

A large, decorative graphic on the right side of the page consists of several concentric, overlapping curved lines in shades of orange and yellow, creating a sense of motion and energy.

WESTCHESTER ECONOMIC RECOVERY TASK FORCE

**Strategies and Recommendations for
Westchester County Reemergence**

LAST UPDATED: JULY 2020

INTRODUCTION



Dear Governor Cuomo and County Executive Latimer:

As you know, immediately after the COVID-19 pandemic hit the Business Council of Westchester created the Westchester Economic Recovery Task Force to identify issues and concerns that would need to be addressed by the State and County. Please see attached a second list of recommendations which we hope will assist your administrations' reemergence planning.

Since issuing our first report on June 1, the Task Force has continued to meet in order to identify key issues from the various industry sectors. We also held our second virtual Town Hall meeting on June 18 that was well-attended by BCW members who raised new issues and made recommendations. The attached updated report consists of those new issues and recommendations as well as those raised in the first report that our Task Force sectors still feel need to be addressed.

Our Task Force will continue to meet and seek to identify strategies which will be useful for your administrations in your planning for the months ahead.

Thank you.

A handwritten signature in black ink that reads "Marsha Gordon".

MARSHA GORDON
President and CEO
The Business Council of Westchester

TABLE OF CONTENTS

Introduction	2
Sectors	
Arts	4
Biotech.....	5
Energy/Environment	5
Entertainment, Hospitality and Transportation	6
Finance.....	7
Healthcare	7
Higher Education	8
Municipalities.....	8
Not-For-Profits.....	9
Professional Services	10
Real Estate/Brokerage.....	11
Real Estate/Construction	11
Retail.....	12
Small Business.....	12
Task Force Members	14

ARTS

- + Our recommendations are the same as in the previous report. The only addition is to ask that discretion be given to local officials to interpret the guidelines as a) they know the local situation best; and b) the State guidelines are by necessity broad. This works well for environmental and architectural reviews, so perhaps this could also work well empowering local health and town authorities in this situation.
- + There also seems to be general confusion as to the risk of transmission on contact surfaces vs. breath vapor. There is a lot of focus on addressing contact surface transmission; however, it seems that the CDC and other sources state that this is very unlikely. Having more clear guidance from the State on this could be helpful in prioritizing limited resources for sanitization.
- + Need more funding from Federal, State and Local governments.

ON-GOING RECOMMENDATIONS AND CONCERNS

PARAMETERS, NOT GENERALIZATIONS

Arts and Culture should not all be grouped together into this one category for a Phase 4 opening as not all institutions are created equally. While it is understandable that large performing arts groups need and should be in Phase 4, there are many institutions that do and can function in smaller groups such as art studios, small classes and administration office which should be able to open sooner in Phase 2.

RISK TOLERANCE

We all need to be responsible in doing our part to mitigate the spread of the virus; however, we will never be able to guarantee risk from infection of COVID, flu, car crashes, etc. It is important that lawmakers keep this crisis in context with the reality of other risks.

CATEGORIZATION

In addition to having guidelines specific to organizations of similar size, guidelines for our different lines of business would be extremely helpful. For example, many institutions contain a large theater with over 100 seats, but also have education classes and camps and do small private rentals—being able to open for those smaller groups would be helpful.

LIABILITY

In addition to concerns about employee claims, how do we protect against audience claims? Strong guidelines/requirements for patrons and/or a hold harmless provision would help safeguard us. We need a liability plan ... what do we need to do, what should it look like?

FUNDING

In addition to other funding opportunities for support through an extended closure, as the State starts to think about infrastructure support. We hope they'll think about capital support for arts organizations that may have to reconfigure to remain open, viable, and compliant.

NEEDS

- + Who actually has the legal authority to interpret who should be open and who shouldn't be open?
- + Clear guidelines on health protocols required or recommended by businesses, as well as updates on social distancing guidelines.
- + Easy access to masks and disinfectant.
- + Guidelines on cleaning protocols and recommendations of outside companies to hire.
- + Price breaks on some of the necessary services to allow us to restart our public operations while meeting the restrictions on capacity and cleanliness.
- + Other funding opportunities which will help us sustain operations while operating at reduced capacity—since many of the available grants are either appropriately targeted toward individuals (gig workers, artists), or more focused on NYC.

