

Coronavirus (Covid-19) Update for Local Governments

On May 8, 2020 Governor Cuomo issued Executive Order 202.29, which extends provisions contained in Executive Orders 202.15 through 202.21 until June 7, 2020. For towns, this means the following provisions, which are detailed later (alphabetically) in this document, are extended:

- Funeral services and death certificates

- Absentee ballots

- Public hearings generally and public hearings under the Environmental Conservation Law

- Political caucuses

- PPE provisions and enforcement

- Local actions affecting public health

- Marriage Ceremonies and Licenses

Please note, while EO 202.18 extended NY Pause until May 15th, the Governor's office issued clarification stating that NY Pause is not automatically extended until June 7, 2020; however, the Governor continues to have the authority to extend NY Pause to the state or certain regions

****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.

Assessing

Local governments that must file their tentative assessment roll on or before June 1, 2022 are authorized - but not required - to allow the tentative and final assessment rolls to be filed up to 30 days thereafter and to change the date of grievance day to at least 21 days after the filing of the tentative roll. Additionally, the local government may dispense with the physical posting of the tentative roll and authorize the tentative roll to be published solely online, so long as the date of grievance day is clear and prominently displayed. The Board of Assessment Review may

conduct grievance day remotely by conference call or similar platform, so long as taxpayers can present their complaints through the platform and the public has the ability to view or listen to the proceeding. *Town board authorization / ratification is necessary to implement these changes.

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) - See also: Public Hearings & Meetings (ECL)

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."

Funeral Services and Death Certificates (EO 202.15)

Public Health Law regulates the business and practice of funeral directing and requires funeral directors to be licensed and registered. Executive Order 202.15 authorizes the Department of Health to allow funeral directors licensed in other states or licensed instate but not registered to provide funeral services in New York State under the direction of an instate licensed and registered funeral director upon the terms and conditions of the Commissioner of the Health. In addition, Executive Order 202.15 suspends application of the Not For Profit Corporations Law to authorize the State Health Commissioner to deputize individuals to serve as a funeral director, undertakers or coroner's agent to be supervise, arrange and observe the removal or transfer of

human remains to a cemetery, crematory or a common carrier, with a copy of the filed death certificate. The State Registrar is temporarily permitted to register death certificates and issue burial and removal permits, upon the request of a local registrar and upon approval of the Commissioner of Health.

The NYS DOH issued guidance to funeral directors regarding services and social distancing which may be reviewed here https://www.health.ny.gov/professionals/funeral_director/letters/docs/bfd_20-02.pdf

The New York State Funeral Directors Association also has information on its website regarding COVID-19 <https://www.nysfda.org/index.php/news-events/covid-19-info>

If you have any questions regarding funeral services please contact the Bureau of Funeral Directing by telephone at 518-402-0785 or by email at funeral@health.ny.gov. If you have questions regarding death certificates please contact the NYS DOH Vital Records - email registrar@health.ny.gov and questions regarding electronic death registration system may be sent to edrs@health.ny.gov for assistance.

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
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 - Absentee Ballots (EO 202.15)

Election Law, §8-400 is temporarily suspended and modified to allow voters to electronically apply for an absentee ballot due to COVID-19. According to the State Board of Elections, voters wishing to apply for an absentee ballot under EO 202.15 need to check the box for “temporary illness or physical disability.” There is no requirement for an in-person signature or appearance to be able to access an absentee ballot for elections held on or before June 23 2020. EO 202.15 contains no change in the application deadlines. Applications for absentee ballots may be made by mail, email, fax or in person. EO 202.15 did not change the manner in which absentee ballots are provided to voters or returned to the county boards of elections. Therefore, an absentee ballot may either be mailed to a voter or delivered to a voter in person and an absentee ballot may be returned to the county board of elections either by mail or in person. For more information on EO 202.15 and other COVID-19 executive orders relating to elections please see <https://www.elections.ny.gov/>

Election Day

Any Supreme Court Justice appointed to hear matters on election day may hear and determine such matters telephonically or by video conference and is not required to physically be at a board of elections.

