

# TOWN ADMINISTRATOR'S REPORT

## JUNE 1, 2021

### **1. COVID-19 UPDATES FROM THE HEALTH DIRECTOR –**

As of May 31, 2021, the State reported 146 new confirmed cases in MA. The State's 7-day positivity rate remains low at 0.66%, which is down from the last reporting period. There were 3 new cases reported in Barnstable County as of Sunday, May 30, 2021. The 14-day positivity rate in Barnstable County is 1.71%, which is also down from the last reporting period. The Town of Dennis has 2 active cases at this time and continues to be recognized as a low risk, green community.

Vaccination efforts continue across the State and the County. As of May 17, 2021, the State reported almost 8 million individuals eligible to receive the vaccine have received at least one dose including 78% of residents in Barnstable County. At this time, individuals age 12 and older who live, work, or study in Massachusetts are eligible for vaccination. The only vaccine approved for Individuals 12-17 at this time, is the Pfizer vaccine. Moderna reports recent studies reveal their vaccine is 100% effective in adolescents age 12-17. Use of this vaccine for individuals in this age group remains pending approval by the FDA and the State of MA at this time. Individuals age 18 and older can receive any one of the three vaccines, all of which have been determined to be safe and effective. For more information on obtaining vaccination visit: [www.mass.gov/COVIDvaccine](http://www.mass.gov/COVIDvaccine).

Barnstable County continues to operate a vaccination clinic at Cape Cod Community College as well as clinics at various high schools and middle schools across the Cape. Clinics held locally at these sites are open to eligible staff, students and student's families. In addition to County and State resources, individuals may also pursue vaccination through Cape Cod Healthcare, local community health centers on Cape Cod and several local pharmacies. The supply of vaccine on Cape Cod remains more than adequate to meet demand.

As of May 29, 2021, the Governor's Face Covering Order was rescinded. Concurrent with this action, the MDPH issued a Face Covering Advisory, which is consistent with the Center for Disease Control and Prevention's guidance, recommending that fully vaccinated individuals no longer need to wear a face covering or social distance indoors or outdoors except for in certain situations including when using public and private transportation systems (including rideshares, livery, taxi, ferries, MBTA, Commuter Rail and transportation stations), when visiting healthcare facilities and in other settings hosting vulnerable populations, such as congregate care settings. Face coverings also remain required indoors for staff and students of K-12 schools and early education providers per guidance issued by the Department of Elementary and Secondary Education. Face Coverings are also recommended for any individual who has not been fully vaccinated.

In addition to rescission of the face covering Order, the State Department of Labor Services and the Office of Energy and Environmental Affairs has lifted all remaining industry COVID-19 restrictions, capacity restrictions and gathering limits effective May 29, 2021.

Consistent with recommendations coming from the Governor's Office and various State Agencies, the Dennis Board of Health met last week and determined they will not seek to implement any further local COVID restrictions or face covering requirements within the Town of Dennis. The Board, who are

fully supportive of the Governor's recommendations and reopening plans, recommended that effective this past Friday May 29, 2021, all COVID restrictions be lifted within the Town of Dennis (with exception of transportation sector, healthcare sector and schools as noted previously), and are in full support of the reopening of Town Hall on June 7, 2021.

The State remains poised to lift the State of Emergency effective June 15, 2021. Recognizing that an emergency still exists that is detrimental to the public health in MA, the Governor has issued a modified Public Health Emergency Declaration effective May 28, 2021 to allow the Commissioner of Public Health, with the approval of the Public Health Council, to extend or adopt measures to facilitate COVID-19 testing, vaccination and surveillance and to implement special measures to protect higher risk individuals where necessary if further outbreaks of the virus arise. In addition, the Administration continues to work with legislative and municipal partners during this period in order to manage an orderly transition from emergency measures adopted by executive order and special legislation during the period of the State of Emergency.

