assist these families?
  - What programs are in place to assist trades workers financially over the duration of this period?
- In our predominantly residential construction industry, work occurs on **private property**, not in public spaces like restaurants, schools, banks, etc. This greatly reduces exposure risks and allows for safe distancing practices while at work. Can the Town suggest alternative ways to allow local island residents in the trades to go to work while using social distancing protocols and other mitigative measures, such as requiring all contractors, trades, and onsite workers working indoors to wear respirators, wear gloves, and limit teamwork to one or two workers per task? Owners of construction companies could easily enforce this.
- The vast majority of the jobsites on-island are small to mid-sized residential projects. Instead of a complete shutdown, can't jobsites be limited to having 10 or less people on site at a time, as is consistent with current mandates on other public gatherings?
- Can the Town limit off-island construction workers from coming to the island/local jobsites to work as a means of safe-guarding the Island's largest, local year-round economic driver (the Construction Industry)?
- If construction sites are to be shut down:
  - Would this action apply to outdoor construction such as foundation work, the framing of a residential shell, landscape construction, landscaping, etc?
  - Are business owners such as millwork, cabinet shops, paint shops, and the like allowed to perform their work? Is that up to the individual business owner?
  - Is service work permitted? Hot water heaters, HVAC equipment etc?

- Are emergency construction services permitted (i.e. flooded basements, leaking roofs or sidewall, imminent structural repairs)?
- Could contractors and trades be allowed to work in vacant homes to perform service work such as painting, plumbing and electrical repairs, boiler replacements, HVAC work, etc?
- What happens to construction projects that are in process and could/will be damaged by shutting them down, such as water damage because of uninstalled windows or roofs not being completed:
  - Whose liability would this damage be? The contractor? The Town?
  - Has the Town spoken with the island's insurance companies regarding these kinds of potential liability claims?

Please consider the above as you make this very difficult and impactful determination. We understand that the model implemented by Mayor Marty Walsh appears attractive, however the job sites in Boston contain a multitude more workers than even the biggest construction project on Nantucket, and more importantly, they are union jobs. Those tradesmen and women will be paid when they are home. Our workforce will not be so lucky.

The Nantucket Builders Association would like to see the Town take an approach of moderate restrictions aimed at keeping job sites open, and to implement a maximum number of 10 people or less on a jobsite at a time. With such considerations, the industry (and income) will not grind to a complete halt, but will allow a mitigated path for the hard working, year-round trades-workforce to continue earning living—so vital for our island economy.

Respectfully,

The Board of Directors

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**NANTUCKET BUILDERS ASSOCIATION**

Phone: 508-228-1600 (Please leave a message)

Address: P.O. Box 3446

Nantucket, MA 02584

[admin@nantucketbuildersassociation.org](mailto:admin@nantucketbuildersassociation.org)



## **An Act Relative to the Postponement of the 2020 Annual Election in the Town of Nantucket**

Section 1. Notwithstanding the provisions of section 9 of chapter 39, sections 26 and 28 of chapter 51, and chapters 53 and 54 of the general laws, or of any other general or special law, regional school district agreement, or by-law to the contrary, in order to protect the rights of eligible voters and avoid disruption of local governmental processes and waste of municipal resources, the select board of the town of Nantucket hereby shall be authorized to postpone its annual town election, scheduled for April 14, 2020, to a date certain during the last quarter of fiscal year 2020, and, further, to conduct such election in accordance with the provisions of this act. To the extent this act is silent on any issues, such postponed election shall be held in accordance with all applicable election laws.

Section 2. The select board of the town of Nantucket shall, following consultation with the town clerk and town manager as to logistics and feasibility, vote to reschedule the annual town election, and post on the official town website a copy of this act, the vote of the board, and a sample ballot, no later than 20 days prior to the date of the postponed election. Notice of such action shall be provided to the public in other ways reasonably calculated to enable eligible voters to learn of the postponed election date and to cast ballots therein, which notice may include but is not limited to a so-called “reverse-911” call, municipal list-serve notifications, advertisement on local cable television, or issuance of a press release sent to local news media.

Section 3. The last day to register to vote for such postponed election shall be ten days prior to the date of the election, and the board of registrars shall hold a registration session on that date, at a minimum, from two to four o’clock in the afternoon and from seven to eight o’clock in the evening. The voting list to be used at such postponed election shall include all eligible voters registered as of that date.

Section 4. The election materials, including but not limited to absentee and official ballots originally prepared for the April 14, 2020 election, and bearing that date, shall be used for the rescheduled election to the extent practicable; if additional ballots must be printed, they shall be identical in form to those prepared for the April 14, 2020 election.

Section 5. Absentee ballots cast in connection with the April 14, 2020 election, whether returned prior to April 14, 2020, or otherwise, and received by the town clerk prior to the close of polls on the date of the postponed election shall be processed in accordance with applicable law; provided, however, that any voter who chooses to vote in person on the date of the postponed election may do so if their absentee ballot has not yet been counted. Completed applications to vote by absentee ballot in the postponed election shall be accepted by the board of registrars until 12:00 noon on the last business day prior to said election.

Section 6. If after consultation with the board of health, police and fire chiefs, town clerk, and the town manager, the select board determines that such election cannot, consistent with public health and safety, be held during fiscal year 2020, said board shall make a separate and specific finding with respect thereto. Said board may schedule such postponed election to be held during the first two months of fiscal year 2021, provided that the calling and holding of such postponed election shall comply with all other provisions of this act.

Section 7. Consistent with the provisions of section 107 of chapter 41 of the general laws, any incumbent elected official whose term would otherwise expire at the April 14, 2020 annual town election shall continue to serve in such position until a successor is elected and qualified.

Section 8. Notwithstanding the provisions of section 25B of chapter 54 of the General Laws, or of any other general or special law to the contrary, any eligible voter may vote early by mail. Any eligible voter wanting to vote early by mail may file with the town clerk an application for an early voting ballot. Any form of written communication evidencing a desire to have an early voting ballot be sent for use for voting at such postponed election shall be given the same effect as an application made in the form prescribed by the state secretary or the town. No application shall be deemed to be seasonably filed unless it is received in the office of the town clerk or registrars of voters before noon on the last business day prior to the date of the postponed election. All early voting ballots voted by mail shall be received by the town clerk before the hour fixed for closing the polls at such postponed election. Early voting ballots cast under the authority of this section shall be processed at the polls in a manner consistent with that set forth in said section 25B.

Section 9. In the event that this act does not take effect until after April 14, 2020, the actions of the select board, board of registrars, and town clerk to postpone the annual town election shall be ratified, validated, and confirmed as if this act had been in place prior thereto.

Section 10. This act shall take effect upon its passage.