

# Coronavirus (Covid-19) Update for Local Governments

**On April 6, Gov. Cuomo extended NYS's PAUSE until April 29, meaning schools and all non-essential businesses remain closed until then.**

*\*Note - New York State PAUSE Enforcement Assistance Task Force offered some guidance on April 1, 2020 – it can be viewed on the Cayuga County website <https://www.cayugacounty.us/DocumentCenter/View/12549/Pause-Enforcement-Assistance-Task-Force-PDF>*

## **AOT Training Postponements / Cancellations**

**Finance Schools:** AOT has postponed its Finance Schools at both locations (Saratoga and Rochester). All members who submitted registration checks will receive them back in the mail shortly. Stay tuned to your inbox, mailbox and our website for announcements regarding rescheduled dates.

**Highway School in conjunction with CLRP:** After careful consideration, the 2020 Highway School at Ithaca College has been canceled. All registration checks will be mailed back.

## **Broadband Services**

*(Courtesy of the Tug Hill Commission)*

### **Resources for Limited or Lack of Wireless or Internet Services:**

#### **Free Wifi/Internet**

Charter Communications (Spectrum) and Comcast are giving households with K-12 and college students, and those who qualify as low-income complimentary WIFI for 60 days.

- Families who do not have the service will also receive free installation of the service.
- Both companies are expanding Wifi hotspots to the public within the company's available regions.
- Call 1-844-488-8395 (Spectrum) or 1-855-846-8376 (Comcast) to enroll.
- Individuals must call company after 60 days, or they will be automatically billed.

#### **Extra or Unlimited data**

Charter (Spectrum), Comcast, AT&T, and Verizon are offering extra or unlimited data plans to customers until May 13 for no additional charge. Customers are encouraged to visit provider websites for details.

#### **Lifeline Program for low-income consumers**

SafeLink Wireless is a Lifeline-supported service, which is a government benefit program available to eligible low-income consumers in every state. It can give you a free cell phone and minutes to use, mobile access to emergency services, and a choice of cell phone plans if you meet the program guidelines. To qualify for Lifeline, subscribers must either have an income that is at or below 135% of the federal Poverty Guidelines, or participate in one of the following assistance programs:

- Veterans and Survivors Pension Benefit
- Supplemental Nutrition Assistance Program (SNAP) Food Stamps
- Medicaid Supplemental Security Income (SSI)
- Federal Public Housing Assistance (Section 8)
- Service is limited to one person per household.
- Call 1-800-Safelink (732-3546) or visit safelinkwireless.com for enrollment.
- Subscribers can use their own phones:
- SafeLink Keep Your Own Smartphone plan requires a compatible or unlocked Smartphone. Most GSM Smartphones are compatible.
- Subscribers can get up to 350 minutes and 3 GB of data, which includes voice minutes and unlimited texts, voicemail, nationwide coverage and 4G LTE on 4G LTE compatible devices.

## **Brownfield Guidance / NYSDEC**

*(Courtesy of Hodgson Russ)*

Non-essential in-person activities have been restricted in New York State during the ongoing COVID-19 pandemic through a series of Executive Orders issued by Governor Cuomo. To supplement the plain language of the orders, Empire State Development Corporation (ESD) has provided further guidance on the State's interpretation of these designations. In the context of remedial projects, there has been some confusion as to the scope of what applies, as there is language applicable to services that are "necessary to maintain the safety, sanitation and essential operations of businesses," which some parties have been reading in concert with restrictions limiting construction activities to those that have been deemed essential.

Today, the New York State Department of Environmental Conservation (NYSDEC) issued its own guidance to help the regulated community. NYSDEC indicated that the following are deemed "essential" activities:

Remedial construction activities, including new construction starts, at sites that NYSDEC has determined pose a significant threat to public health and/or the environment, including Class 2 sites on the Registry of Inactive Hazardous Waste Disposal Sites (State Superfund) and significant threat sites in the Brownfield Cleanup Program (BCP);  
 Completion of remedial construction already under way at non-significant threat sites, as necessary to ensure site safety and prevent exposure to site contaminants, including completion of site cover systems;  
 Operation and maintenance activities for active remedial systems that are necessary for the continued protection of human health and the environment;  
 Interim remedial measures to address imminent human exposures and/or threat of significant contaminant migration;  
 Spill response actions; and  
 Investigation, including pre-design investigations, of petroleum and hazardous waste releases as determined by NYSDEC on a case-by-case basis to be necessary to address potential human exposures and/or threat of significant contaminant migration.

NYSDEC confirmed that a site participating in the BCP and currently engaging in remedial measures that also serve to advance project development would be deemed "essential" because the work would be "unsafe to allow to remain undone," per ESD guidance. Regardless of the BCP designation, we think it is likely that many BCP projects will be delayed. General limitations on access to personnel and equipment play a factor, as does the long-term project

planning scoping.

In short, if your business has a site that has active site remedial work in progress, or experiences an inadvertent release requiring prompt action, it appears that the NYSDEC will most likely allow the work be undertaken. We still recommend engaging the assigned Project Manager directly in light of this guidance to independently confirm the designation, especially given the distinctions that can exist on a case-by-case basis. And while the project may be deemed essential for purposes of moving forward, bear in mind that there may be other factors that remedial parties need to consider and convey to the NYSDEC in regard to the pandemic, such as the limitation on available personnel and resources, and general risk to worker health and safety, that may limit short-term action.

If you wish to discuss NYSDEC's guidance, or brownfields or environmental issues generally, please contact Michael Hecker (716.848.1599) or Jeff Stravino (716.848.1394).

Please check our Coronavirus Resource Center to view many other alerts our attorneys in various practice areas have published on topics related to the Pandemic.

