

Norfolk County-8 Coalition

MDPH/LBOH CALL 9/22/2020



Announcements:

Community impact survey: Planning on closing the [survey](#) mid-October, depending on the sample size. Please feel free to take it yourself and share with others in your community.

DESE: Questions from school districts about using data from DPH that is released each Wednesday--the weekly color-coded health metric map. When we released the metric last month, Commissioner Riley cautioned superintendents to look at multiple weeks of data, recommending 3 weeks. Reason being, is that if your community switched from one color in one week, this could cause disruptions in teaching modality. If you switch in one week, we don't want you to automatically shift to another learning model, wait the 3 weeks. Also look at other data sources. Weekly update yesterday, additional [FAQ document](#) on DESE website. Check these out, related to schools hosting SAT/ACT tests and masks (masks recommended for schools), how to remove a mask, and how to conduct a mask break.

Changes to standards: Changes to these standards are not dependent on the community risk map. Municipalities can make the decision to be stricter at the local level. Minor changes to retail standards, restaurants, and events. They have not been posted yet, we are announcing this to you today. All of these going to be released and are effective Monday (9/28). *Retail:* Self-service beverages (like you find at Cumby's, 7/11 etc.) these will be allowed to open, but in a retail setting only. Not allowed in restaurants or hotel lobbies. Recommendations around cleaning will be built into the standards. *Restaurants:* Essentially going to be about group size, size can increase from a table seating of 6 to a table seating of 10. Same distance between tables, but the size of the party can change. Now there can be seating at the bar. Bar cannot be open for drink service, but provided there is a 6ft separation between patrons, or if a plexiglass barrier is added between patron and employee, this is allowed. Now, you can use laminated menus that need to be washed between users. *Events:* Added language around valet parking, directed at supporting people with access needs. Coat rooms, these are allowed in lodging and indoor events.

Dr. Brown: Aerosolization. Over the weekend, CDC accidentally posted one version of draft language around aerosol transmission of COVID-19. After the media storm and questions, CDC took that information down. What we have heard from them is that they are having conversations about droplets v. aerosol transmission. They are trying to find ways to refine how to discuss this. We have not heard specifics about this. DPH has said throughout all of this, that aerosol transmission can happen under certain circumstances. The one to highlight is the [MMWR](#) (the choir, large number of people singing were infected). This shows that at least some aerosol transmission occurred. At this moment, DPH has no suggestions or in the literature that indicates there should be a huge shift in the thinking at this moment. As we learn more about

Norfolk County-8 Coalition

MDPH/LBOH CALL 9/22/2020



this disease, guidance will change. I wanted to let everyone know that this was an error from the CDC and they are having these conversations as we are.

Halloween: Still looking into this. CDC released information about [Halloween today](#), a couple of hours ago. This is a good resource to think through different holiday circumstances that your community might be thinking about, as well as sector specific standards for events you have in mind.

Questions from emails:

Q: Enclosed tents—when tents are allowed to be enclosed, do steps need to be taken to ensure ventilation? Is entertainment allowed in tents when they are enclosed? If an establishment wants to host an event, do they use indoor/outdoor capacity numbers? Does converting a tent to indoor dining impact alcohol service to patrons in the tent?

A: COVID-19 restaurant standards does not discuss the type of ventilation required. If you have more than 2 walls down, then you are now indoor dining. And entertainment is not allowed in indoor dining, so this is not allowed. Any event needs to follow indoor/outdoor dining capacity, right now it capped at 25 people for indoor event. Alcohol regulation needs to be checked with the licensing commission (board of selectmen or city council). This is a local question, and an [ABCC](#) question. Cheryl Sbarra will follow up.

Q: Celebrating Veteran’s Day on 11/11. How can they celebrate this day, are parades allowed?

A: Regardless of the holiday, if there is a particular event being planned, at the minimum adhere to the standards, for this example, event standards. Any kind of event refer first to COVID-19 standards.

Q: If 2 people separated by plexiglass and within 6 ft for 15 min, are they still a close contact?

A: Unless someone is enclosed in a plexiglass block, we think a plexiglass barrier sort of like masks and face shields. They help, but they don’t completely protect you. Definition of close contact continues to be 6ft even if there is a barrier between the two of you.

Q: Live performance at drive-in venues? Tour companies are asking.

A: Scenario 1: everyone stays in the car. If venue advertises that everyone needs to stay in the car, then you can follow drive-thru occupancy standards. Scenario 2: People are allowed to get out of the car. Some venues have live bands, comedy show, and advertise that people can allow to sit outside their car, at least 6ft distance. If audience is allowed to get out of the car, they are no longer a drive-in theater. They are now a theatre and performance venue that has an occupancy cap of 50 people outside. This includes audience, workers, and band.

Norfolk County-8 Coalition

MDPH/LBOH CALL 9/22/2020



Q: Can multiple families rent an Airbnb unit, such as a house, as one party at the same time.

A: *I don't think they answered this question.*

Q: Do businesses have a right to deny patrons who claim a medical exemption when not wearing a face covering?

