

COVID-19 Fall Update



COVID-19 State of Emergency Extended

The Governor has extended the COVID-19 state of emergency through November 3, 2020 (see Executive Order No. 202.67). We recommend reviewing the Governor's executive orders regularly to see new directives and extensions (<https://www.governor.ny.gov/executiveorders>). In addition to extending the state of emergency, the Governor has also extended several executive orders of interest to town officials subject to the same rules and restrictions unless otherwise noted:

- **Public meetings** may continue to be held virtually (EO 202.1) through November 3, 2020
- **Non-Public bids openings** (EO 202.11) are authorized through November 3, 2020 – *please note that where practical, local governments must record or live stream bid openings so that the public has the opportunity to view such bid openings.*
- **Marriage licenses** may continue to be issued virtually (EO 202.20) through November 3, 2020 – the same conditions apply.
- **Marriage ceremonies** may continue to be held virtually (EO 202.21) through November 3, 2020.
- **Notary services** may continue to be offered virtually (EO 202.7) through November 3, 2020

COVID-19 Cluster Action Initiative

The Governor recently implemented a new Cluster Action Initiative in hot spots around the state. The Cluster Action Initiative involves new guidelines, restrictions and renewed calls for local government enforcement to address COVID-19 hot spots. The hot spots are color coded: **Red** is the cluster; **Orange** is the warning zone, which includes the area immediately surrounding the cluster and **Yellow** is the precautionary zone, which includes the outlying communities near the cluster. As part of the Cluster Action Initiative, the Governor issued Executive Order 202.68, which outlines the color-coded restrictions on mass gatherings, religious services, business operations, schools and dining. There is information on Governor's website regarding the new hot spot restrictions, including maps of the new red, orange and yellow hot spots - <https://www.governor.ny.gov/news/governor-cuomo-announces-new-cluster-action-initiative>. There is also information on the Empire State Development website regarding new restrictions on businesses with the hot zones <https://esd.ny.gov/ny-cluster-action-initiative-guidance> and on the NY Forward website <https://forward.ny.gov/>

Type of Activity	RED	ORANGE	YELLOW
Worship	25% capacity 10 people maximum	33% capacity 25 people maximum	50% capacity
Mass Gathering	Prohibited	10 people maximum, indoor and outdoor	25 people maximum, indoors and outdoors
Businesses	Only essential businesses open	Closing high-risk non-essential business (gyms, personal care, etc.)	Open
Dining	Takeout only	Outdoor dining only, 4 person maximum per table	Indoor and outdoor dining, 4 person maximum per table
Schools	CLOSED Remote-only		Open Mandatory weekly testing of students and teachers/staff for in-person settings. DOH will set percent by Friday.

WEAR A MASK.
GET TESTED.
SAVE LIVES.

Local Enforcement

The Cluster Action Initiative also includes a renewed call for local COVID-19 enforcement. The Governor has proposed a state-led enforcement task force where state and local officials will work together to address enforcement within the hot zones. You can find general enforcement information and guidance on the New York State Division of Criminal Justice Services website <https://knowledgebank.criminaljustice.ny.gov/covid-19-links-and-resources-law-enforcement>. In addition, the NY Forward COVID-19 control room for your region should have information on the latest enforcement initiatives (<https://forward.ny.gov/members-regional-control-rooms>) and the New York State Division of Codes should have the latest COVID-19 information for code enforcement officers <https://www.dos.ny.gov/DCEA/>

Department of Health COVID-19 Regulations

Pursuant to Public Health Law, Sections 201, 206 and 225 & Executive Order 202.14, the Department of Health promulgated COVID-19 rules (10 NYCRR 66-3), which will remain in effect during the COVID-19 State of Emergency. These regulations will apply unless modified by an executive order from the Governor, state statute or subsequent regulation. You can review the DOH regulations on their website www.health.ny.gov and contact the Department of Health via email regsqa@health.ny.gov if you have questions.

Here are some highlights -

Face-Coverings (10 NYCRR 66.3.2) individuals over the age of 2 who are medically able must wear a face mask covering their nose and mouth when in public and unable be socially distant (at least 6 feet apart) and when using public transportation or for-hire private transportation. Employers are required to provide employees with face coverings

and employees are required to wear face coverings when in direct contact with customers or members of the public, or when unable to maintain social distance. Business operators and building owners and their agents must deny entrance to individuals not wearing face coverings when required. A face-covering includes: cloth masks (e.g. homemade sewn, quick cut, bandana), surgical masks, N-95 respirators, and face shields.

Non-essential gatherings (10 NYCRR 66.3.3) limits non-essential gatherings to 10 individuals or less. A non-essential gathering includes but is not limited to: parties, celebrations or other social events. This restriction may be modified by any executive order issued pursuant to Executive Law Section 28 and 29-A implementing the phased re-opening of New York businesses and the relaxation of social distancing rules by region. All non-essential gatherings that are permitted pursuant to this section shall comply with social distancing protocols and cleaning and disinfection guidelines issued by the department. No person, business, or other entity, shall encourage or promote any non-essential gathering including those on public property such as streets, sidewalks, parking lots, parks, playgrounds, or beaches. Essential businesses are excluded.

Business operations (10 NYCRR 66.3.4) DOH COVID-19 regulations encourage telework where possible and discusses essential businesses.

Penalties (10 NYCRR 66.3.5) A violation of any provision of Subpart 66 is subject to all civil and criminal penalties as provided for by law. Individuals who violate Subpart 66 are subject to a maximum fine of \$1,000 for each violation. For purposes of civil penalties, each day that there is a non-essential gathering or that a business operates in a manner inconsistent with the Subpart shall constitute a separate violation under this Subpart.

The New York Forward (<https://forward.ny.gov/>) and County Health Departments (https://health.ny.gov/contact/contact_information/) have information regarding non-essential gatherings, face coverings and other important COVID-19 information.

Elections

COVID-19 Protocols - Elections are proceeding during COVID-19. The state Board of Elections has information on the BOE website regarding COVID-19 election legislation, executive orders and best practices <https://www.elections.ny.gov/> . You can find additional guidance for maintaining a healthy polling site CDC website <https://www.cdc.gov/coronavirus/2019-ncov/community/election-polling-locations.html> . In addition to information for the November 3, 2020 general election, the Governor issued Executive Order 202.58 allowing voters to request absentee ballots for COVID-19 precautions during special town elections held on or before November 3, 2020.