

**MEET THE PANEL**



**ANTHONY GADDY**

**Title:** President & CEO

**Company:** UpState New York Black Chamber of Commerce



**JIM HARRIS JR.**

**Title:** President

**Company:** Janitronics Facility Services



**CHRIS MASSARONI**

**Title:** Partner

**Company:** Hodgson Russ



**SEAN WILLCOXON**

**Title:** VP of Catering

**Company:** Mazzone Hospitality

# Industry ROUNDTABLE

# BUSINESS REOPENING CHALLENGES



What changes have you made to your office or event spaces? Did the state offer enough guidelines to reopen? What were some of the biggest challenges as you prepare to reopen? Law firm Hodgson Russ and the *Albany Business Review* hosted a remote panel discussion to answer these questions and more. Cindy Applebaum, market president and publisher of the *Albany Business Review*, moderated the discussion.

**What are you seeing as the most difficult aspect of reopening?**

**JIM HARRIS JR.:** The most difficult aspects of reopening really center around anxiety. It's the unknown, the concern that they've heard that it's everywhere, it's highly contagious. The anxiety around childcare is a huge issue right now. Both sending your child to a childcare center and trying to work with or without childcare.

We've never really experienced this before. That seems to be what we see as the most difficult challenge. We've had most of our people that were furloughed return to work, so we're in good shape there.

**SEAN WILLCOXON:** I 100% agree with the aspect of that is the hardest part is the anxiety of the unknown. Then there's the emotional ties that the last 100 days has had on everybody, everybody in the world and what they've had to go through.

Now in the food service industry, and specifically catering, we cater to large groups and large groups is a bad word right now. We are kind of planning, we have all of our reopening procedures done, we are accepting tourists, but we don't know. I think the unknown right now is the hardest thing that's going on.

**CHRIS MASSARONI:** From the beginning our mission here has been to assist businesses with the legal issues presented by this. When the shutdowns began there was this sort of general perception that there was going to be a horrible and complete shutdown for a period of time. There's the fear that businesses were going to completely cease to do business in some way, shape or form, and many of them did.

The remarkable thing to me is how so many businesses adapted and continued to work and weathered the storm. The PPP and the other government plans helped somewhat. The legal community has adapted to doing remote and virtual work in a way that most of us never thought possible.

**What are some of the challenges that you did not expect planning for reopening?**

**SEAN WILLCOXON:** If you think about what happened when we were all closing our businesses down 100 days ago, I think everybody's expectation of what the other side would look like is a lot different from what our actual is right now.

We are literally retraining everything.

When you come back to our business, everything has to be different, at least in the short term. Pivoting into what our business specifically focused on and what we really worked on in the last five years to be laser focused, now we are totally changing that. Saying, rather than large gatherings we have to go after small gatherings, and what does that training look like?

The last thing that any of us wants to be is one of the reasons why cases start to go up again. That's going to take knowledge and understanding, and people really retraining totally everything, the standard operating procedures, to the new style of business.

**JIM HARRIS JR.:** We never shut down. Actually we had to work harder. We had to, unfortunately, furlough about 18% of our workforce with businesses that closed, schools, offices and health care.

The challenges have been really keeping the team together, just trying to stay focused. Also the speed of decisions has been incredible. Customers would call with a request. We'll say, "We'll get right back to you." Call them back in a half an hour, and they've already retained someone else because someone just said yes before they figured out how to do.

**Anthony, what have you heard from your members as the most difficult part of reopening? What does that look like for them?**

**ANTHONY GADDY:** Managing the safety aspects of it has been the top priority, given how the disparities in terms of how this has affected our communities



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INDUSTRY ROUNDTABLE: REOPENING CHALLENGES | PRESENTED BY:  **Hodgson Russ** LLP**HODGSON'S TAKE**

*“The thing that seems to concern folks more is certainty in the changes. The guidelines that we have today on a particular aspect of reopening, is that going to be the same guideline that we’re dealing with a week from now, or two weeks from now, or three weeks from now?”*

**CHRIS MASSARONI,**

partner at Hodgson Russ. Massaroni is a trial attorney with experience in many substantive areas, including complex commercial disputes, personal injury and product liability cases, class action litigation, employment matters, construction claims and challenges to the authority of New York state officials. He has successfully litigated cases in federal and state courts throughout New York state, and in numerous other states and he often appears before New York state agencies and investigative bodies.



