



STEFAN I. MYCHAJLIW
ERIE COUNTY COMPTROLLER

January 11, 2021

Dr. Howard A. Zucker
Commissioner
New York State Department of Health
Corning Tower - Empire State Plaza
Albany, NY 12237

Dear Commissioner Zucker,

On behalf of restaurant owners throughout Erie County, whether they are in the subjective Orange or Yellow zones, I urge you to revise the state standards immediately and allow restaurants to fully reopen with minimal yet reasonable social distancing guidelines. The timing of kickoff and halftime of the upcoming National Football League playoff game between the Buffalo Bills and Baltimore Ravens poses challenges to current New York State and Erie County COVID-19 restrictions.

Let me be clear: these restrictions should not be in place to begin with. Small businesses owners are closing their doors permanently. Many will not survive the end of the week, let alone the end of the month. The Ravens vs. Bills playoff game can serve as an opportunity to finally implement full re-opening measures for restaurants and bars. I can assure you, COVID-19 while dangerous and deadly, is not so "smart" as to hold back on infection up until 9:59 PM but will strike mercilessly at 10:01 PM.

Permitting outdoor dining only for struggling restaurant owners is not a solution, because it is bone chilling cold in Buffalo in January. In fact, just this past weekend, restaurants who invested thousands of dollars installing structures were told to close them down. A football metaphor is quite fitting currently: the goal posts keep moving for struggling small business owners. It is destroying thousands of lives as a result. This Saturday night's playoff game is an opportunity to keep the goal posts in place once and for all: open across New York State, with reasonable safety measures in place, and let us all celebrate the Bills advancing to the AFC Championship game.

This past weekend we were blessed with sunny, but chilly, weather that allowed restaurants to have patio parties outside. However, as you are aware, the Buffalo Bills will play at 8:15 PM Saturday, January 16th. The primetime kickoff will all but cancel such patio parties, that were deemed acceptable and a success. Even those who are able to safely have patrons outside will have to close by the 10 PM curfew. The Bills game lends a spotlight on an existing issue, but is by far not the only reason to end the curfew and allow restaurants to reopen.

Yet, since November 18th, 2020, most of Erie County has been operating under Orange Zone restrictions. Each day that this continues, we see more families forced out of work as more restaurants close their doors.

In December, your office in coordination with the Governor, released new data that showed that restaurants and bars accounted for less than 1.5 percent of COVID-19 cases. Under guidelines, restaurants have proven they can operate safely.

Let us use logic and reason for a change within the walls of government. For the Buffalo Bills home playoff game against the Indianapolis Colts, restaurants in the historic Chippewa District hosted a "Playoffs on the Patio" celebration. Kudos to Buffalo Mayor Byron Brown for working with restaurants to let small businesses make some money and give fans a chance to watch the game together (photograph included of many, many fans congregating in downtown Buffalo).

"Playoffs on the Patios a SUCCESS! Very happy to see people supporting the Buffalo Bills and small businesses while also being safe! This is exactly why my Administration created the Small Business Social Distancing Initiative!"

Source: Buffalo Mayor Byron Brown, www.facebook.com, January 9th, 2021

Do not waste the time of taxpayers instituting temporary rules or lifting restrictions just for a football game. If this happens, New York State and Erie County will both be admitting that COVID-19 closures that have killed businesses for months are a joke and waste. New York State is not fooling anyone by stating people are safe from COVID-19 at 9:59 PM, but certain death is imminent at 10:01 PM. How will you handle kickoff at 8:15 PM with a home Bills game? Will fans be asked to leave the stadium at 10:00 PM? Will stadium concessions be closed at halftime? What about restaurants that serve food across Erie County for the first half of the game? Will they be forced to close?

Please. Open up. Do not bother with temporary measures for the Bills playoff game.

The cure is worse than the disease. This has gone on long enough. Our community will not make it through an extended closure if restaurants and businesses aren't allowed to operate. New York State needs to reopen and allow restaurants the right to operate safely and provide for their families, employees and community. Thank you for the consideration.

Sincerely,



Stefan I. Mychajliw, Jr.
Erie County Comptroller

CC: Dr. Gale Burstein, Commissioner of Erie County Department of Health
Hon. Andrew Cuomo, Governor for the State of New York
Hon. Byron Brown, Mayor of the City of Buffalo
Mr. Roger Goodell, Commissioner of the National Football League
Mr. Brandon Beane, General Manager for the Buffalo Bills

Enclosure

