

# Western New York expected to enter phase 4 on Tuesday

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religious gatherings, but people need to continue wearing masks, socially distancing and washing their hands frequently to stay safe," Cuomo said.

Here is what is known at this point:

## LOW-RISK INDOOR/ OUTDOOR ARTS & ENTERTAINMENT:

Per the "New York Forward" website, indoor industries allowed to reopen include "indoor museums, historical sites, aquariums, and other related institutions or activities. This guidance also applies to art galleries, except retail galleries."

Moreover, the phase four affirmation states, "This guidance does not address outdoor museums, zoos, botanical gardens, and other related low-risk outdoor arts and entertainment activities, which are subject to separate DOH guidance. Finally, this guidance also does not address higher-risk indoor arts and entertainment activities including, but not limited to, places of public amusement (e.g., arcades, bowling alleys), casinos, concerts, movie theaters, performing arts, or other theatrical productions, which remain closed at the time of publication."

In terms of safety protocols, "Responsible Parties must ensure that the work force and patron/visitor presence is limited to no more than 25% of the maximum occupancy for a particular area as set by the certificate of occupancy at any given time, inclusive of patrons/visitors, who must only be permitted entry into the institution if they wear an acceptable face covering, provided that the patron/visitor is over the age of two and able to medically tolerate such covering; and

"Responsible Parties must ensure that a distance of at least six feet is maintained among individuals, including employees and patrons/visitors, with the exception of groups visiting the institution who are members of the same household or party, at all times, unless safety or the core activity requires a shorter distance (e.g., operating cash registers, moving and lifting objects, using an elevator), in which case, individuals must wear an acceptable face covering."

Outdoor industries allowed to reopen include low-risk outdoor arts and entertainment activities, including "outdoor zoos, botanical gardens, nature parks, grounds of historic sites and cultural institutions, outdoor museums, outdoor agritourism, local agricultural demonstrations and exhibitions, and other similar institutions or activities."

The phase four affirmation states, "This guidance does not apply to indoor museums, historical sites, aquariums, and other related low-risk indoor arts and entertainment activities, which are subject to separate DOH guidance. Finally, this guidance also does not address higher-risk outdoor arts and entertainment activities including, but not limited to, places of public amusement (e.g., amusement parks, waterparks, carnivals), concerts, or performing arts in excess of the non-essential gathering limit in effect for the particular region, which remain closed at the time of publication."

Safety-wise, "Responsible Parties must ensure that the work-

force and patron/visitor presence is limited to no more than 33% of the maximum occupancy or capacity for a particular area at any given time, inclusive of patrons/visitors, who must only be permitted entry into the institution if they wear an acceptable face covering, provided that the patron/visitor is over the age of two and able to medically tolerate such covering; and

"Responsible Parties should ensure limited indoor capacity to accommodate patrons/visitors who may need to enter or exit through indoor space to access the outdoor arts or entertainment space, restroom(s), payment location, or in the event of an emergency, and allow such ingress and egress in a socially distanced manner."

"Responsible Parties must ensure that a distance of at least six feet is maintained among individuals, including employees and patrons/visitors, with the exception of groups visiting the outdoor arts and/or entertainment location who are members of the same household or party, at all times, unless safety or the core activity requires a shorter distance (e.g., operating cash registers, moving and lifting objects, using an elevator), in which case, individuals must wear an acceptable face covering."

Venues in phase four also can reopen their gift shops (with phase two guidance) and eating areas (with phase three restrictions).

## HIGHER EDUCATION:

The "New York Forward" website reads, "Higher education institutions must develop and submit a plan for reopening and operating for the duration of the COVID-19 public health emergency. See 'Interim COVID-19 Guidance for Higher Education' and 'Checklist for Higher Education Institutions Reopening Plans' for more information. During the COVID-19 public health emergency, all operators of higher education institutions are accountable for staying current with any updates to local, state, and federal requirements related to higher education and auxiliary activities and incorporating those changes into their operations."

Mandatory protocols include:

✓ Any time individuals come within 6 feet of another person who does not reside in the same residence (i.e., roommate), acceptable face coverings must be worn. This provision should not be construed to require physical distancing among roommates or to require face coverings be worn while inside an individual's residence.

✓ In consultation with the local health department, identify where students who are exposed to, or infected with, COVID-19 will be residing and how daily needs (e.g. food, medication) will be met if it becomes necessary to have a period of quarantine or isolation.

✓ Reference relevant industry-specific guidelines provided by the Department of Health – and available on the New York Forward website – for operations of dining halls, research, office workspaces, gyms, transportation, retail stores, and other activities, as applicable."