## **Calls to Action & Directives**

The Governor issued some directives to local governments early on.

- **Local Government officials are asked to identify facilities in their borders that may be used for temporary hospitals.**
- **Local Governments are required to provide surficial face masks for police and EMTs.**

The NYS Department of Health launched a portal for individuals and/or organizations, governments to get involved and assist with certain specific needs during this public health crisis.

- NYSDOH call for action / Get Involved Portal: <https://coronavirus.health.ny.gov/get-involved-how-you-can-help>

## **Cemetery Guidance (NYS Division of Cemeteries)**

**Novel Coronavirus (COVID-19) and Safe Handling of Remains Memo: Download [here](#).**

The Governor's Executive Orders 202.6 and 202.8 provide that all businesses and not-for-profit entities in the state must use, to the maximum extent possible, any telecommuting or work from home procedures. Further, each employer shall reduce the in-person workforce at any work locations by 100% no later than today, March 22 at 8 PM. However, this restriction does not apply to essential businesses or entities providing essential services or functions. Pursuant to Empire State Development Corporation (ESD) guidance, essential services include "funeral homes, crematoriums and cemeteries."

Accordingly, funeral homes and cemeteries may continue to operate and hold services. However, they should postpone services when possible. If services must be held, funeral homes and cemeteries should limit the size of any services or gatherings to as few participants as possible (e.g. immediate family). Further, funeral homes and cemeteries should discourage any potential out-of-town participants and maximize social distancing among in-person attendees (e.g. holding socially distanced services outside or limiting indoor capacity).

**REMINDER - ANNUAL REPORT FILING:** Cemetery operators must file reports by March 31, or 90

days after the fiscal year end. Cemeteries non-compliant with filing due dates are subject to Not-for-Profit Corporation law:

“Any cemetery corporation or individual failing to [timely] file [the annual report] ...shall forfeit to the people of the state the sum of one hundred dollars for each day that each such report shall be delayed or withheld.”

## **Competitive Bidding**

Local governments do not have to provide for public opening of sealed bids during the state of emergency. However, when practical, local governments should record or live stream the bid openings so that the public has the opportunity to view them.

## **Code Enforcement Guidance via NYS Division of Codes**

Guidance for code enforcement personnel relating to the governor’s executive orders during the COVID-19 public health emergency.

<https://www.cayugacounty.us/DocumentCenter/View/12548/Guidance-for-Code-Enforcement-Personnel-PDF>

## **Declaring Local States of Emergency**

**Executive Order No. 202.5 and Local States of Emergency:** Gov. Cuomo issued Executive Order No. 202.5 continuing EC Order 202, reading in relevant part that he does *“temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster”*

Link to the full order: <https://www.governor.ny.gov/news/no-2025-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

When considering a local state of emergency it is important to review what you would like to address against the Governor’s various executive orders and directives. Many of his executive orders might already address what you are considering and he has also preempted local states of emergency that conflict with his executive orders (EO No 202.3). EO No 202.3 provides in relevant part - “No local government or political subdivision shall issue any local emergency order or declaration of emergency or disaster inconsistent with, conflicting with or superseding the foregoing directives, or any other executive order issued under Section 24 of the Executive Law and any local emergency order or any local administrative codes, charters, laws, rules or regulations, are hereby suspended with respect to any such order, issued under such authority different or in conflict with executive directives”

In addition, Executive Order No 202.5 issued on March 18, 2020 now requires local emergency orders regarding COVID-19 that are issued in accordance with a locally declared state of emergency to be approved by the New York State Department of health. Please note, at this time, you do not need approval from the NYS Department of Health to declare a local state of emergency. The Executive Order only applies to local orders issued under a state of emergency that are in response to COVID. EO No 202.5 provides in relevant part - “Notwithstanding section 24 of the Executive Law, no locality or political subdivision shall issue any local emergency order or executive order with respect to response of COVID-19 without the approval of the State Department of Health”

You can find the all of the governor's executive orders on his website [www.governor.ny.gov](http://www.governor.ny.gov)  
We recommend working with the town attorney and the county and state health department if you are considering issuing a local state of emergency or have already done so and are trying to decide if portions have been preempted or need to be extended.

### **Local States of Emergency (Executive Law Article 2B)**

This is the time to reference your emergency management plans for direction on how to proceed and/or review for potential updates.

#### **When can a local state of emergency be declared?**

When there is finding that public safety is imperiled by a disaster, rioting, catastrophe or similar public emergency (Executive Law § 24 [1]). A disaster is defined as the occurrence or imminent threat of wide spread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause including, but not limited to, fire, flood, earthquake, hurricane, tornado, high water, landslide, mudslide, wind, storm, wave action, volcanic activity, **epidemic, disease outbreak**, air contamination, terrorism, cyber event, blight, drought, infestation, explosion, radiological accident, nuclear, chemical, biological, or bacteriological release, water contamination, bridge failure or bridge collapse (Executive Law § 20 [2][a]) (emphasis ours).

#### **Who has the authority to declare a local state of emergency?**

The statute refers to the "chief executive" of the town (Executive Law § 24 [1]). This has been interpreted to mean the town supervisor (see 2005 Ops Atty Gen No 5 [Feb. 11, 2005]).

#### **How long can the state of emergency remain in effect?**

Until it is rescinded by the supervisor or after 30 days, whichever comes first. The supervisor may extend the state of emergency proclamation for another 30 days (see Executive Law § 24 [1]). However, any local emergency order (see "What authority does the town have under a state of emergency?") may only be in effect for five days, and may be extended for another five (see Executive Law § 24[2]).

