

**AGENDA**  
**Tompkins County Board of Health**  
**Rice Conference Room**  
**Tuesday, February 28, 2023**  
**12:00 Noon**

**Live Stream at Tompkins County YouTube Channel:**

<https://www.youtube.com/channel/UCkpJNVbpLLbEbhoDbTIEgSQ>

- 12:00 I.** Call to Order
- 12:01 II.** Privilege of the Floor – Anyone may address the Board of Health (max. 3 mins.)
- 12:04 III.** Approval of January 24, 2023, Minutes (2 mins.)
- 12:06 IV.** Financial Summary (9 mins.)
- 12:15 V.** Reports (15 mins.)
- |                               |                                  |
|-------------------------------|----------------------------------|
| Administration                | Children with Special Care Needs |
| Health Promotion Program      | County Attorney’s Report         |
| Medical Director’s Report     | Environmental Health             |
| Division for Community Health | CSB Report                       |
- 12:30 VI. New Business**
- 12:30 Environmental Health**  
**Administrative Action:**
- 12:30 Environmental Health (EH) (20 mins.)**  
**Enforcement Actions:**
1. Revised Resolution #EH-ENF-22-0038 – Benjamin Hill Heights MHP, T-Newfield, Request to Extend Deadline of Original Order (MHP) (5 mins.)
  2. Resolution #EH-ENF-22-0051 – ZaZa’s Exotics, C-Ithaca, Violation of BOH Orders and Article 13-F of New York State Public Health Law for Underage
  3. Resolution #EH-ENF-22-0053 – Bailey Park, T-Danby, Violation of Part 17 of New York State Sanitary Code – Operating without a Permit (MHP) (5 mins.)
  4. Resolution #EH-ENF-22-0054 – North Applegate Apartments, T-Enfield, Violations of Subpart 5-1 of New York State Sanitary Code (MHP) (5 mins.)
- 12:50 Administration**  
Administrative Action:

1. Board Vacancy Nomination

**12:50 Adjournment**

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**Tompkins County Board of Health  
January 24, 2023  
12:00 Noon  
Rice Conference Room and via Zoom**

**Present:** Christina Moylan, Ph.D., President; Susan Merkel; Shawna Black (Zoom); Melissa Dhundale, MD; Edward Koppel, MD; David Evelyn, MD; and Ravinder Kingra.

**Staff:** Elizabeth Cameron, Director of Environmental Health; Brenda Grinnell Crosby, Public Health Administrator; Rachel Buckwalter, Director of Community Health; Samantha Hillson, Director of Health Promotion Program; Dr. William Klepack, Medical Director; Deb Thomas, Director of Children with Special Care Needs; Frank Kruppa, Whole Health Commissioner; Harmony Ayers-Friedlander, Deputy Commissioner of Mental Health; and Skip Par, Environmental Health; and Karan Palazzo, LGU Administrative Assistant.

**Excused:** Samara Touchton

**Guests:** None.

**Call to Order:** Dr. Moylan called the regular meeting of the Board of Health (BOH) to order at 12:00 p.m.

**Privilege of the Floor:** None

**Approval of the December 6, 2022, Minutes:** Ms. Merkel moved to approve the December 6, 2022, minutes, second by Dr. Evelyn; all were in favor as written.

**Financial Summary:** Ms. Grinnell Crosby did not have a lot to report. There was no financial summary included in the package as they transition to the 2023 year. Staff is currently working to close the books for the 2022 fiscal year.

**Administration Report:** Mr. Kruppa reported that the roll out of the integration of Tompkins County Health and Mental Health Departments is going well. A press release went out to the public; a video is close to being published; mailing letters to partners to introduce the merge; putting finishing touches on flyers for distribution; scheduling paid media campaigns including radio interviews, newspaper, and bus advertisements in the next weeks; updating correspondence literature and the website. The new name will soon be on the buildings.

The Community Health Assessment (CHA) and the Community Health Improvement Plan (CHIP) will be finalized later this month which will prioritize preventing chronic disease, promoting healthy women, infants, and children, and promoting mental health and well-being and preventing substance use disorders.

A team is working on the integration of services for the referral process in mapping out the various programs that share clients and work moves forward to create the space for mental health services at Brown Road.

Mr. Kruppa stated that bylaws still need completing but waiting on the legislature to decide on the term limits.

