

TOWN AND COUNTY OF NANTUCKET
SELECT BOARD COUNTY COMMISSIONERS

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Nantucket Builders Association
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March 19, 2020

Dear Board of Directors:

Thank you for your letter of March 18, 2020 regarding the Town of Nantucket's Emergency Order No.1 – Temporary Moratorium on all Construction Projects on Nantucket. We know this is an unprecedented and difficult situation for our community and in fact, the world, and we sympathize greatly with your concerns. The Board's decision is based on the need to "flatten the curve" as soon as possible and keep our community safe. This takes extraordinary measures. Please find responses to the questions posed in the letter below.

The Town looks forward to working with the Nantucket Builders Association during this unprecedented crisis. Should you have questions or additional comments please contact the Town's Building Commissioner, Paul Murphy, at pmurphy@nantucket-ma.gov.

Sincerely,
Town Administration on behalf of the Nantucket Select Board

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- 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.
 - o How will the Town assist these families?
 - o What programs are in place to assist trades workers financially over the duration of this period?

The emergency moratorium unanimously supported by the Select Board was in response to the COVID19 Global Pandemic we are all facing. This measure is intended to encourage workers in the construction industry, like those in many other industries, to socially distance as recommended by the CDC and to stay home. We believe that by acting now, we can minimize a widespread and longer-term community health and economic impact. The Town

website contains a link for Coronavirus (COVID-19) information, including links to other websites containing information about resources that may be helpful to our residents. We continue to be in touch with our state representatives to communicate to them the unique challenges that Nantucket faces and the financial impacts to our residents.

<https://www.nantucket-ma.gov/1657/Coronavirus-Disease-2019>

- 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.

At this time, the town is encouraging our residents to stay home and socially distance from non-family members, as recommended by the CDC. To suggest alternative ways to allow tradespeople to continue to work would be contrary to that initiative. Please be aware that the Select Board has committed to reviewing this moratorium, which is subject to change, at its weekly meetings.

- 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?

Same response as above.

- 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)?

No. The Town has no control over the passengers permitted on the ferries or planes. See Press Release regarding ferry services here www.nantucket-ma.gov/1671/Latest-News.

- 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?
 - **The only work permitted is what is specifically authorized in the Emergency Order.**
 - 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?
 - **Yes, as long as the work is not being completed on a construction site subject to a Building Permit. However, we urge these businesses to follow the social distancing practices recommended by the CDC.**
 - Is service work permitted? Hot water heaters, HVAC equipment etc?
 - **Service work is permitted as specifically authorized in the Emergency Order.**

- Are emergency construction services permitted (i.e. flooded basements, leaking roofs or sidewall, imminent structural repairs)?
 - **Service work is permitted as specifically authorized in the Emergency Order.**
- 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?
 - **Service work is permitted as specifically authorized in the Emergency Order.**
- 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?

Contractors should consult their insurance policies regarding coverage for these instances. The Building Commissioner has the authority to make case-by-case exceptions for extenuating circumstances. If a contractor or homeowner has a concern related to a specific project subject to an active building permit, then they should consult with the Building Commissioner.

Please check the Town's website for up-to-date information at www.nantucket-ma.gov.