#### **What emergency orders can be issued during a state of emergency?**

The supervisor "may promulgate local emergency orders to protect life and property or to bring the emergency situation under control" such as:

- establishing a curfew and prohibiting and controlling pedestrian and vehicular traffic, except essential emergency vehicles and personnel;
- designating specific zones within which the occupancy and use of buildings and the ingress and egress of vehicles and persons may be prohibited or regulated;
- regulating and closing of places of amusement and assembly;
- suspending or limiting the sale, dispensing, use or transportation of alcoholic beverages, firearms, explosives, and flammable materials and liquids;
- prohibiting and controlling the presence of persons on public streets and places;
- establishing or designating emergency shelters, emergency medical shelters, and in consultation with the state commissioner of health, community based care centers;
- suspending town local laws, ordinances or regulations, or parts thereof subject to federal and state constitutional, statutory and regulatory limitations, which may prevent, hinder, or delay necessary action in coping with a disaster or recovery so long as:
  - the county chief executive determines that the disaster is beyond the capacity of local government to meet adequately and state assistance is necessary and requests state assistance from the governor; or whenever the governor has declared a state disaster

emergency pursuant to Executive Law § 28.

**Suspending a local law, ordinance or regulation is also subject to the following standards and limits:**

- (i) the suspension may only last for five days. However, upon reconsideration of all the relevant facts and circumstances, the suspension can be extended for another five days each during the pendency of the state of emergency;
- (ii) no suspension shall be made that does not safeguard the health and welfare of the public and which is not reasonably necessary to the disaster effort;
- (iii) any such suspension order shall specify the local law, ordinance or regulation, or part that is suspended and the terms and conditions of the suspension;
- (iv) the order may provide for such suspension only under particular circumstances, and may provide for the alteration or modification of the requirements of such local law, ordinance or regulation suspended, and may include other terms and conditions;
- (v) any such suspension order shall provide for the minimum deviation from the requirements of the local law, ordinance or regulation suspended consistent with the disaster action deemed necessary; and
- (vi) when practicable, specialists shall be assigned to assist with the related emergency actions to avoid adverse effects resulting from such suspension.

**What are the notification requirements for emergency orders?**

A local emergency order shall be effective from the time and in the manner prescribed in the order and shall be published as soon as practicable in a newspaper of general circulation in the area affected by such order and transmitted to the radio and television media for publication and broadcast.

**What other authority does the town have under a local state of emergency?**

The supervisor is "authorized and empowered to and shall use any and all facilities, equipment, supplies, personnel and other resources of his [or her] political subdivision in such manner as may be necessary or appropriate to cope with the disaster or any emergency resulting from the disaster." The supervisor may also request and accept assistance from any other political subdivision and may use real property from other political subdivisions upon "terms and conditions as may be mutually agreed to by the chief executives of the requesting and assisting political subdivision" (Executive Law § 25).

**Elections - Designating and Nominating Petitions**

Any circulation, filing and collection of designating or nominating petitions that would typically commence on March 31, 2020 are postponed.

**Essential Services**

**• Construction (See also: Brownfields / NYSDEC)**

Only certain construction is considered exempt from in-person restrictions as of March 28, 2020. The Empire State Development Corporation is authorized to determine which construction projects are essential.

**Essential Workforce**

Empire State Development issued guidance to EO No. 202.6, regarding making essential workforce determinations. The second link below is a link to its frequently updated FAQ.



- <https://esd.ny.gov/guidance-executive-order-2026>
- [https://esd.ny.gov/sites/default/files/ESD\\_EssentialEmployerFAQ\\_032220.pdf](https://esd.ny.gov/sites/default/files/ESD_EssentialEmployerFAQ_032220.pdf)

Other organizations have issued additional guidance in determining essential workforce positions, including Cornell Local Roads Program (for highway department employees) and the New York State Association of Cemeteries (regarding municipal cemeteries).

- <https://cornell.app.box.com/v/COVID-19-Highway-Depts>.

## Executive Orders (Links)

As of March 26, 2020, Gov. Cuomo has issued 10 executive orders relating to the Coronavirus/ COVID-19 pandemic within New York State's borders. All 10, beginning with EO No. 202, can be read and downloaded at the link: <https://www.governor.ny.gov/executiveorders>

Of particular interest to local governments, are EO Nos. 202.1, 202.3, 202.4 and 202.5

On March 13, Gov. Cuomo issued Executive Order No. 202.1, continuing Executive Order No. 202 declaring a state of emergency, to temporarily suspend Article 7 of the Public Officers Law (known as the Open Meetings Law) "to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed." This Executive Order is in effect for 30 days until April 11, 2020. To read the full order, please visit: <https://www.governor.ny.gov/news/no-2021-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>.

Gov. Cuomo issued two executive orders on March 16, continuing previous orders and addressing mass gatherings and local states of emergency and cutting workplace density in half by declaring non-essential personnel work from home.

- EC Order 202.3 – prohibits local states of emergencies that are inconsistent with the Governor's states of emergency. EO 202.3 also addresses mass gatherings and the operation of certain businesses.
- EC Order 202.4 directs local governments to allow nonessential employees to work remotely or take leave without charging accruals, except for those personnel essential to the locality's response to the COVID-19 emergency. Such non-essential personnel shall total no less than fifty-percent (50%) of the total number of employees across the entire workforce of such local government or political subdivision.