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Mr. Kruppa reported that Zoe Lincoln will be taking on the new position of Whole Health Planner which is more of a project management support position with a focus on strategic planning projects.

**Health Promotion Program Report:** Ms. Hillson had nothing to add to her written report.

**Medical Director's Report and Discussion:** Dr. Klepack shared that it is anticipated that the FDA Advisory Committee will discuss the future of COVID vaccines this week. Antigen home tests still are able to detect the variants in circulation and therefore continue to be as useful as before. The efficacy of Covid vaccine to protect people from hospitalization and death continues to be robust particularly if people receive their boosters. He encouraged people to get their bivalent booster vaccination.

Data from the CDC indicate a decline in Covid over the last 14 days with a change of -29%. However, deaths have risen to 487 per day (significantly higher than influenza deaths). Being vaccinated greatly cuts down the risk of becoming infected, saves lives, and keeps people out of the hospital.

Mr. Kruppa said that a more measured approach is being taken when putting out notifications in response to increases of cases. Information released from the State about the 50 cases of the new variant and feedback from social media and other sources asking about the variant prompted the need of a release. When the measure for Tompkins County went from low to medium, an alert was immediately sent to the community. Each incident of change is taken on a case-by-case basis for the appropriate response.

Ms. Buckwalter stated that the CDC guidance continues to be followed when testing positive for COVID.

**Division for Community Health (DCH) Report:** Ms. Buckwalter had nothing to add to her written report included in the packet.

**Children with Special Care Needs Report:** Ms. Thomas had nothing to add to her written report included in the packet.

**County Attorney's Report:** Mr. Troy was not available.

**Community Mental Health Services Board (CSB) Report:** Ms. Ayers-Friedlander was not available.

**Environmental Health Report:** Ms. Cameron reported staffing vacancies including an Administrative Assistant III, a Senior Account Clerk Typist, and a Sr. Environmental Health Specialist. EH is restructuring workloads within the department due to anticipated challenges in quickly filling the vacant positions.

Grassroots misunderstood EH's requirement for detailed instructions on how to lay out the campgrounds and EH asked BOH members to add a revised resolution to today's agenda that addresses this issue. The revised resolution and the former resolution were sent to Board members electronically this morning. Ms. Cameron said a memo addressing administrative changes to resolutions from the December meeting was for information only and no further discussion is needed.

**ATUPA Law Update:** Ms. Cameron reported that the NYS Association of County Health Officials and their Environmental Health Committee members met with State Senator Martinez who was interested in issues regarding vaping and the ATUPA Law. She said Mr. Parr, who attended on her behalf, reported that there were discussions of potential legislative changes including an interest in banning all flavored vaping products. She said it is in the very early stages but encouraging.

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Ms. Cameron reported a pair of rabid foxes were seen in the Raven Wood Apartment Complex in the City of Ithaca for the last few weekends. The foxes were removed from the area through a combined effort of the Ithaca Police Department and the SPCA.

**Discussion of Leadership Positions:** Dr. Evelyn announced he is stepping down from the Vice-President position.

Mr. Kruppa opened the floor for nominations for the BOH President. Dr. Dhundale nominated Dr. Moylan; seconded by Dr. Koppel. There were no other nominations and Mr. Kruppa offered a vote to the floor to appoint Dr. Moylan as President of the BOH for 2023; all were in favor; and it was unanimous.

Dr. Moylan opened the floor for nominations for the BOH Vice-President. Dr. Moylan nominated Dr. Dhundale; seconded by Dr. Koppel. There were no other nominations and Dr. Dhundale accepted. Dr. Moylan offered a vote to the floor to appoint Dr. Dhundale as Vice President of the BOH for 2023; all were in favor; and it was unanimous.

**Review of Proposed ATUPA Penalty Policy:** Dr. Moylan read the summary from the minutes from the October 25, 2022, meeting which were tabled for EH revisions. Ms. Merkel moved to approve as written and seconded by Dr. Evelyn.

Discussion: Ms. Cameron explained that Environmental Health is looking to make the process more efficient via the Alternative ATUPA Violation Penalty Policy. For every violation either a signed stipulation must be obtained, or a hearing scheduled to be referred to the Department of Taxation and Finance, making the process consume a lot of the limited staff's time.