## MEDIA PRODUCTION:

"New York Forward" noted, "These guidelines apply to media production businesses/activities in regions of New York that have been permitted to reopen. For the purpose of this guidance, 'media

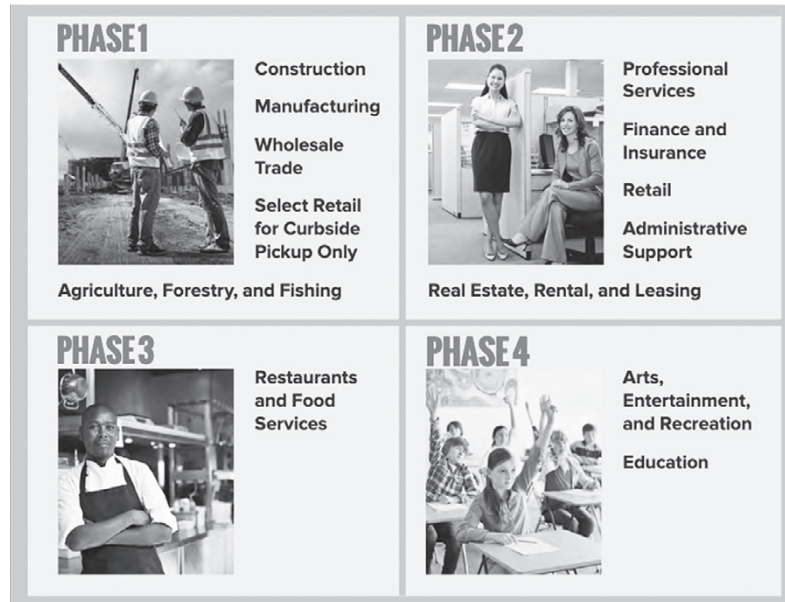


Image courtesy of the Office of Gov. Andrew M. Cuomo.

production activities' encompass all activities undertaken in motion picture, music, television, and streaming productions on set, on location, or at any production or recording site."

In addition to 6 feet of separation and mask-wearing requirements, necessary measures include:

✓ For indoor facilities or locations, ensure the presence of employees, cast and crew members is limited to no more than 50% of the maximum occupancy for a particular area.

✓ Limit the number of employees, cast and crew to only essential individuals for both indoor and outdoor media production activities. Any nonessential personnel (e.g. friends, family, guests, visitors) must be prohibited.

✓ Take social distancing requirements into account when scouting or choosing media production locations. Ensure locations can be secured completely from the general public, allow for enough space to adhere to social distancing requirements, and maintain appropriate and cleaning and disinfection standards.

## SPORTS:

After phase three began, the state offered guidance on sports.

"New York Forward" stated, "This guidance is effective immediately for the statewide permitted outdoor, low-risk recreational activities, as determined by the Empire State Development Corporation. For all other sports and recreational activities described herein, this guidance is effective on July 6, 2020 in regions that have reached or surpassed Phase 3 of the State's reopening."

Sports are listed in three categories:

✓ **Higher-risk** sports include football, volleyball, wrestling, competitive cheer and dance, ice hockey, rugby, basketball, and contact lacrosse.

✓ **Moderate-risk** sports include baseball/softball, crew (two-plus rowers), doubles tennis, rafting, racket games, paintball, soccer, water polo, noncontact lacrosse, gymnastics, field hockey, and swimming relays.

✓ **Lower-risk** sports include individual running, swimming and crew; batting cages; hunting, shooting and archery; cross country running; golf and mini golf; toss/bowl games; nonmotorized boating; singles tennis; flying disc games; rock climbing and ropes courses.

For a list of what is and isn't permitted within these sports, visit <https://forward.ny.gov/phase-four-industries>.

total tests performed.

✓ **% Positive Tests per Day (7-Day Rolling Avg.):** The average share of tests that are positive over the last seven days.

Western New York has been hovering around 1% as of late. So long as that number doesn't show a significant spike – say 2% or higher, for example, then Cuomo is expected to permit this region to move into the next phase.

Speaking Thursday on LCTV, Niagara County Legislature Chairwoman Becky Wydysh said, "We've now had one full week of infection rates that are under less than 1%, which is fantastic news."

Wydysh, a member of the Western New York regional "control room," explained the reopening task force is "watching those numbers very closely to make sure that we're not seeing the beginning of any new trend that we need to be aware of, that's taking us in the wrong direction. So, one day here or there, if we have an uptick, not concerning; but we'll watch that trend, of course, going forward to make sure that it's not something bigger happening that we need to look into closer."

"We are, of course, especially sensitive to these numbers given the hospitalization rate increases that we're seeing in other states across the country right now. We don't want to backslide and see all of the sacrifices that we have made, as a community to date, just work against us. We don't want to start over again and have that be for nothing."

"So, I want to continue, of course, to thank everyone for doing your part; for continuing to follow those physical distancing guidelines; wearing your masks when you can't stay 6 feet apart, when you're out in public at the stores; to following all of those guidelines that are so important, because these steps appear to be working, as we're reopening in our community. And we're seeing that decrease in cases still, so we don't want to go in the wrong direction."

"Let's hope that that continues."

## Phased Reopening

Per Empire State Development, "New York Forward" allows non-essential businesses to "reopen on a regional and industry-specific basis, as each region meets the criteria necessary to protect public health. The State's plan focuses on getting New Yorkers back to work – without triggering renewed spread of the COVID-19 virus or overwhelming local hospital systems."

On Wednesday, Cuomo said there would be no fifth phase in the reopening plan.

He is currently using the "Percentage Positive Results By Region Dashboard" as a determinant to when regions can enter a new phase. This chart "includes the total daily number of COVID-19 tests conducted and, of those tests, how many were positive each day."

Among the metrics:

✓ **Total Persons Tested:** The number of tests of individuals performed on the test date. This total includes positives, negatives, and inconclusive results.

✓ **Total Tested Positive:** The number of new persons tested positive for COVID-19 infection on the test date.

✓ **% Positive Results:** Percentage of positive test results over the

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