### Links

#### EC 202.3

<https://www.governor.ny.gov/news/no-2023-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

#### EC 202.4

<https://www.governor.ny.gov/news/no-2024-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

**Executive Order No. 202.5 and Local States of Emergency:** Then, Gov. Cuomo issued Executive Order No. 202.5 continuing EC Order 202, reading in relevant part that he does "temporarily suspend or modify any statute, local law, ordinance, order, rule, or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such statute, local law, ordinance, order, rule, or regulation

would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster”

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When considering a local state of emergency it is important to review what you would like to address against the Governor’s various executive orders and directives. Many of his executive orders might already address what you are considering and he has also preempted local states of emergency that conflict with his executive orders (EO No 202.3). EO No 202.3 provides in relevant part - “No local government or political subdivision shall issue any local emergency order or declaration of emergency or disaster inconsistent with, conflicting with or superseding the foregoing directives, or any other executive order issued under Section 24 of the Executive Law and any local emergency order or any local administrative codes, charters, laws, rules or regulations, are hereby suspended with respect to any such order, issued under such authority different or in conflict with executive directives”

In addition, Executive Order No 202.5 issued on March 18, 2020 now requires local emergency orders regarding COVID-19 that are issued in accordance with a locally declared state of emergency to be approved by the New York State Department of health. Please note, at this time, you do not need approval from the NYS Department of Health to declare a local state of emergency. The Executive Order only applies to local orders issued under a state of emergency that are in response to COVID. EO No 202.5 provides in relevant part - “Notwithstanding section 24 of the Executive Law, no locality or political subdivision shall issue any local emergency order or executive order with respect to response of COVID-19 without the approval of the State Department of Health”

You can find the all of the governor’s executive orders on his website [www.governor.ny.gov](http://www.governor.ny.gov)  
We recommend working with the town attorney and the county and state health department if you are considering issuing a local state of emergency or have already done so and are trying to decide if portions have been preempted or need to be extended.

In addition to directives regarding insurance liquidity and laws associated with wills, trusts and estates, **Executive Order 202.14 issued on April 7 2020** also addressed the reallocation of medical equipment, enforcement of social distancing guidelines and the extension of prior executive orders.

### **Extension of Prior Executive Orders**

By virtue of Executive Orders 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11, and 202.13 which closed or otherwise restricted public or private businesses or places of public accommodation, and which required postponement or cancellation of all non-essential gatherings of individuals of any size for any reason (e.g. parties, celebrations, games, meetings or other social events), all such Executive Orders shall be continued, provided that the expiration dates of such Executive Orders shall be aligned, such that all in-person business restrictions and workplace restrictions will be in effect until 11:59 p.m. on April 29, 2020 unless extended by a future executive order. All other prior executive orders not otherwise superseded, are extended until May 7, 2020. **This means that EO 202.1 which suspended the in person requirement of Open Meetings Law remains in effect until May 7, 2020.**

### **Federal Funding (Stimulus Bill and More)**

From NATaT, here’s a thorough summary of the \$2 trillion CARES Act that passed the Senate



yesterday. Page 17 highlights the fact that direct allocation will be made to local gov'ts with a pops. of 500K or greater.

Gov. Cuomo is on the record saying the bill doesn't send enough money to NYS, a known epicenter of the coronavirus / COVID-19 and already a "donor state" to the federal government as it is. We will be monitoring any funding announcements and communicating them to our members as we get them.

<https://www.nytowns.org/images/Documents/announcement/NATaT%20Brief%20CARES%20Act.pdf>

## Helpful Links

### CDC

- Interim Guidance for Community- and Faith-Based Organizations <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/guidance-community-faith-organizations.html>
- Cleaning and Disinfection Recommendations for Community- and Faith-Based Organizations <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html>
- Interim Guidance for Business and Employers <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>
- Environmental Cleaning and Disinfection Recommendations for Businesses and Employers <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html>

### NYSDOH

- [Cleaning and Disinfection Guidance Public and Private Facilities \(PDF\)](#)
- [Schools \(PDF\)](#)
- [Non-Healthcare Settings \(PDF\)](#)
- [Public Transportation \(PDF\)](#)
- [DEC List of Products to Disinfect COVID-19 \(PDF\)](#)

## Information for Providers

- <https://www.health.ny.gov/diseases/>

FEMA COVID-19 response and funding information: <https://www.fema.gov/>

GFOA Coronavirus Resources: <https://www.gfoa.org/gfoa-resource-center-coronavirus-respon>

NATaT has Coronavirus Guidance on their website [http://www.natat.org/?page\\_id=886](http://www.natat.org/?page_id=886)

Here is a link courtesy of ELGL.org that is a clearinghouse of COVID-19 information for local governments. If you have any resources to add, you may do so, just be careful not to remove any sources that already exist. This link includes a helpful chart of various types of remote meeting software options available to local governments.

[https://docs.google.com/document/d/1N5I7n2GxobjY85BngGB7DdkKR\\_EuA9eHx-0TnmNMS2s/mobilebasic](https://docs.google.com/document/d/1N5I7n2GxobjY85BngGB7DdkKR_EuA9eHx-0TnmNMS2s/mobilebasic)

Below are some links with examples of how other municipal boards are meeting by conference call and online to keep local government operating during the crisis to serve the community and reduce economic impacts.

- [https://www.lewisborogov.com/sites/default/files/fileattachments/planning\\_board/page/11141/web\\_announcement\\_for\\_pb\\_meeting\\_031720.pdf](https://www.lewisborogov.com/sites/default/files/fileattachments/planning_board/page/11141/web_announcement_for_pb_meeting_031720.pdf)
- <https://www.hastingsgov.org/home/news/public-notice-regarding-hastings-hudson-board->

[education-meeting-tonight-march-16-2020](#)

- <https://www.imaginemonroe.org/wp-content/uploads/COMIDA-March-17-Meeting-Notice.pdf>

## **Justice Courts and the Monthly Reporting Requirement for Town and Village Justices, Money Collection and more**

The NYS Office of Court Administration has added additional information on the password-protected portion of its website at [www.nycourts.gov/justicecourts](http://www.nycourts.gov/justicecourts) regarding COVID-19 matters. In addition, we have added a notice on the public portion of our website as well which we hope will assist litigants and court users in regards to the current situation within the local town and village courts. And finally, we hope to have our Judicial Core 2020 training programs online at the e-learning portal in the next week or so. Please continue to access your Outlook email for more information on that. (ps: the clerk program are already on the site!)