BIOTECH

- + State/City/Local leaders need to make certain there is a clear plan in place should spikes occur across the State.
- + We need a solid communication plan around how our mass transit systems will prepare their riders as the occupancy on trains and buses will continue to increase as we move to the next phases.

ENERGY/ENVIRONMENT

- + Westchester County's energy landscape is dramatically changing. The Indian Point Energy Center, the provider of approximately 25% of our region's electricity, will fully cease operations in 2021.
- + In addition there is the Con Edison gas moratorium for the southern part of the county that went into effect in March 2019.
- + Climate Leadership and Community Protection Act that was enacted last year setting an ambitious mandate for the state to hit net-zero emission in just three decades. The BCW is concerned that it will:
 - Double energy costs in the state;
 - Raise the carbon footprint of New York State;
 - Not be implemented in New York State's stated timeframe with the currently available resources or 15-year timeframe available resources; and
 - With a gas moratorium in effect, only a 15%–25% reduction of carbon emissions is possible by 2050.

- + Sustainable quantities of PPE still remain a concern.
- + Daycare services remains critical as we enter the summer months. Parents want assurance that if daycare facilities do open, how can they be sure ... and what safeguards will be in place for their children.

ENERGY POLICY RECOMMENDATIONS FOR 2020

- + Fair programs to reduce all types of air emissions from all other sectors of the economy (transportation, residential, commercial, industrial) in addition to the electric generation sector.
- + Establish the New York State Renewable Reclamation Projects Program for the development of renewable electric generation projects.
- + Additional funding for the New York State Cessation and Mitigation Fund to assist municipalities and localities with the loss of property tax revenue following the closure of an electric generating facility.
- + Elimination and reduction of taxes, surcharges and fees. Approximately 25% of a typical monthly electric bill is for taxes, fees, and surcharges.
- + Provide more electric car infrastructure such as more charging stations along major highways and at transportation hubs to encourage more drivers to purchase electric vehicles.



ENTERTAINMENT, HOSPITALITY AND TRANSPORTATION

- + Readily available PPE (masks, hand sanitizer, gloves)
- + State mandated guidelines that when passengers are present in the vehicle, all occupants (ie: passengers and drivers) must wear face coverings when traveling in for-hire vehicles and charter buses. Exception can be made for vehicles that have a full partition installed such as in a stretch limousine, limousine van, or limousine bus in which case the partition must be in the closed position during the entire ride.
- + Recommend replacing the SAF (4%) currently imposed on TNCs with New York State sales tax (based on the sales tax rate at the pickup point) on all intrastate TNC trips. Sales tax on intrastate trips is currently imposed on all for-hire vehicles.
- + Reduction of licensing fees (WCTLC vehicle permit, WCTLC driver permit, WCTLC base station permit) for Westchester County TLC operators to account for the 3–4 months of non-existent or drastically reduced demand for service.