Elections - Absentee Ballots (EO 202.23 & 202.26)

Any absentee ballot sent to a voter for a primary or special election occurring on June 23, 2020 must be provided with a postage paid return envelope. Any voter that is in active and/or inactive status that is eligible to vote in a primary or special election conducted on June 23 who requests an absentee ballot via telephone must be sent an absentee ballot with a postage paid return envelope. The voter does not need to fill out an absentee ballot application. The board of elections that receives the telephone request for the absentee ballot must keep a record of the request and, additionally, can complete an absentee ballot application on behalf of the voter (although no application is required). Additionally, any absentee ballot submitted by a voter that requested such ballot for an election that was canceled and rescheduled due to COVID-19 must be cast and canvassed unless otherwise invalid, unless such voter appears to vote on the date of the rescheduled election or the voter requests and returns a subsequent absentee ballot.

For any election held before July 1, 2020, the board of elections shall provide and maintain a voting system in its office that is accessible for voters that want privacy when marking their absentee ballot. Notice of this service must be posted on the board of election’s website.

Elections - Bidding Requirements

Executive Order 202.26 suspends any competitive bidding and procurement policy requirements for boards of elections that would typically apply to securing absentee ballot applications, ballots, postage and assorted materials.

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.

Elections - Libraries

Public libraries that have been established and supported by a school district can conduct an election and budget vote via absentee ballot in conjunction with the school district's rescheduled absentee ballot process or independently using the school district's guidelines. The absentee ballot application requirement is temporarily dispensed with for any library election conducted before July 1, 2020, and each eligible voter must be mailed an absentee ballot with a postage paid return envelope.

Elections - Political Caucuses (Executive Order 202.16)

Any political caucus scheduled or otherwise required to take place in April or May of 2020, are postponed until June 1, 2020, without prejudice, however such caucus may continue if the caucus is able to be held remotely, through use of telephone conference, video conference, and/or other similar service. Proper notice of remote caucusing must include specific information on remote participation. Notice must be filed with the clerk and board of elections at least five days preceding the day of the caucus and published either by newspaper publication thereof once within the village, or on the party's website, or through electronic mail to any previous caucus participant for which the party has an electronic mail address. Prior executive orders addressed other election issues – please see the State Board of Elections website for more information. <https://www.elections.ny.gov/>

Elections - Special Districts

Any district or special district election is rescheduled to September 15, 2020, and the collection of signatures for nominating petitions for any office or for any special district election is suspended until further notice, subject to a process to be determined by a future Executive Order. However, a library district may conduct an election on June 9 if the election is managed by a school district. Further, note that local in person registration at poll sites will not be conducted in 2020.

Elections - Villages

Any village election scheduled to be held in March, April, May or June will be held on September 15, 2020.

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

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"

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 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>

For a sample resolution your town can personalize and send to your federal representatives, please visit: <https://www.nytowns.org/images/Documents/announcement/Sample%20Federal%20Direct%20Funding%20Resolution.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

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

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.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 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.

Local Actions Affecting Public Health (EO 202.19)

Signed on April 17, 2020 effective through May 17, 2020.

The Governor issued Executive Order No 202.19 on April 17, 2020 prohibiting local governments or local departments of health from taking any actions that could affect public health without consulting with the New York State Department of Health. In addition, no local government official may take any action that could impede or conflict with any other local government actions, or state actions, with respect to managing the COVID-19 public health emergency. This builds upon two prior executive orders regarding local states of emergency. Executive Order No 202.3 issued on March 16, 2020 provides that no local government may issue any local emergency order or declaration of emergency or disaster inconsistent with, conflicting with or superseding the Governor's COVID-19 executive orders. In addition, Executive Order No 202.5 issued on March 18, 2020 requires local emergency orders drafted in response to COVID-19 pursuant to the supervisor's authority under Executive Law 24 to be approved by the NYS Dept of Health. EO 202.3 and EO 202.5 are in effect until May 15, 2020 via EO 202.18. We have a copy of the DOH approval form on our website or you can find it on the NYS Department of Health website - here's the link

https://coronavirus.health.ny.gov/system/files/documents/2020/03/doh_covid19_externalproceduresforlocalemergencyorders_032020.pdf

Marriage Ceremonies and Licenses (EO Nos. 202.20 and 202.21)

Executive Order 202.20 Signed April 18 2020 effective through May 18, 2020

Executive Order 202.21 Signed April 19, 2020 effective through May 20, 2020

The Governor signed two executive orders regarding marriage during the COVID-19 pandemic. Marriage license may be issued using audio-video technology and marriage ceremonies may be solemnized using audio-video technology through May 18, 2020 provided the following conditions are met:

- The couple seeking the marriage services, must present valid photo ID to verify identity whenever required by law the during the video conference, not merely transmit it prior to or after;
- The video conference must allow for direct interaction between the couple and the town or city clerk, the witness or the person to solemnize the marriage (e.g. no pre-recorded videos of the person signing or engaged in the marriage ceremony);

- The couple must affirmatively represent that he or she is physically situated in the jurisdiction where the marriage is legally allowed to occur, within the State of New York;
- The couple must transmit by fax or electronic means a legible copy of the signed document directly to the town or city clerk, the witnesses, the person to solemnize the marriage on the same date it was signed;
- The town or city clerk, witness or person who solemnizes the marriage may sign the transmitted copy of the document and transmit the same back to the person responsible for the document by law;
- To the extent practicable, all parties will use their best efforts to ensure the document is transmitted in the most confidential manner and information will not be released to any third party not associated with the marriage license and marriage ceremony; and
- The electronic signed copy of the marriage license application or marriage license will become the official document for purposes of Domestic Relations Law.
- Local town and city clerks may provide guidance related to how marriage licensure applications and issuance will be implemented in their jurisdictions.

Marriage Licenses (EO NO 202.20)

- In addition to authorizing town clerks to issue marriage licenses via videoconference, Executive Order 202.20 also waives the 60 day expiration period under Domestic Relations Law §13 during the declared state of emergency and waives fees for couples wishing to apply for a second marriage license who were unable to get married during the state of emergency providing the second application mirrors the original license that was obtained during the period of time a declared emergency existed in New York State.
- For more information on the procedure to issues marriage licenses or questions regarding Executive Orders 220.20 and 202.21 you can contact the NYS DOH Vital Records unit by emailing - clerks@health.ny.gov.

Marriage Solemnization (EO 202.21)

Signed April 19, 2020 effective through May 20, 2020

The directive regarding solemnization of a marriage ceremony contained in Executive Order 202.20 shall be modified to expressly include any officiant, public or private, as able to perform or solemnize such marriage ceremony utilizing audio-video technology, as delineated in such directive.

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.

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 thirty days after the date of execution.

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>

OSHA Worksite Guidance

OSHA has COVID-19 worksite guidelines <https://www.osha.gov/Publications/OSHA3989.pdf>

NYS Dept of Labor Division of Health and Safety fields questions on health and safety protocols applicable to town worksites here's a link to the regional directory

https://labor.ny.gov/workerprotection/safetyhealth/DOSH_DIRECTORY.shtm

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.

PPE Provision and Enforcement

EO 202.16 directs for "all essential businesses or entities, any employees who are present in the workplace shall be provided and shall wear face coverings when in direct contact with customers or members of the public. Businesses must provide, at their expense, such face coverings for their employees. This provision may be enforced by local governments or local law enforcement as if it were an order pursuant to section 12 or 12-b of the Public Health Law". This requirement is in effect April 15 at 8 p.m. through May 12, 2020.

EO 202.17 declares effective at 8 p.m. on Friday, April 17, 2020 any individual who is over age two and able to medically tolerate a face-covering shall be required to cover their nose and mouth with a mask or cloth face-covering when in a public place and unable to maintain, or when not maintaining, social distance.

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.

Public Hearings (202.15)

All local in-person public hearings scheduled to occur in April and May are postponed, without prejudice, until June 1, 2020. Instead of waiting until June first, a town may conduct a local public hearing in the months of April or May by teleconference, videoconference or comparable platform.

Public Hearings and Meetings required under the Environmental Conservation Law and regulations (EO 202.15). -

Public hearing requirements set forth in numerous provisions of the Environmental Conservation Law and corresponding regulations are suspended through May 9, 2020 - provided the agency accepts written public comments electronically or by mail.

In addition to suspending certain public hearing requirements, EO 202.15 also suspends required public meetings regarding brownfield cleanup (Part 375) and inactive hazardous waste remediation (article 27), providing written comments on proposed remedies are accepted and those comments are evaluated when evaluating a remedial decision. Public hearings are suspended through May 9, 2020 for permits required under for State Pollutant Discharge Elimination System and thermal discharge under articles 70 and 17 and Parts 621, 624, 704 and 750, providing written public comments may be submitted electronically or by mail and appearances may be conducted by teleconference or other electronic means.