From the Office of the State Comptroller: As a result of Executive Orders promulgated by Governor Cuomo, town and village courts are currently limited to performing essential functions only, which effectively eliminates their immediate ability to complete and file the monthly report.

Accordingly, we have examined our internal processes to determine whether we are able to provide any relief relating to the monthly reporting requirement. Pursuant to statutory authority (Town Law§ 27; Village Law§ 4-410), the Comptroller has unilateral discretion to suspend the salary of any justice for failure to properly report to OSC's JCF. The current process includes a series of delinquency letters with the final letter directing suspension of the justice's salary (the Dunning process). ***As a result of this examination, we have decided to suspend the Dunning process used by JCF for delinquent monthly justice reports for the next ninety (90) days, subject to extension or rescission at the Comptroller's discretion.***

In addition, the Office of the State Comptroller has added the following to the Frequently Asked Questions portion of its website:

Will the deadline for filing my monthly report of court activities be extended or postponed?

This due date (between the 1st and the 10th of the month) is dictated by statute and we therefore do not have the authority to extend or postpone it; however, please note that OSC is temporarily suspending the dunning process used for delinquent reports.

We recommend that courts file their required reports as soon as possible. <https://www.osc.state.ny.us/localgov/general-information-faqs-related-to-covid19.pdf>

From the Chief Administrative Judge Marks advising on collection of monies: During this suspension, I am directing that the Justice Courts observe the following practices regarding the collection of monies by their Courts:

- Ideally, Courts should have the postal service hold their mail until further notice.
- Assuming such a step is not possible or practical, when Courts open mail that is received and that contains checks or cash to be transmitted to the Justice Court Fund, such checks or cash should be stored securely in a lock box or safe within the court facility, not to be removed until normal court operations resume. In the event that Courts received checks or cash directly (as from individuals appearing in person at the Court), the same practice

should be followed.

- Justices and other Court personnel will not, under any circumstances, bring any court monies home or otherwise outside the court facility.

Thank you for your cooperation during this difficult time. If you have questions or otherwise require assistance in complying with these practices, please contact OCA's Office of Justice Court Support at 1-800-232-0630 or ResourceCenter@nycourts.gov.

## **Medical Equipment Directive (April 7, 2020)**

### Reallocation of Medical Equipment

Entities must report to the NYS DOH COVID-19 related medical equipment in their inventories. DOH may transfer equipment not currently in need or not needed in the short term from one health care facility to another health care facility that is in urgent need. The state will either compensate facilities for the reallocated medical equipment or return it as soon as possible.

## **Notary Public Information**

### **Executive Order No 202.7 information on Notary Services**

Through April 18, 2020, Executive Order 202.7 allows Notary Publics to use audio-video technology to perform notarial acts provided that the following conditions are met:

- The person seeking the Notary's services, if not personally known to the Notary, must present valid photo ID to the Notary during the video conference, not merely transmit it prior to or after;
- The video conference must allow for direct interaction between the person and the Notary (e.g. no pre-recorded videos of the person signing);
- The person must affirmatively represent that he or she is physically situated in the State of New York;
- The person must transmit by fax or electronic means a legible copy of the signed document directly to the Notary on the same date it was signed;
- The Notary may notarize the transmitted copy of the document and transmit the same back to the person; and
- The Notary may repeat the notarization of the original signed document as of the date of execution provided the Notary receives such original signed document together with the electronically notarized copy within 30 days after the date of execution.

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## **Office of the State Comptroller Updates**

The Office of the State Comptroller has compiled a list of frequently asked questions that local governments may have during COVID-19. Please find the most recent FAQ that has been compiled as a result of tracking inquiries. The update includes information on public bid openings and authority reporting.

The link directly to the document is here: <https://www.osc.state.ny.us/localgov/general-information-faqs-related-to-covid19.pdf>

This will be continually amended and edited as we field additional inquiries. Also, NYS Comptroller Thomas DiNapoli shared a letter he has sent to Rep. Maxine Waters outlining his concerns for NYS local governments in the aftermath of COVID-19 shutdowns and in support of her proposal to expand the Federal Reserve's powers to purchase state and local debt. Link to letter: <https://osc.state.ny.us/press/docs/nys-comptroller-dinapoli-covid-19-fiscal-impacts.pdf>

## **Paid Family Leave (NYS & Federal)**

Both New York State and the federal government have adopted legislation on paid sick leave.

### **New York Paid Sick Leave Requirements**

#### ***Who qualifies for paid sick leave?***

Officers and employees who are subject to mandatory or precautionary orders of quarantine issued by New York State, the Department of Health, local board of health or any other government entity authorized to issue such order. This does not apply to employees and officers who are quarantined as a result of traveling to a country for which the CDC has a Level 2 or 3 health notice and who had notice of these limitations prior to travelling

#### ***How much leave are they entitled to?***

At least 14 days during the period of quarantine or isolation. This cannot be counted against any sick days or leave that has already been accrued.

#### ***What level of pay are they entitled to?***

Officers and employees should be compensated at their regular rate of pay while taking this sick leave.