ON-GOING RECOMMENDATIONS AND CONCERNS

- + Liability Protections: This may be handled at the federal level as there are currently conversations happening around setting the standard of ‘gross negligence’ for claims that could be made against companies by employees or customers.
 - + Access to adequate PPE equipment at a reasonable cost, as this will be a large expenses added to company operations.
 - + Access to approved cleaning supplies.
 - + Clear and concise guidelines from regulators.
 - + Safe and reliable transportation for workforce.
 - + Safe and reliable child care for children of employees.
 - + Flexibility from unions on existing job descriptions, roles and responsibilities as companies begin to open up and implement new health & safety protocols.
 - + Flexibility from unions as workforce members are brought back from furlough, but then may require time off, which will necessitate temporary returns of other employees from furlough.
- SPECIFIC TO HOSPITALITY**
- + Hospitality and tourism, among the hardest hit sectors of our economy already, will continue to suffer from decreased demand even as a recovery begins. Our businesses must reduce expenses and conserve cash to meet our obligations and remain viable. Any way that government can ease cash expenses, such as taxes and fees, and ensure affordable access to capital will help hotels survive and be positioned to recovery.
 - + Marketing will be a key success factor during the recovery. Additional tourism funding to overcome challenges such as “hot spot” stigma associated with the early and large COVID-19 caseload of our County and region, as well as the likelihood that business travel and especially meetings, conferences and events—the majority of our business—are widely forecast to lag economic growth in general and overnight travel specifically. The Hotel Association working with Tourism and Film to develop/implement a plan to generate economic activity.
 - + Standards to ensure the health and safety of our guests and employees must be clear, consistent and practicable. Working with County and State DOH, NYSHD, CDC and OSHA, industry will develop new ways to keep guests, visitors and hotel workers safe.
 - + COVID-19 related litigation could be a serious impediment to recovery. The hospitality industry—along with other small businesses—looks to the Legislature for protection from frivolous regulatory and legal action based, for example, on employee complaints that notice of furloughs and layoffs failed to meet advance notice or specific language requirements, or that the furloughs and layoffs were retaliatory.
 - + “Safety Pledge” for the hotels of Westchester County and tourism related businesses.
 - + Our furloughed associates need further unemployment relief. The additional \$600 ends at the end of July. Some of them will not be back to work until January. They will need another stimulus to survive.
 - + The hospitality industry recovery can also be aided by assistance from the energy companies in lowering surcharges and fees for energy.
 - + Perhaps incentives to the big businesses to hold training, orientation etc to have meetings in Westchester County.
 - + Temporarily lower or eliminate taxes.

FINANCE

There are no additional comments or suggestions other than what we stated previously. Banks are all moving forward with putting together comprehensive plans for reopening both branches and offices. It is interesting to hear some of the variations in how other banks are handling this but for the most part it appears that everyone is moving ahead and plan to reopen branch lobbies soon. From an office setting, it does not appear that anyone is in a rush to open up and they want their employees to feel safe before coming back.

ON-GOING RECOMMENDATIONS AND CONCERNS

- + Gauging the level of employee expectations regarding pre-entry health screens for them and customers.
- + Plexiglas barriers at all work stations between employee and customers and also, between employees.
- + Evaluating how to manage social distancing as that varies by location.
- + Whether or not masks will be required for employees and customers.
- + We are identifying potential challenges with our teams ability to work full time due to child care commitments, transportation, personal health concerns and possible other issues.

HEALTHCARE

Westchester County's healthcare sector has been on front lines 24/7 from day one of the pandemic. The Task Force will continue to work closely with the leaders of our healthcare sector to assist them as they move forward with their daily work post COVID-19.

- + Create and implement telehealth product.
- + Provide health screening and temperature checks for patient, provider and staff safety.
- + Expand clinical hours and increase patient-per-hour limits.

- + Strictly follow all infection control practices including frequent hand sanitization and hand washing. All workforce members asked to self-monitor by taking their temperature twice daily and assessing for COVID-19-like illness.
- + Environmental services team members trained on cleaning all areas of buildings under current guidelines.
- + Lobbies and many waiting areas/lounges closed. Ensure that common areas are not used for gathering.



HIGHER EDUCATION

- + Clear DOH guidelines for contact tracing and resources for implementation.
- + Liability protection.
- + Flexibility to develop plans that reflect the heterogeneity of the higher education sector.

MUNICIPALITIES

- + State to facilitate permitting and approvals. It is very difficult for municipalities to navigate the approval process with the State.
- + Huge obstacle is the required match on State grants. These grants were awarded pre-covid. At this point, the financial conditions of each municipality might preclude these capital projects from moving forward as we're not able to produce the required match.
- + Waive required matches so that municipalities can proceed with the grant funds only and not hold back projects.
- + Make sure that the State does not cut any funding to municipalities. It will be catastrophic.
- + Expand decontamination services in all public facilities and community spaces, which requires the appropriate equipment and supplies. Provide State funding or share service partnership.
- + As a result of COVID-19 the need for adequate food supplies has increased significantly. Current resources (equipment, supplies, staffing and funding) are not sufficient to meet the new demands.