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in general, health care wise. That’s been a huge topic of conversation. Also, providing PPE for those businesses who need it. Providing some encouragement to business owners in terms of just how difficult this time has been. Doing our best to keep their morale up has been very challenging, especially following the way the Paycheck Protection Program was executed.

Given that an estimated 40% of black and minority owned businesses may not survive, it’s really challenging to encourage our members and other business owners, even non-members, that they’re not going to be among that 40%.

I think the biggest problem with the Paycheck Protection Program was the categorization of small business as being 500 employees or less. We’re more on the micro side, where it might be one employee or more, so I’m glad to hear that there’s some new conversations in Congress about doing something for micro businesses.

Another issues with the PPP was the relationship factor. A lot of our business owners just don’t have those relationships with the banks. Primarily, most of our transactions begin and end with the tellers. It is something that really needs to be addressed. If you’re a larger company you have the resources and the assets to know that once your application was received, you have the attorneys and the CPAs that would help you gather all the documentation and paperwork. You knew that there was going to be a next step. With the smaller businesses, that might take a little bit longer to get all that information together.



**Chris, what are some of the unexpected things you experienced with your clients in their plan for reopening?**

**CHRIS MASSARONI:** Well the challenge here has been that the regulations, the rules, the whole process has constantly been evolving. The one thing that we know for sure is that things are going to continue to change and we’ve had to try to adapt to all of those. We’ve gotten the full range of questions, including the PPP type of questions that Anthony was talking about. We started from the beginning and the PPP program itself was launched very quickly. The IRS just issued regulations, then they issued more regulations, then they issued more regulations. We needed to stay on top of that.



**How have employees handled coming back?**

**CHRIS MASSARONI:** There are a lot of nerves and concern for a variety of reasons. Some had expressed the concern that employees aren’t interested in coming back because they’re doing pretty well with the unemployment. Unemployment benefits have made it more comfortable for some to be unemployed and not to be back at work.

The childcare issue is a concern. A workforce that has children at home, that has been a real problem. I think most of the workforce wants to get back to work, they want to continue earning a living and providing for their family and seeing the businesses move forward.



**Jim, your business has been open and busy this whole time. What challenges are you facing?**

**JIM HARRIS JR.:** If we talk about PPE, we’ve always used PPE, we’re just appalled at the prices. They’re 20 times what we were paying on February 28th for gloves and masks and things like that. As a com-

pany that’s always used PPE, and the people that are trying to sell it to me now, it’s just mind-boggling. The availability and the sourcing is getting worse before it gets better.

And in general, you’ve got to have the rules, you’ve got to have the guidelines, you’ve got to have the signage, you’ve got to follow protocol. Washing your hands is the most important thing. If people would just wash their hands a big portion of this will go away. Just personal accountability, taking care of sanitizing and washing your hands, and being aware of where you are at all times. You can’t let your guard down at all anymore, anywhere you go. Any store, getting gas, going to drop a kid off at a friend’s house, everything’s got to be checked out.



**Did the state offer enough guidelines to reopen?**

**ANTHONY GADDY:** I thought it was pretty thorough, honestly. I think the difficulty that we have, that we’re challenged with, is just making sure we’re the conduits that it gets out effectively and efficiently. I think the city did a great job. Between the city, I thought the BIDs were very helpful. Overall, I’m very pleased with some of the way it was executed, yes.

**CHRIS MASSARONI:** There’s lots of guidance out there. There’s lots of regulations, they seem to change quite frequently, but there are tons of resources. The state websites on reopening, it’s a very substantial website, there’s a lot of information there. I’m not so much troubled by the amount of guidance and guidelines, the thing that seems to concern folks more is certainty in the changes. The guidelines that we have today on a particular aspect of reopening is that going to be the same guideline that



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we're dealing with a week from now, or two weeks from now, or three weeks from now? That's more of a concern, as opposed to how much information is out there.

In some ways there's almost too much information. Our business clients would like to have certainty, and would like to have stability, and would like to know what can we do and can we keep doing it this way? Once we get into a particular routine hopefully we can keep going with that routine.