### **Federal Paid Sick Leave Requirements**

#### ***Does this apply to local government employees?***

Yes

#### ***What Are They Eligible For?***

- Full-time - Eligible full-time employees are entitled to two weeks (80 hours) of fully paid time off (up to \$511 per day) to self-quarantine, seek a diagnosis or preventive care, or receive treatment for COVID-19.  
Eligible full-time employees are also entitled to two weeks (80 hours) paid time off at two-thirds of their regular pay (up to \$200 per day) to care for a family member or to care for a child whose school has closed, or if their child care provider is unavailable due to COVID-19.
- Part-time – Eligible part-time employees are entitled to fully paid time off (up to \$511 per day) for the typical number of hours that they work in a typical two-week period to self-quarantine to seek a diagnosis or preventive care, or receive treatment for COVID-19  
Eligible part-time employees are also entitled to the typical number of hours that they work in a typical two-week period at two-thirds of their typical pay (up to \$200 per day) to care for a child whose school has closed, or if their child care provider is unavailable, due to COVID19.

#### ***What about this payroll tax credit I'm hearing about?***

You may have heard or read about paid sick leave being paid for by the federal government through a payroll tax credit. This does not appear to apply to local governments and thus there does not appear to be any funding at this time.

## Emergency Paid Family Leave

The federal government further adopted legislation on emergency paid family leave.

### ***Does this apply to local governments?***

Yes

### ***What are they eligible for?***

Eligible full-time employees and part-time employees are entitled to 12 weeks of job-protected leave to take care for their children in the event of a school closure or their child care provider is unavailable due to COVID-19. The 12 weeks of job-protected leave include two weeks of unpaid leave, followed by 10 weeks of paid leave. Eligible employees may elect or be required to overlap the initial two weeks of unpaid leave with two weeks of other paid leave they have available. Eligible employees will receive a benefit from their employers that will be no less than two-thirds of the employee's usual pay.

Our staff issued some detailed analysis of the Family Paid Leave Act as it relates to COVID-19 in response to a question asked on one of our social media pages.

*The NY Act (S8091/A10153) applies to employees (essential or non-essential) that are subject to a mandatory or precautionary order of quarantine or isolation related to COVID-19. If the employee is subject to a mandatory or precautionary order of quarantine or isolation (either from the state, the NYS Department of Health, a local board of health or the town), they must be provided at least 14 days of paid sick leave (separate from accrued sick leave from the town) during such quarantine or isolation. However, the employee is not entitled to paid sick leave if 1) they are deemed a symptomatic or have yet to be diagnosed with any medical condition and 2) they are physically able to work through remote access or other similar means.*

*The Federal Emergency Paid Sick Leave Act (EPSLA) provides paid sick time to the extent the employee is unable to work or telework because:*

- 1)the employee is subject to federal, state or local quarantine or isolation order related to COVID-19, 2)the employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19,*
- 3) the employee is experiencing COVID-19 symptoms and seeking a diagnosis, 4)the employee is caring for an individual that is subject to the above,*
- 5) the employee is caring for a son or daughter whose school or childcare has been closed due to COVID-19, or 6)the employee is experiencing any similar condition.*

*The town does not have an obligation if an employee is uncomfortable under these acts, as they relate to quarantines and isolation. The town does have the authority to offer leave pursuant to its own policy. As always, the above should be read in conjunction with any collective bargaining agreement that the employees are covered by.*

## Practical Advice

When the public is gathering at a town meeting or public hearing, the town board should review and implement the recommended protocols from the Centers for Disease Control and the New York State Department of Health regarding prevention.

- NYS Dept of Health: <https://www.health.ny.gov/diseases/communicable/coronavirus/>
- Centers for Disease Control: <https://www.cdc.gov/coronavirus/2019-ncov/index.html>

In addition, the town board may review additional steps to mitigate exposure, such as accepting written comments via email, fax or the U.S. Postal Service to be included in the record of a public



hearing and/or staggering the dates and times of public hearings to limit crowds, and where feasible, the town board may consider live streaming or broadcasting town meetings and hearings. According to the governor's office, local governments seeking to obtain additional stocks of hand sanitizer should work with their county emergency manager and local health department to submit requests directly into NY Responds, the state's web-based system that enables both local governments and state agencies to submit and share vital emergency-related information and resource requests. It looks like the county can log in here: <http://www.dhSES.ny.gov/ny-responds/> As always, our members are encouraged to call our office with any questions at (518)465-7933, Monday through Friday, 8:30 a.m. to 5 p.m.

## **Public Authorities**

Local public authority annual filing deadlines are waived while the state of emergency is in place.

## **Remote Meeting Software Options**

Please refer to the last page (courtesy of ELGL - Engaging Local Government Leaders for an informative chart of the various capabilities of some remote meeting software options.

## **Regional Responses and Guidance**

- Appalachian Regional Commission (ARC) \_  
<https://www.arc.gov/coronavirus.asp>
- Capital District Regional Planning Commission  
<https://cdrpc.org/news/capital-region-novel-coronavirus-covid-19-update-and-regional-resources>
- Tug Hill Commission  
<https://www.tughill.org/community-resources-concerning-covid-19/>
- Southern Tier East  
<https://southerntier8.org/covid19resources/>

## **Scam Warnings & Prevention**

You may want to communicate to your residents that the NYS Attorney General is hearing reports of scammers knocking on doors pretending to do COVID-19 testing on behalf of the CDC. If residents experience any such encounters, they are encouraged to contact the NYS AG's Office. Refer to the next page for a great example of a public service announcement shared by North Hempstead on its social media pages relaying information from the FTC warning residents about potential Coronavirus scams.

## **Sewer System Concerns & Issues (see also: Wastewater)**

While the good news is that coronavirus has not been detected in water nor does it appear to be spread through pools, hot tubs, etc., the bad news is that septic and sewer systems across the country have become clogged because of individuals flushing wipes. Residents are being reminded that wipes, paper towels, tissues and other such items are not to be flushed down the toilet (even if the packaging says flushable). There are instances of municipal systems becoming clogged.