Kristen Keller, Health Director

## **2. GOVERNOR BAKER FILES LEGISLATION TO EXTEND CERTAIN SPECIAL ALLOWANCES FROM PANDEMIC PERIOD**

*"Gov. Charlie Baker announced that he is filing legislation today to extend certain emergency measures currently in place by executive order that are set to expire on June 15, when the state of emergency will be rescinded.*

*The governor's legislation would extend measures providing for a temporary suspension of certain open meeting law requirements, special permits for expanded outside dining at restaurants, and billing protections for COVID-19 patients. Temporarily extending these measures, the governor said, would give communities and businesses time to transition, but extending them requires legislation.*

*"The abrupt end of the state of emergency on June 15 will create a number of major transition challenges for government and businesses, which is why swift passage of this extension legislation is essential," said MMA Executive Director Geoff Beckwith. "There are many innovations and operational improvements that we want to keep in place, and this bill would give municipal and state leaders adequate time to enact permanent provisions."*

*The MMA sent a letter to legislative leadership yesterday requesting that they act quickly on a number of permanent changes to ensure a seamless transition after the state of emergency is lifted on June 15.*

*To allow public bodies to safely meet during the pandemic and ensure public access to meetings, Gov. Baker issued an executive order in March 2020 allowing these bodies to meet quorum requirements even if meetings were held remotely through electronic means, as long as measures were taken to ensure the public with electronic access to the proceedings. The bill filed by the governor today would extend these provisions through Sept. 1 of this year. The governor said the extension would allow additional time to consider possible permanent changes to the open meeting law to provide for greater flexibility in conducting open meetings using electronic streaming and similar measures.*

*The governor’s bill would also give municipalities the authority to extend special permits for restaurants offering outdoor dining, issued under the state of emergency, through Nov. 29 of this year. Under an executive order issued in 2020, municipalities were permitted to use an expedited process to approve temporary permits for new or expanded outdoor dining and alcohol service. Without a legislative extension, special permits granted under the order will expire 60 days after the end of the state of emergency.*

*The legislation would also extend a protection adopted in an executive order that prohibits medical providers from billing patients who have received COVID-related emergency and inpatient services for charges in excess of costs paid by their insurers. The protection would extend until Jan. 1, 2022, at which time recently passed federal legislation that included protections for both emergency and non-emergency cases will become effective. Earlier this year, Gov. Baker signed legislation establishing surprise billing protections for patients for non-emergency services.*

*“Massachusetts is leading the nation in the vaccination effort and that progress is enabling the Commonwealth to return to normal,” Gov. Baker said. “These temporary measures will help businesses and residents in this transition period, and I look forward to working on these and other issues in the week ahead with our partners in the Legislature.”*

*Before June 15, the administration says it plans to take additional steps that will permit the continuation of targeted public health measures beyond the end of the state of emergency, including the mask requirements announced on May 17.”*

### **3. LOCAL APPROVAL OF OUTDOOR ALCOHOL SERVICE – LEGAL UPDATE FROM KP LAW**

The Governor and General Court took several actions over the past year related to alcohol licensing aimed at providing relief to restaurants, which were hit hard by COVID-19 capacity restrictions during the pendency of the State of Emergency. These included authority to sell beer, wine and cocktails “to go” with take-out food, capping fees on food delivery services and allowing local licensing authorities (LLA) to approve outdoor seating areas without the usual mandatory inspection and approval of the ABCC. While the first two items are currently under discussion to be continued by the General Court, at present, the outdoor service provision is facing a deadline. The Governor’s COVID Order #50 authorized outdoor service with only local approval until “60 days past the end of the State of Emergency.” With the Governor’s announcement that the State of Emergency will be lifted on June 15, 2021, this means this portion of Order #50 will expire on August 14, 2021 if the Governor or General Court take no further action. Under such circumstances, these locally approved outdoor service areas would be considered unpermitted and in violation of their alcohol license after August 14, 2021, unless they have also been approved by the ABCC. We recommend that LLAs advise any license holders with outdoor table service areas that were only permitted at the local level that they must file an Alteration of Premises application with the LLA, which, if approved, can be submitted to the ABCC for formal approval in order to remain compliant with statutory requirements. It appears that the usual statutory public hearing requirements would apply. In addition, municipalities should review how their zoning ordinances and bylaws apply to such outdoor areas.

