



NEW YORK STATE SENATOR

Thomas F. O'Mara

Senator O'Mara's weekly column ~ for the week of July 20, 2020 ~ 'Cuomo shutdown of local economies goes too far'

THOMAS F. O'MARA July 17, 2020

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Senator O'Mara offers his weekly perspective on many of the key challenges and issues facing the Legislature, as well as on legislative actions, local initiatives, state programs and policies, and more. Stop back every Monday for Senator O'Mara's latest column...

This week, "Cuomo shutdown of local economies goes too far"

It's been – and continues to be – a long road back since the onset of the COVID-19 shutdown that began in mid-March.

A long road back doesn't even begin to tell the story for far too many families and workers, businesses and industries, and community organizations and institutions.

That's why now, after these long months when nothing but sacrifice has achieved the success of containing and controlling the coronavirus across the Southern Tier and Finger Lakes regions, it seems to me that we have earned a stronger display of fairness, flexibility and common sense than we're getting out of the Albany bureaucracy directing where we go from here.

And make no mistake, this Albany decision-making bureaucracy comes straight from Governor Andrew Cuomo who, I wrote here last week, continues to enjoy and exert (wrongly, in the view of myself and many others) unprecedented emergency powers to keep unilaterally issuing executive orders dictating what we can and can't do locally.

First and foremost, these extensive emergency powers must come to an end. I stated on a local radio show recently that the initial onslaught of this public health crisis warranted the ability of the governor to be able to respond quickly as conditions were changing so rapidly. Over the past four months up to now, however, these conditions have stabilized here at home. Give credit to the unbelievable discipline, perseverance and sacrifice of our citizens, every essential worker and institution who has responded to the call, and our local public health departments working around the clock to plan and undertake the vital public outreach that has made the difference.

Because of what we have achieved locally, our coronavirus caseloads, hospitalizations and all of the other strict metrics the state requires to reopen, have thankfully brought us safely into Phase Four. Our regional infection rates are even way below Cuomo's unilaterally imposed limit for reopening schools in the fall.

As a result, we have restored at least some sense of hopefulness that we will find solid ground again in our economic and social lives. Because of what we have achieved, and recognizing that public health and safety must remain the highest priority, we should have the ability to keep moving forward on rebuilding and restoration.

Except that Governor Cuomo keeps going overboard and yanking the progress out from under our efforts, too often at the last minute and without advance warning (sound familiar to any gym

owners?).

The latest example last week found the Cuomo administration, unexpectedly and irrationally in my opinion, imposing eleventh hour new rules on bars, restaurants, wineries and craft beverage tasting rooms just given the green light to reopen at limited capacity, bring some employees back on the job and maybe hang on to some hope that there will be an end to this economic nightmare.

Out of nowhere, the governor says the only way you can have a drink in a bar or restaurant, or sample our local wines and craft beverages, is if you also order food. And not just a snack. The State Liquor Authority (SLA) has determined that the food offering must be substantial, for example a sandwich or soup. Based on longstanding SLA determinations, food offerings such as chips, pretzels or popcorn are not enough. Furthermore, each person at the table or tasting bar **MUST** have a food item with their first drink. Just how many sandwiches or bowls of soup can an average person eat on a wine tour? Yes, each person must order a food item at each stop!

In other words, there's no place left in New York State to just go and have a drink. Not that not having that drink is the end of the world by any means, but it just might be the end of many of these small business bars, wineries, breweries and distilleries our region has become renowned for. There is no scientific or medical rationale to say it's okay to have a drink as long as you have something to eat. It's as if Cuomo has determined that the act of eating protects you from getting infected. Asinine.

The new directive appears to have its origins in New York City where, granted, the fear over spreading the coronavirus remains a threat far greater than in places like the Southern Tier or Finger Lakes. Imposing this new order across the Southern Tier and Finger Lakes, however, is a ridiculous overreach. For starters, did Governor Cuomo even pause to consider the impact on the region's wine and craft beverage industries? Or, even worse, he just doesn't give a damn.

Over the past several years, we have taken significant steps in New York government to implement regulatory reforms, tax incentives, direct investments and other steps to help expand and grow these industries – steps that have helped put them on the national and worldwide map as vital destinations offering quality and variety not found anywhere else.

This last-minute move by the governor puts all of that at risk, again. Cuomo clearly doesn't want these businesses to reopen at all.

Needless to say, in discussions I have had with industry leaders, this latest move by the Governor delivers another hard hit, at the worst possible time. They fully recognize and readily adhere to the ongoing need for distancing, face covering and other requirements to protect the public health and

not set us back.

But they need room to operate or too many of them will not survive which, in turn, will lead to the demise of so many additional sectors of our local economies absolutely dependent on these livelihoods and the billions of dollars of revenue they generate.

Governor Cuomo goes too far here, which is what happens when local decision making remains sidelined and when state legislative majorities show no guts to give it a voice.

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