<https://www.cdc.gov/coronavirus/2019-ncov/php/water.html>



An Important reminder from North Hempstead Supervisor Judi Bosworth and the Town Board:



## Tips on Preventing Coronavirus Scams

- There currently are no vaccines, pills, or other prescription or over-the-counter products available to treat or cure coronavirus — online or in stores. Ignore online, phone, or in-person offers for vaccinations.
- At this time, there are no FDA-authorized home test kits for the coronavirus. Ignore online, phone, or in-person offers for home test kits. To learn more, visit the FDA's website at [fda.gov](http://fda.gov).
- Don't respond to texts, emails, phone calls, or in-person offers about checks from the government. Sending checks to residents has not been authorized by the United States government at this time.
- Be careful and watch for emails claiming to be from the Centers for Disease Control and Prevention (CDC) or experts saying they have information about the virus. For the most up-to-date information about the coronavirus, visit [CDC.gov](http://CDC.gov) for the Centers for Disease Control and Prevention, and [who.int](http://who.int) for the World Health Organization.

For the most up-to-date information about Coronavirus scams, visit the FTC's website at

[www.ftc.gov/coronavirus](http://www.ftc.gov/coronavirus)



Town Supervisor  
Judi Bosworth



Council Member,  
District 1  
Wiliana Russell



Council Member,  
District 2  
Peter J. Zuckerman



Council Member,  
District 3  
Angela P. Ferrera



Council Member,  
District 4  
Vanessa Lurvey



Council Member,  
District 5  
Lee B. Seaman



Council Member,  
District 6  
Marlene Dalmona



Town Clerk  
Wayne H. Wink, Jr.



Receiver of Taxes  
Charles Dieman

<https://www.nytimes.com/2020/03/21/us/flushable-wipes-clog.html>

## **Social Distancing Enforcement**

The enforcement of any violation of the foregoing directives on and after April 7, 2020, in addition to any other enforcement mechanism stated in any prior executive orders, shall be a violation punishable as a violation of public health law section 12-b(2) and the Commissioner of Health is directed and authorized to issue emergency regulations. The fine for such violation by an individual who is participating in any gathering which violates the terms of the orders or is failing to abide by social distancing restrictions in effect in any place which is not their home shall not exceed \$1,000.

## **State Budget**

The state budget was officially adopted on April 2. We are distributing a preliminary assessment of the budget's impact on town business, which will be e-mailed and posted on our website at [nytowns.org](http://nytowns.org). Due to COVID-19, the budget contained a balanced budget amendment summarized by our legal staff as follows:

### **Balanced Budget Amendment (S7506-B/ A 9506-B ELFA Part JJ)**

Requires the state budget director to review state revenues and expenditures during three measurement periods to determine whether the state budget is balanced

- Three measurement periods are (1) April 1 to April 30, 2020, (2) May 1 to June 30, 2020, and (3) July 1 to Dec. 31, 2020
- Authorizes the state budget director to "adjust or reduce any general fund and/or state special revenue fund appropriation and related cash disbursement by any amount needed to maintain a balanced budget" for state fiscal year 2020-2021. There are certain exceptions, and cuts should be as uniform as possible.
- Legislature has 10 days to adopt its own balanced budget plan. The state budget director may implement his or her own plan if the Legislature fails to adopt its own plan within the designated time

## **Town Board Meetings, Open Meetings Law and More**

**EO 202.1, which suspended the in person requirement of Open Meetings Law, remains in effect until May 7, 2020.**

### **Scheduling and Cancellation**

The town board may schedule meetings by resolution and may cancel meetings by resolution (Town Law, §§63, 64). The town board should review its rules of procedure and other board resolutions and protocols regarding meeting cancellations. In the event the board does not have an established meeting cancellation procedure, the board could consider adopting such a meeting cancellation policy. In the event a meeting scheduled by the town board needs to be canceled but the town board is unable to convene to do so, the town board could consider adopting a resolution delegating to the supervisor the authority to cancel a town board scheduled meeting. The delegation must put forth the procedures and criteria for the supervisor to cancel a meeting scheduled by the town board. In addition, the supervisor may schedule and cancel special town board meetings (Town Law, §62). As with all board actions and protocols, we recommend working with the town attorney for guidance and advice.



## **Virtual Meetings & Videoconferencing**

On March 13, Gov. Cuomo issued Executive Order No. 202.1, continuing Executive Order No. 202 declaring a state of emergency, to temporarily suspend Article 7 of the Public Officers Law (known as the Open Meetings Law) “to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed.” This Executive Order is in effect for 30 days until April 11, 2020. To read the full order, please visit: <https://www.governor.ny.gov/news/no-2021-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>.

## **Wastewater Treatment Plant Operation COVID-19 Guidance via NYSDEC**

DEC is receiving inquiries related to relief from SPDES permit and regulatory compliance. DEC is not authorizing any general waivers of compliance requirements, and will make best efforts to promptly respond to more specific inquiries and individual circumstances.

Permittees and wastewater facility operators need to continue to strive for permit and regulatory compliance.

When issues with compliance are identified, facilities should: (i) document problems, (ii) document efforts to address the problems and/or non-compliance, and (iii) document any additional actions undertaken to maintain facility treatment and achieve compliance. As required under standard protocols, operators should report non-compliance, the associated circumstances related to non-compliance, and actions to address non-compliance to DEC.

DEC will consider the overall circumstances and extent of non-compliance, and actions by the facility to resolve issues.