NOT-FOR-PROFITS

- + On the Child Care front, we will need additional funding/investment in the long term from the Federal government in order to get capacity up.
- + The procurement and funding of adequate PPE is proving to be a significant challenge. NFPs provide essential services to some of the county's most vulnerable residents and need to assure that both their staff and their clients are safe and feel comfortable receiving services. Assure that NFPs, especially those who provide direct services to vulnerable populations, are part of any distribution channels for PPE. Provide funding for PPE for essential service providers.
- + Emotional and physical well-being of the workforce is paramount. Many workers are very anxious about returning to the workplace, have suffered severe emotional stress during this time, have felt isolated, and are worried about their loved ones. We are seeing more signs of the emotional toll the virus has taken on our staff and clients as we re-open. Mental health care and emotional support must be a component of every business's reopening plan.
- + As with access to distribution channels for PPE, NFPs need access to equipment, supplies, signage, etc. necessary for a safe re-opening. These are all new expenses that are critical to safe operations, are costly, and were unanticipated when preparing 2020 budgets.
- + As State, County, and Local budgets are being hit hard by COVID-19 responses, NFP services should not be considered as an easy place to cut. The essential services provided by NFPs are needed now more than ever.
- + NFPs represent most every sector of the business community and are included in all phases of the reopening. Yet, while each organization's circumstances may be different, they are being treated with the broad brush of their industry sector. This is particularly true of arts and entertainment organizations which range from small, outdoor venues to large, primarily indoor venues. Considerations should be made for NFP organizations to open earlier than planned if they can assure appropriate safety precautions are in place.
- + The Coronavirus has shone a spotlight on the inequities that exist in all of our systems. Inequities in education, income, access to health care, housing, etc. have resulted in higher negative impacts of the virus across race, gender, and disability. These long standing inequities have fueled the current racial unrest. We must work harder to address these inequities as we "re-imagine" our communities.



PROFESSIONAL SERVICES

As we enter Phase 2 and hopefully Phase 3 soon following are the items that would be most helpful to the professional services industry:

- + Human resources support to assist with helping employees navigate the return to the workplace.
- + Continued access to PPE.
- + Employer protections related to good faith efforts to comply with return to work protocols.
- + Employer negligence needs to be waived for allowing employees to come back to work, or the contractor that goes into a house or on a job site.
- + Clarifying guidance regarding how long social distancing protocols are expected to remain in place in office environments.
- + Mass transit, particularly the Bee Line Bus System and Metro North, have to add more buses and trains. Employees who want to come to work are reporting reluctance to do so because of overcrowded buses.
- + Many employees have taken on a lot of responsibility for their elderly parents. We need the State to focus on how to help the Elderly live independently in the current environment.
- + On the Law firm front, we need to get the Court system back up and running.



REAL ESTATE/BROKERAGE

- + Encourage owners/developers of commercial real estate to replace or improve HVAC systems to provide more fresh air into buildings, touchless technology to access buildings, elevator keypads, and bathroom fixtures.
- + Extend 1031 Like-Kind Exchange deadlines for identifying properties and purchasing them due to the Covid-19 crisis.
- + Simplify/Amend SEQRA to expedite approval processes and encourage developers who find New York State regulations too stringent to enter the market.
- + Projects are being held up at the Municipal Board Level. We need more virtual board meetings each month.
- + Streamline cumbersome and lengthy business licensing regulations and requirements for new businesses.
- + Any real estate recovery hinges on a clear roadmap for safe travel and access to mass transit coming back on line.
- + On the commercial real estate front, I do think there has to be an acknowledgement that the current “work from home” trend maybe the best solution in the short term when dealing with the pandemic, but medium and long term, if employees are not able to safely return to workplaces, it will have a devastating effect on the commercial market, all of the service industries that cater to those workplaces, and the economy in general.

REAL ESTATE/CONSTRUCTION

NEEDS

- + Level the playing field. Private construction was shut down in March, but thousands on essential construction projects kept working safely with success.
- + Reliable supply chains of PPE suitable for construction.
- + Level playing field in terms of safety protocols.
- + Expectation of timely responses from municipal officials for permitting, planning, inspections, etc.
- + Increase hygiene of facilities and availability of preventative equipment.

WANTS

- + Option for existing construction projects to do “outside work” as a soft launch of Phase 1, even if the health metrics do not allow for a full Phase 1.
- + County Planning Department to step in and support municipalities who have insufficient resources for a timely response on permitting, planning, inspections.
- + Where social distancing and existing OSHA regulations are in conflict, err on the side of OSHA.