### **4. OPEN MEETING LAW UPDATES – LEGAL UPDATE FROM KP LAW**

As you know, Governor Baker announced that the State of Emergency will end on June 15. We are working on what this means for the ways we’ve been doing business over the past year, but I wanted

to be sure we adjust our practices for land use boards, many of whom will soon be scheduling meetings and hearings on or after June 15.

As you may recall, the Governor's Order Suspending Certain Provisions of the Open Meeting Law (issued back in March 2020) was to remain in effect until that order was rescinded or the state of emergency ended. Barring any further action by the Governor or State House, this means that virtual meetings will cease as of June 15. I have heard that the Mass. Municipal Association is working with legislators to try to craft some form of virtual meeting legislation going forward, but that would have to be enacted quickly. Besides, where land use boards need to place legal ads and provide notice at least two weeks before a scheduled hearing, you will need to adjust your practices soon.

Given what we know right now, if the Planning Board, ZBA, Conservation Commission or any other board required to advertise and send notice of a public hearing knows that it will be holding a hearing on or after June 15, we should assume that those hearings will be held in person, and the legal ads and hearing notices will need to be revised accordingly. If any new developments occur, we will let you know as soon as possible.

## 5. 2021 ATLANTIC HURRICANE SEASON BEGINS

*Start of Hurricane Season is an Opportunity to Prepare*



June 1st marks the official start of the Atlantic Hurricane Season, which runs through November 30th. While most hurricanes and tropical storms that have hit New England occurred during August and September, residents are encouraged to take time now to begin preparing before a storm. Throughout hurricane season, the Massachusetts Emergency Management Agency (MEMA) will share preparedness information to help residents be aware of, and prepare for, the impacts of hurricanes and tropical storms.

The National Oceanic and Atmospheric Administration (NOAA) [seasonal outlook predicts](#) another active, above-normal, Atlantic hurricane season. While NOAA is not expecting the historic activity seen last year, it only takes one storm to make landfall and severely affect an area.

The beginning of hurricane season is a timely reminder for all residents to prepare for the effects of a hurricane by learning if you live in a hurricane evacuation zone, developing an emergency plan, building an emergency kit, and staying informed before, during, and after the storm.

Hurricanes and tropical storms can have an impact on the entire Commonwealth, not just coastal communities. This year marks the 10th anniversary of Tropical Storm Irene, which produced severe flooding damage in communities throughout Central and Western Massachusetts in 2011. All Massachusetts residents need to prepare for the possibility of storm impacts - to learn more about the hazards and how to prepare, visit MEMA's hurricane webpage: [www.mass.gov/mema/hurricanes](http://www.mass.gov/mema/hurricanes).

## **6. SCARGO TOWER OPENS –**

As you know Scargo Tower was being repaired and had significant restoration and repointing work done. At this time, the work has been completed and Scargo Tower is now fully open and safe for all to enjoy. Additionally, the view shed has been opened up with selective vista pruning done as approved by the Conservation Commission, thank you to our volunteer landscapers that helped the Town achieve this Select Board goal.

## **7. TRANSFER STATION PROJECT UPDATE -**

- May 24<sup>th</sup> and May 25<sup>th</sup>: Access road and interior parking milled, binder and top coat-all pavement complete
- Line painting scheduled tomorrow 6/2 or Thursday 6/3
- Building roof drainage installed
- Loam and seed shoulders
- Repaired overhead doors
- Resolved alarm issues
- DPW staff to meet w/ SW&RC to discuss sign plan. New compactor will open after new are in place
- 95% Complete
- On Budget

Enjoy your week everyone!

Respectfully,

Elizabeth C. Sullivan  
Town Administrator