### **COVID-19: Wastewater Treatment Plant Operations and Staffing**

Wastewater treatment is an essential public health function. COVID-19 may affect operator and worker availability at these facilities – which are critical utilities that are NOT subject to announced workforce reduction requirements.

The qualifications for wastewater treatment plant operators are presented in 6 NYCRR Part 650. The New York State Department of Environmental Conservation’s (DEC) guidance on wastewater plant staffing provides appropriate flexibility concerning the need for certified operators to be present in TOGS 1.5.4 “Guidelines for Staffing Wastewater Treatment Plants” and in TOGS 5.1.6 “Wastewater Treatment Plant Operator Certification.”

Treatment plant operators are considered essential staff to meet regulatory requirements, protect public health, and provide required monitoring for public transparency. Treatment plant operators should have staffing plans, emergency response plans, and operations and maintenance plans, to guide operation and response in stressed or emergency circumstances.

### **COVID-19: Wastewater Treatment Links for Information on Precautions for Exposure**

The New York State Department of Environmental Conservation has received inquiries regarding COVID-19 in wastewater and appropriate precautions for wastewater workers. In short, standard good operational and protective protocols normally employed are

recommended to be continued by the leading scientific authorities. You may find useful information and guidance in the following links. Wastewater treatment is considered an essential public health responsibility. As such, workers in wastewater utilities are exempt from workforce reduction requirements. Please feel free to share this information with your municipal supervisors.

CDC - Water Transmission and COVID-19

<https://www.cdc.gov/coronavirus/2019-ncov/php/water.html>

Coronavirus and Drinking Water and Wastewater

<https://www.epa.gov/coronavirus/coronavirus-and-drinking-water-and-wastewater>

The Water Professional's Guide to COVID-19

<https://www.wef.org/news-hub/wef-news/the-water-professionals-guide-to-the-2019-novel-coronavirus/>

WHO - Water, sanitation, hygiene and waste management for COVID-19

<https://www.who.int/publications-detail/water-sanitation-hygiene-and-waste-management-for-covid-19>

OSHA – Solid Waste and Wastewater Management Workers

<https://www.osha.gov/SLTC/covid-19/>

Guidance for Reducing Health Risks to Workers Handling Human Waste or Sewage

[https://www.cdc.gov/healthywater/global/sanitation/workers\\_handlingwaste.html](https://www.cdc.gov/healthywater/global/sanitation/workers_handlingwaste.html)

If you have questions related to the WWTP plant operations and staffing, information links, or compliance, you may email the Division of Water, Bureau of Water Compliance at [edward.hampston@dec.ny.gov](mailto:edward.hampston@dec.ny.gov).

If you have specific facility information and questions on compliance for your facility, please contact the Regional Water Engineer in your DEC Region.

Central Office [edward.hampston@dec.ny.gov](mailto:edward.hampston@dec.ny.gov)

Region 1 [anthony.leung@dec.ny.gov](mailto:anthony.leung@dec.ny.gov) or [cathy.haas@dec.ny.gov](mailto:cathy.haas@dec.ny.gov)

Region 2 [selvin.southwell@dec.ny.gov](mailto:selvin.southwell@dec.ny.gov)

Region 3 [manju.cherian@dec.ny.gov](mailto:manju.cherian@dec.ny.gov)

Region 4 [derek.thorsland@dec.ny.gov](mailto:derek.thorsland@dec.ny.gov)

Region 5 [robert.streeter@dec.ny.gov](mailto:robert.streeter@dec.ny.gov)

Region 6 [david.rarick@dec.ny.gov](mailto:david.rarick@dec.ny.gov)

Region 7 [thomas.vigneault@dec.ny.gov](mailto:thomas.vigneault@dec.ny.gov)

Region 8 [tara.blum@dec.ny.gov](mailto:tara.blum@dec.ny.gov)

Region 9 [jeffrey.konsella@dec.ny.gov](mailto:jeffrey.konsella@dec.ny.gov)



**Remote Meetings Software Options (Courtesy of ELGL.org)**

Name	Cost	Breakout Rooms	Chat	File Sharing	Participants
<a href="#">Tovuti</a>	Not stated, need a demo	Yes	Group and private	Yes	Seems like a lot
<a href="#">Sky Prep</a>	\$499 a year	Yes	Group and Private	Yes	Also a lot
<a href="#">Zoom</a>	\$19.99 a month	Yes	Group and private	Yes, in chat	Up to 300
<a href="#">GoTo Meeting</a>	\$16 a month per organization	Yes	Group and private	Yes, in chat	Up to 250
<a href="#">BigMarker Conferencing</a>	\$79 a month	Yes	Group and private	Yes	Up to 100
<a href="#">Microsoft Teams</a>	\$20 a month	Yes	Group and private	Yes, a variety of ways	Up to 250
<a href="#">Adobe Connect Learning</a>	\$370 a month	Yes, formatted like a class	Group and private	Yes in class	Up to 200
<a href="#">Adobe Connect Webinars</a>	\$130 a month	Yes, webinar format	Group and private	Yes	Up to 100, can pay for more
<a href="#">Uber Conference</a>	\$15 a month	Yes	Group	Yes	Up to 100

**Webinar and Online Meeting/Events**

Name	Cost	Description	Chat	File Sharing	Participants
<a href="#">Hio Social</a>	Varies on users	For in person meetings with app functionality, also for fully online meetings	Yes, with social embedded!	Yes	Tons
Webex	Not sure- offering free for now in some circumstances		Yes		250 or 1000. More for pay

**Whiteboard / Storyboard Software**

Name	Cost	Description	Chat	File Sharing	Participants
<a href="#">Mural</a>	\$12 / user / mo	Great multi-user whiteboard, has a lot of additional templates	yes		