WISHES

- + More expeditious timelines for regulatory and public review by municipalities for permitting, planning, and inspections.
- + Financial support for low income housing tax credits from the states or feds.
- + Just as New York State signed into law the Emergency Disaster Treatment Protection Act (EDTPA), which expanded N.Y.S. Executive Order No. 202.10 (March 23, 2020) that provides limited civil liability for healthcare professionals during the Covid-19 crisis, the State should expand this umbrella of protection to include commercial real estate owners (CRE).
- + Clarification on the applicability of the current Covid-19 crisis as it relates to a landlord’s right (similar to the Citizen Arrest statute) that permits a property owner to restrain or “detain” persons whom they have probable cause to believe have committed or about to commit violations of their property.
- + New York State should recommend (not mandate) all commercial real estate property owners create the position of a Covid-19 Compliance Officer in order to facilitate the flow of Covid-19-related information, updates to rules and regulations, sharing of best practices.

RETAIL

- + From our perspective we are mostly national restaurants and retailers. But, I think the way to help both nationals and locals is to provide best practices and resources for new operating procedures—even create standardizations. We are all having to operate at reduced staff, so implementing a reservations system if you’ve never had one before can be a challenge—some may not even know where to start. I think a list of companies, resources and service providers will be really helpful.

SMALL BUSINESS

- + Blanket, wide-sweeping definitions don’t work. Even some of the specific rules don’t translate well and leave many of us in an ambiguous state. Every business has it’s unique set of challenges and circumstances. We would all be better served if the **government provides best practices**, then allow the smart citizens we are to make decisions that are good for us.
- + Example: If a gym thinks they can safely allow 50% capacity because of their layout, equipment configurations, and how classes are run, then so be it. Their customers will also judge for themselves whether those conditions are acceptably safe. Those who think the sky is falling won’t patronize. Those on the opposite end of the spectrum won’t have a worry. The vast majority in the middle will use our heads and make good decisions for ourselves.
- + Many business leaders from sectors categorized in Phase 3 & 4 argue that they need to open sooner. The clear message is that **we are all inexorably interconnected and interdependent**. For example, having schools open 100% in September is a paramount issue affecting our ability to fully function and be productive. Rather than bringing business back in phases, we should turn our view by 90 degrees and look at it sideways. Why not allow ALL businesses to open now, but to do so in a more even-handed way? Why not 25% to start then add 25% every 10 days until we’re 100%?
- + Finally, government needs to be focused on **restoring confidence**—not in government, but in each other. The vast majority of business people KNOW that the protection of their employees, their customers, and their families is paramount to their survival and success. We will overwhelmingly make good decisions at the micro level.

- + For retailers I think sharing best practices of crowd control, customer service—when it comes to interacting with guests about wearing face coverings and wait times would be beneficial. Some resources can be from the National Retail Federation, International Council of Shopping Centers and the National Restaurant Association.

ISSUES

- + Paying rent.
- + **Solvency:** will small businesses generate enough business to survive (small biz are rapidly falling behind/are cash strapped).
- + **Fear of liability:** for retailers/restaurants with respect to infection spread.
- + **Fear of second wave:** resulting impact for retailers on 4th quarter holiday sales.
- + **PPP constraints:** despite getting PPP, money can’t be used towards all needs (PPE, space modifications).

CHALLENGES

- + Investing and converting to necessary technology: contactless payment, ecommerce
- + Training employees on all new procedures.
- + Convincing consumers of safety.
- + Unemployment rate/recession impact on consumer spending.
- + Businesses with slim margins (grocers) can’t maintain expense/volume of delivery/curbside ; rely on more traditional consumer traffic.
- + Concerns over the expense of PPE (masks, sanitizer, filters, etc) and having to raise their prices to cover those costs.
- + Enforcing the use of masks in their stores.
- + Worried about the likelihood of their clients returning.
- + PPP Forgiveness documentation.