A: Yes, businesses can restrict these people, as long as the business offers a reasonable modification that does not significantly alter the operations of business, or places an undue administrative or financial burden on the business. American Disabilities Act—they've been silent on face masks requirements, but by analogy it is helpful. Reasonable modifications in this case are allowing someone to wear a loose face mask, or face shield, offering online ordering, phone orders, permitting person to wait in the car while employee puts together the order. Some circumstances where a business cannot provide a reasonable modification is if this modification fundamentally alters the operations of the business. Example, customer wants shoes, is denied entry, and wants them delivered. Store does not do delivery, and they do not have to do this. If a person without a mask provides a threat, then this is a case where a modification does not need to be made. If these criteria are right, individual would most likely not prevail if they were to set a claim against the business. Cheryl has a draft of this language if you want. Reach out at sbarra@mahb.org

Q: Shelving and backroom space, does this count when calculating occupancy for retail?

A: 50% of the building's maximum, but also in any case no enclosed space can exceed occupancy of 10 people / 1,000 sq. ft.

Q: Religious group meets in hotel conference room and are requesting the hotel meet [places of worship](#) occupancy standards. Can these standards be transferred over?

A: There are some places of worship who may meet for certain holidays who rent space from a building, but the actual religious service itself needs to follow place of worship standards. Indoor location can allow more than the 25 people maximum if it's a true religious service. If it is a party, gathering, or event, this follows the indoor gathering standards.

Questions from callers:

Q: DLS—if a food establishment wants to have dinner reservations and have a comedian perform while they're eating dinner with a table of 6 or less, can this happen? If we are having an outdoor event in town for 50 people or less, if a winery wants to be there and have samples or visitors want to buy a drink while they wander through, would this be allowed even if people won't be sitting there drinking?

A: Amenities are closed in indoor and outdoor dining. You are allowed to have outdoor performances, but amenities inside are closed and not allowed, like comedians, bingo, trivia,

Norfolk County-8 Coalition

MDPH/LBOH CALL 9/22/2020



karaoke, pool tables, dance floors. If they have outdoor seating and the performance takes place, this now becomes an event and need to follow event standards. Outdoor event, no beer/winery tent/booth allowed. They must provide seated food service.

Q: Tents—does DPH know if public safety/State Fire Marshall reviewed safety of tents in the wintertime with space heaters everywhere? Also, with bar, is it 6ft between seats at the bar?

A: Bar seating in a restaurant, not that bars can be open. Bar seating is permitted as long as there is no working area around the seating, or if there's a plexiglass barrier. In addition, parties must be seated (not standing) must be 6ft away from other parties. The requirement is that there will be some separation. *No one answered about tent safety question.*

Q: [DESE FAQ](#) document from 9/21, "how do we know if we need to suspend in person learning?" Sentence says that next steps CAN include implementing DESE protocols for notifying isolation orders or using LBOH. Why is conferring with LBOH or DPH presented as optional? Especially when schools do not have the legal authority to enforce isolation and quarantine.

A: No position today to provide additional clarification.

Q: Schools looking for criteria for shutting down, caller is part of Martha's Vineyard which is a community of only 17k people. We have asked DPH to combine the case count for the purpose of the color code to make us one community. The different district counts are causing confusion for school committees and school nurses.

A: No comment on this.

Q: Seeing increase in businesses offering and people using rapid antigen testing with no PCR testing for people looking for clearance to return to school environment after being identified as having COVID-19 like symptoms. Is DESE going to take a firm stance on this, are school departments or board of health allowed to implement a PCR-only testing requirement?

A: We will take this back.

Q: If we have a sit down restaurant, no dancing, but they want a DJ to play music in the background instead of the radio, is this allowed? Is this an event even if people are not dancing?

A: DJ, we are looking at an ambiance type feel. This is allowed. Once you have a comedy show, where there is a ticketed type of promotion or a stop and start, this is now an event.

Q: Trick-or-trunks, different churches and organizations want to put these out for kids with some modifications, example, kids will be separated by 6 ft, wearing masks, people providing treats also wearing masks. Is this allowed?

Norfolk County-8 Coalition

MDPH/LBOH CALL 9/22/2020



A: We are looking at this, after this meeting we have another meeting to go over some drafts. This set up has been specifically raised and is on the table for discussion. Also, this is somewhat addressed in the CDC guidance. Anything DPH adds on is supplemental to this.

Q: Contact tracing in a library, librarian wants to make sure we are doing what's best for the community. The approach is for individuals to not be in the library for longer than 10-15 minutes. Should we be contact tracing if an individual becomes positive and they were only in the library for 5-10 minutes?

A: We do not expect that the library be doing any contact tracing, we would expect this to be done by CTC depending on who is covering this area. If the library becomes aware of somebody who tested positive and was in the library during the infectious period, we encourage them to reach out to LBOH and start this conversation. I believe there is a recommendation to keep track of who is in the library, but this is not required.

Q: Restaurants extending their season, many are trying to purchase igloos or greenhouses to extend this season, does anyone have guidance on these types of structures? This would be a setting for an individual table, small parties of 4 or 6, and I guess now it's up to 10.

A: Will take this back, and local fire chief needs to be involved.