Real Property Tax Administration (plus Westchester & Nassau counties)

The commissioner of the Department of Taxation and Finance is authorized to certify the final state equalization rate, class ratios, and class equalization rates no later than 10 days before the last possible date to levy taxes.

Westchester County

The county executive may negotiate with any town supervisor or city mayor to accept a lower percentage of taxes and assessments that are otherwise due on May 25. In any event, the town or city is not required to pay more than sixty percent. Additionally, the County Executive has the authority to waive penalties for late payments for taxpayers experiencing hardship due to COVID-19.

Town supervisors are required to waive penalties for county and town taxes for late payments for taxpayers experiencing hardship as determined by the County Executive's criteria.

In contrast to towns, city mayors have the authority - but are not required- to waive penalties for city and county taxes for taxpayers experiencing hardship.

Nassau County

The Nassau county executive is authorized to extend the penalty free period until June 1, 2020.

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.

The NYS Intelligence Center's Cyber Analysis Unit has developed a Cyber Analysis Bulletin that emphasizes the importance of not only patching Citrix systems, but also running a scanner that looks for a previous compromise. NYSIC has distributed the Bulletin widely, but is aware of cases where the organization applied the patch, but did not run the scanner and had compromised systems. Portion of the bulletin for our members is included at the end.

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>

<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. 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

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. 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

Region 1 anthony.leung@dec.ny.gov or cathy.haas@dec.ny.gov

Region 2 selvin.southwell@dec.ny.gov

Region 3 manju.cherian@dec.ny.gov

Region 4 derek.thorsland@dec.ny.gov

Region 5 robert.streeter@dec.ny.gov

Region 6 david.rarick@dec.ny.gov

Region 7 thomas.vigneault@dec.ny.gov

Region 8 tara.blum@dec.ny.gov

Region 9 jeffrey.konsella@dec.ny.gov

Remote Meetings Software Options (Courtesy of ELGL.org)

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

Webinar and Online Meeting/Events

Name	Cost	Description	Chat	File Sharing	Participants
Hio Social	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
Mural	\$12 / user / mo	Great multi-user whiteboard, has a lot of additional templates	yes		

New York State Intelligence Center



Cyber Intelligence Bulletin

CAU@nysic.ny.gov
1-866-48-NYSIC (566-486-9742)

Subject: Important message for municipalities that use Citrix products

The New York State Intelligence Center's Cyber Analysis Unit (NYSIC CAU) has recently issued a warning about a serious cyber threat to Netscaler and other Citrix technologies that are commonly used by New York's municipal governments. If you or your IT vendor uses Citrix, we encourage you to take steps to ensure that you are protected from these threats.

Certain Citrix products had a vulnerability that was patched in January. However, in a number of cases attackers exploited the vulnerability to establish persistent access to networks that remained even after the patch was applied. This "back door" exposed their systems to further malicious activity, and needs to be removed.

The NYISIC CAU Bulletin, attached, stresses the importance of not only patching these Citrix systems but also running a scanner to determine whether your system had been compromised before the patch was applied. The NYISIC CAU has distributed this Bulletin widely to IT professionals across New York State, but has found a number of cases where the scanner was not run and systems remained compromised.

We encourage you to pass this Bulletin to your CIO, IT director, or IT support unit, and ask them whether they ran the Indicator of Compromise Scanner if they run any of the affected Citrix technologies. This will minimize the chances of any future problems.

Please note that this Bulletin is labelled "For Official Use Only," and should not be further distributed or posted on a public website. If your IT office does not already receive alerts from the NYISIC Cyber Analysis Unit, encourage them to contact the Cyber Analysis Unit at (518) 786-2191 or CAU@nysic.ny.gov to be added to their list. Should your IT office have questions about this particular Bulletin, they may contact the Cyber Incident Response Team at the NYS Division of Homeland Security and Emergency Services at CIRT@dhSES.ny.gov for assistance. Finally, if your IT office suspects a compromise, please contact law enforcement as well.



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.
- 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 for the Centers for Disease Control and Prevention, and 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



Town Supervisor
Judi Bosworth



Council Member,
District 1
Wilene Russell



Council Member,
District 2
Peter J. Zuckerman



Council Member,
District 3
Angela P. Ferraro



Council Member,
District 4
Veronika Lurvey



Council Member,
District 5
Leo R. Seeman



Council Member,
District 6
Marlene Delmonte



Town Clerk
Wayne H. Wink, Jr.



Receiver of Taxes
Charles Gorman