Environmental Health Proposes:

- Bringing businesses before the Board who sell vapor products after two visits
- Limiting the process to two hearings
- More flexibility to modify procedures when necessary
- Acknowledging businesses that comply by lowering the penalty vs. those that continue to violate

Dr. Moylan clarified that detailed procedures would not be captured in the policy.

The vote to approve the Alternate ATUPA Violation Penalty Policy as written was unanimous.

**Administrative Changes to BOH Resolutions – December 2022 memo:** Ms. Cameron stated that the memo was informational for administrative updates only and was added to the agenda in error, no discussion is needed for the minor changes. Mr. Kruppa explained the procedure.

Dr. Evelyn motioned to add **Revised Resolution # EH-ENF-22-0027, Finger Lakes GrassRoots Festival of Music and Dance, T-Ulysses** to the agenda and seconded by Dr. Dhundale.

**Revised Resolution # EH-ENF-22-0027, Finger Lakes GrassRoots Festival of Music and Dance, T-Ulysses, Violation of New York State Sanitary Code and Tompkins Count Board of Health Orders -** Ms. Merkel moved to accept the motion as written; seconded by Mr. Kingra.

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Ms. Cameron explained that GrassRoots submitted the required layout of the map plans, but the failed to submit an acceptable plan prepared by a licensed design professional detailing instructions for laying out and maintaining the interior roadways and campsites. GrassRoots did submit a plan in advance of the deadline but on a much smaller scope than is acceptable. EH met with GrassRoots to clarify what was needed but GrassRoots would not be able to submit it by the deadline in the original order of January 15, 2023. Ms. Cameron noted that GrassRoots is making a good effort and EH proposes extending the deadline. If the plan does not get approved, it will trigger a \$20,000 penalty.

The language in the revised resolution is very detailed in what is needed for the submission. EH proposes extending the draft deadline date to February 17, 2023 and extending the date of an approvable final draft to March 10, 2023. The \$20,000 penalty would generate on March 30, 2023, if the final draft is not approvable.

The vote to approve the revised resolution as written was unanimous.

**Resolution #EH-ENF-22-0037 – Applegate Park MHP, T-Enfield, Violations of Subpart 5-1, and Part 17 of New York State Sanitary Code (Water & Mobile Home Park) –** Dr. Koppel moved to accept the resolution as written; seconded by Dr. Evelyn.

Ms. Cameron reported that this is case involving water supply violations for failing to submit water reports, monthly water operating reports, sample results and also operating without a mobile home park permit. The resolution was pulled from the December 2022 BOH agenda because the owner requested a penalty adjustment plan. The revised resolution includes an adjusted penalty plan that is contingent on completing actions and not operating without a mobile home park permit. The initial penalty is set at \$475 and two additional \$600 penalties will be waived if the required submissions under the order are made. The December monthly operating report was received.

Ms. Cameron confirmed that he is compliant under the order with the new deadline and if he doesn't comply with all the requirements, there will be additional enforcement.

The vote to approve the resolution as written was unanimous.

**Resolution #EH-ENF-22-0039 – Homewood Suites, V-Lansing, Violations of Subpart 7-1 of New York State Sanitary Code (Temporary Residence) -** Dr. Dhundale moved to accept the resolution as written; seconded by Ms. Merkel.

Ms. Cameron explained that this is a resolution involving a temporary residence (hotel) where they are not maintaining their fire alarm panel. The hotel has multi-year residents in the rooms that are connected to the malfunctioning alarm panel. The residents are not allowing access to the rooms which are triggering the fire alarm panel causing the fire alarm to work improperly. The hotel is trying to remove the residents, but the hotel has not been successful to date. The resolution requires a fire watch in accordance with the Fire Department's procedures. EH proposes a fine of \$400.

The vote to approve the resolution as written was unanimous.

**Resolution #EH-ENF-22-0045 – Ithaca Convenience LLC, C-Ithaca, Violation of BOH Orders and Article 13-F of New York State Public Health Law for Sale of Prohibited Flavored Vapor Product –** Ms. Merkel moved to accept the resolution as written; seconded by Mr. Kingra.