**JIM HARRIS JR.:** This is our business. This is what we do. I think the Department of Health did an excellent job on communications. I agree with Chris, the changes and the modifications sometimes are confusing from a common sense standpoint.

From the government standpoint, the governor all the way to the Department of Health, the challenge here is arm chair quarterbacking, Monday morning quarterbacking a decision or an action. There are no good decisions in this process with what we know. I think they did the best they could with the information they had.

I think it's going to be very tough on the guidelines for small businesses to succeed. I hate to see closed businesses and things like that as a resident here and a community person for life-long.

That's what concerns me, is had the regulations been too arduous on the smaller businesses that don't have the resources to do it. We can assign a team, two or three, to handle it. Some companies don't have two or three people working right now, so how do you handle the regulations on top of everything else?

**ANTHONY GADDY:** There's a lot of frustration. With all due respect to the health concerns and that we have to definitely be mindful of that, it's really tough when you're a small business. Especially some of our businesses who are really small, and they're trying to fulfill their dream. The emotional toll this has taken on them is really hard to bear sometimes.

As a Chamber we engage with our members, we value the relationship, and so it's not just the business owner, it's a human being. I engage with most of them on a day-to-day basis, as often as I can. It's hard not to become personally attached to them when you start meeting their families and you start to get to know them better. The emotional toll this is taking, as the sudden change in which we have to respond to new information, as businesses are preparing and getting excited about reopening, then to have the pause put on that.



**Sean, what changes did you make to your event space to really be able to accommodate getting back into the event business?**

**SEAN WILLCOXON:** We've made all the proactive changes that you would expect. With the assumption that those are what is going to be expected of us, but not knowing really. We proactively worked with our floor plan company which has measurements of all our rooms. Then we started right away with, if we want to invite people back in and they need to do 6 feet social distancing, how do we do that? The floor plan company came up with algorithms that when you dropped somebody at a table they could tell if somebody else in the seat that you placed was within six feet of them or not. We went through and did every one of our floor plans.

Then right after that, the restaurant guidelines started to come out and were a little bit different from what our anticipated guidelines were. We were surprised to hear, honestly, that a table of 10 people could sit all together at a restaurant and take their mask off when they sat. If we can fit a table of 10, and then everybody else needs to be spaced 6 feet, that's a great call.

We started reworking and reworking

**HODGSON'S TAKE**

*"It strikes me that the No. 1 issue in getting back to work, getting the economy back to where it was, getting businesses and people back to where they were is: safety, comfort, and confidence."*

**CHRIS MASSARONI,**  
partner at Hodgson Russ.

# Dedicated to the details.

The onset of the Coronavirus (COVID-19) pandemic has created significant and unique challenges and concerns across all sectors of our society. Hodgson Russ lawyers have answered the call and are on the forefront of responding to developing legal issues.

We stand ready to assist our clients on a variety of matters, including healthcare, labor and worker safety issues, cybersecurity and privacy, tax, creditor and debtor rights, insurance coverage, regulatory compliance, and all manner of liability concerns. Our attorneys have the depth and range of experience to analyze and address the myriad federal, state, and local executive orders, agency guidance, and legislation enacted during this crisis which created a new legal landscape for our clients.

Because at Hodgson Russ, we believe that to see the big picture, you have to know the small details.

[ COVID-19 LITIGATION & EMPLOYMENT ACTION TEAM ]

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everything again, and started to follow the restaurant guidelines. Granted this was all in preparation for when our customers come back into our building. We're just really eagerly waiting when more information is going to come out to see if they'll specifically talk about catering. If they'll put eased regulations on the number of people. If we can prove that our business plan and reopening plan shows that we can do those numbers of people in a safe way.



**Jim, what changes have you had to make to your office?**

**JIM HARRIS JR.:** Ironically we were in the middle, actually the dead middle, of a renovation. We bought our building in '96, and we had a second floor we never used, so we had to put an elevator in, two new stairwells in. We had people on top of people before. Just by happenstance the design had 6-foot high partitions in the work stations, we had glass put in the offices. All the reception areas now have glass windows separating them from the visitors that they can buzz in. We had to make very minimal, maybe a couple thousand dollars in change orders, to be compliant.