NEED TO HAVE

RENT

- + Rent forgiveness/Assistance with landlords
- + Other options for negotiating rent

SUPPLIES

- + Free PPE for employees and customers
- + Plexiglass

FUNDING

- + PPP expand use of eligible funds for more needs (around remote working, PPE, space modifications)
- + A well trained and staffed help line re:PPP so people have a knowledgeable resource to turn to. There is a lot of misinformation including staff at banks.
- + Less stringent rejections of potential PPP clients

TRAINING

- + For contactless payments. Free and high level customer service to help launch.
- + Ecommerce options
- + Clear training on what store managers should do if customers fail to comply

RISK MITIGATION

- + Release from Liability for retailers/restaurants with respect to infection spread
- + Support dealing with noncompliance of customers or employees

INFORMATION

- + Best practice guidelines (by industry: size, location). Shared information from locales opened ahead of NY

WANT TO HAVE

FUNDING

- + PPP modification: a simplified forgiveness process for very small businesses (i.e. loans under \$25K automatically forgiven, w/o need to supply volumes of documentation).
- + PPP modification: more flexibility on the safe harbor for FTE and salary levels (i.e. if business can't return to pre-pandemic levels by 12/31 the forgiveness level should not be reduced. If small biz doesn't have the sales to warrant hiring back employees, they should not have to hire back prematurely).
- + Ability for small businesses to apply for additional funding (i.e. second forgivable loan just for items keeping customers and employees safe) .
- + Grants focused on rent.

COMMUNITY PROGRAMMING

- + Stay local/support small business
- + Sales tax holiday to encourage boom in retail sales.

SAFETY

- + Availability of UV lights to kill virus.

Concerns over the expense of PPE (masks, sanitizer, filters, etc) and having to raise their prices to cover those costs

*Enforcing the use of masks in their stores

*Worried about the likelihood of their clients returning

*PPP Forgiveness documentation

TASK FORCE MEMBERS

JOSEPH APICELLA
Macquesten

LUIZ ARAGON
City of New Rochelle

BILL BALTER
Wilder Balter Partners

GREG BERGER
Robert Martin Company

LIZ BRACKEN-THOMPSON
Thompson & Bender

PETER CHAVKIN
Lighthouse Landing
Communities

ROBERT CIOFFI
Progressive Computing

HEIDI DAVIDSON
Galvanize Worldwide
BCW Board Chairman

TOM DECARO
Benchmark Title Agency

JOHN DECICCO
DeCicco & Sons

NEIL DELUCA
The DeLuca Group

TARYN DUFFY
Empire City by MGM Resorts

JOHN FARERI
Fareri Associates

TIM FOLEY
Builders Institute of
Westchester

MICHAEL FOSINA
NewYork-Presbyterian
Lawrence Hospital

SUSAN FOX
Westchester Institute for
Human Development

KEN FUIRST
Levitt-Fuirst Associates

DAVID GARTEN
RXR Realty

BRIDGET GIBBONS
Westchester County

SUSAN GERRY
WMCHHealth

MARTIN GINSBURG
Ginsburg Development

ROBERT GLAZER
ENT & Allergy Associates

LARRY GOTTLIEB
Robert Martin Company

RICHARD HAGGERTY
HGAR

JEFFREY HAYDON
Caramoor Center for
Music and the Arts

PETER HERRERO
NY Hospitality Group

APRIL HORTON
Verizon

ANTHONY JUSTIC
Maier Markey & Justic LLP

ROBERT KESTENBAUM
York International

MARVIN KRISLOV
Pace University

JOSEPH MCCOY
People's United Bank

SEAN MEADE
Cambria Hotels/Westchester
Hotel Association

JEFF NELSON
RXR Realty

KEVIN PLUNKETT
Simone Development
Companies

LIZ POLLACK
Cross County Shopping Center

GEORGE POTH
Regeneron Pharmaceuticals

JOSEPH SACCOMANO
Jackson Lewis

MICHAEL SHIFFER
MTA Metro-North Railroad

JOSEPH SIMONE
Simone Development
Companies

HOWARD STEIN
Small Business Development

EDWARD STOPPELMANN
Red Oak Transportation

JOSEPH STOUT
Westchester Parks Foundation

JIM SURDOVAL
Ginsburg Development
Companies

GEOFF THOMPSON
Thompson & Bender

MARK WEINGARTEN
DelBello Donnellan Weingarten
Wise & Wiederkehr, LLP

BUDD WIESENBERG
CBRE

ROGER WOOLSEY
Million Air