We built a training center on how to clean, how to sanitize and how to be hygienic. It was originally designed to hold 44, we can easily modify it to hold about 32 for larger classes. Then we have it set up for small one-on-one. We've actually created a restroom, an office area, and some medical space where they can go through and clean their areas. Learn how to be professional at it, and efficient, and make sure they hit all the touchpoints and take care of people. So we were very fortunate timing wise on that.



**Any final thoughts or advice?**

**SEAN WILLCOXON:** When we went into this pandemic and restaurants became essential, obviously we needed to eat and the opportunity for takeout. I think a lot of restaurant owners are really good at dealing with hard problems, because it's just a tough business to be in. So they pared down their businesses, they made it so that they could successfully run a pickup program, something they've never done before. Pared down kitchen staff, pared down waitstaff, bartending staff and all of the infrastructure that it takes to run a restaurant.

When the governor announced that we were going to be allowed to eat outdoors in Phase 2, I was extremely excited. I immediately started texting all of the people that I know who are restaurateurs and said, "Can I get a seat on your patio this Friday? I want to take my wife out, it's been too long. I'm excited, I'm excited."

To my astonishment, and then realization, the restaurants were totally blindsided. They struggled with people to say, "Listen, we don't have the staff, the infrastructure, the training to open right now. We weren't supposed to be able to open for another 10 days." Then talking to them personally and hearing some of the backlash that they receive from the consumer market because people are just so pent up



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saying, "I need to get out of my home and want to go out."

To hear the backlash with people saying, "How can you not want to open your restaurant right away?" and not understanding the fact that it's not a turnkey switch.

**JIM HARRIS JR.:** Just be compassionate as leaders to take care of your staff, your customers, your visitors, your vendors, your associates. Support local businesses and communities. Do what you can to get out there and help people out. This is going to be a challenge. This is going to be a couple years, I think, before we get back to some type of normalcy. You can't dig that deep, that quick.

I think the importance of cleaning, for us, it's been a great impact on our business and the activity we have here. What we've lost is the social aspect, the networking events, the dinners, the charity events. I'm gravely concerned about not-for-profits and all the events that Sean would host for these companies to help them generate the revenues they need to stay in business. Just to keep the community going, it's going to take people to think differently, act differently, work differently, behave differently. It will happen, but it's going to be a long journey.

**CHRIS MASSARONI:** There's a few common themes that we've heard this morning. One is the importance of personal contact and compassion, and the notion that we're in this together and need to respect one another through this. The second is the fear and anxiety, and the uncertainty, both as to the disease and as to what does it mean for business?

It strikes me that the number one issue in getting back to work, getting the econo-

my back to where it was, getting businesses and people back to where they were is safety, comfort, and confidence. The confidence that they can go about their business and their recreation. It seems that the dedication of folks like Jim and Sean, and other business leaders out there, is what's needed for us to get back to the way we need to. It's great to see businesses getting back.

It's great to see cars on the road. It's great to see people coming and going from their businesses. It's great to see shops back open. I am very proud of the way many of my clients weathered this and got through it, often with our help and often on their own. I'm proud of the way my firm powered through this and the way we adapted. To me, one of the questions is, and I agree, one of the commentators earlier said, "We're in this for another year, maybe more", and I don't disagree with that, but to me one of the questions is yet to be seen. How much of how we've adapted is going to become permanent?

**ANTHONY GADDY:** First and foremost, to echo Chris' words, is that we're all in this together. I know as a Black Chamber of Commerce it's very important for us, our organization and our messaging to let it be known that we are inclusive, diverse and equitable in our organization. One of the things I'm most proud of in our organization is that we've emphasized that from day one.

We have to focus on the relationships that define our communities in order for our communities to begin to help each other build up as we get back to whatever normal will be. I want to emphasize that sense of community has to transcend into each and everything we do on a daily basis. We have to intentional. ■

## ABOUT THE SERIES

Industry Roundtable is an ongoing series of discussions with business leaders sponsored by Hodgson Russ and hosted by the *Albany Business Review*. Each month the *Albany Business Review* and Hodgson Russ gather executives and leaders in a variety of industries to discuss issues relevant to their businesses.

To read the roundtables from the 2019-20 series go to [bizj.us/1q4grt](https://bizj.us/1q4grt)

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