Ms. Cameron explained that the next five resolutions are for the sale of prohibited vapor products with nicotine; none were for sales of tobacco to a minor; all were repeat sales; all were violations of BOH

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orders; and the second sale applies to all of the next five resolutions. A sale was made on November 9, 2022, at Ithaca Convenience and 45 additional products were observed. EH proposes a penalty of \$6,250 including the surcharge. This will make two violations out of the four needed before a referral can be made to the Department of Taxation and Finance.

Discussion: Ms. Cameron clarified that points are accumulated for the sale of tobacco to a minor and a referral can be made with three points for their license to be suspended. Points are not accumulated for the sale of vapor products but after four violations they can be referred to the Department of Taxation and Finance for revocation of their license for a year.

The vote to approve the resolution as written was unanimous.

**Resolution #EH-ENF-22-0046 – Cayuga Smoke Shop Inc, C-Ithaca, Violation of BOH Orders and Article 13-F of New York State Public Health Law for Sale of Prohibited Flavored Vapor Product (ATUPA) – Dr. Evelyn moved to accept the resolution as written; seconded by Dr. Koppel.**

Ms. Cameron explained that a sale was made on September 28, 2022, at Cayuga Smoke Shop and 75 additional products were observed. EH proposes a penalty of \$9,250 including the surcharge.

Discussion: Ms. Cameron said the previous smaller violations have been paid but doesn't know if the new larger penalties have. She believes that shifting the focus of citing violations to get to four violations will allow EH to refer violators to the Department of Taxation and Finance for revocation of their license. EH is working on creating a new inspection procedure to expedite referrals to the Department of Taxation and Finance if they continue to sell prohibited products. Mr. Kruppa added that the County Attorney handles the collection of delinquent fines.

The vote to approve the resolution as written was unanimous.

**Resolution #EH-ENF-22-0047 – Ayra Convenience Inc, C-Ithaca, Violation of BOH Orders and Article 13-F of New York State Public Health Law for Sale of Prohibited Flavored Vapor Product (ATUPA) – Dr. Dhundale moved to accept the resolution as written; seconded by Dr. Koppel.**

Ms. Cameron explained that a sale was made on November 9, 2022, at Ayra Convenience Inc. and 40 additional products were observed. EH proposes a penalty of \$5,250 including the surcharge

The vote to approve the resolution as written was unanimous.

**Resolution #EH-ENF-22-0048 – Commons Market, C-Ithaca, Violation of BOH Orders and Article 13-F of New York State Public Health Law for Sale of Prohibited Flavored Vapor Product (ATUPA) - Dr. Evelyn moved to accept the resolution as written; seconded by Ms. Merkel.**

Ms. Cameron explained that a sale was made on September 28, 2022, at Commons Market and 25 additional products were observed. EH proposes a penalty of \$4,250 including the surcharge.

The vote to approve the resolution as written was unanimous.

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**Resolution #EH-ENF-22-0056 – Jason’s Grocery & Deli, C-Ithaca, Violation of BOH Orders and Article 13-F of New York State Public Health Law for Sale of Prohibited Flavored Vapor Product (ATUPA) – Ms. Merkel moved to accept the resolution as written; seconded by Dr. Koppel.**

Ms. Cameron explained that a sale was made on November 9, 2022, at Jason’s Grocery & Deli and 1 additional product was available. EH proposes a penalty of \$1,950 including the surcharge.

No discussion.

The vote to approve the resolution as written was unanimous.

### **Administrative Actions:**

**Review of the Narcan Use in Home Visit Settings Policy – Mr. Kingra moved the accept the policy as written; seconded by Dr. Dhundale.**

Ms. Buckwalter stated that the policy for review, included in the package, came about due to the increase in overdoses in the community last summer. With the assistance of the Alcohol and Drug Council’s training and kits, CHS nurses and community health workers can go into homes across county to provide Narcan kits to patients being visited or they can give it to someone who they know might need it.

The policy will be referred to when training new staff, what to do if you use a kit and where to get a new one. The policy only covers the CHS nurses carrying it. The policy was developed with guidance from Dr. Klepack and was approved by the Community Health Services Quality Improvement Committee.

Mr. Kruppa stated that CHS’s healthcare professionals go into homes and are being asked to carry Narcan as other settings are voluntary. CHS has a different approach to policy making.

The vote to approve the resolution as written was unanimous.

The next meeting is Tuesday, February 28<sup>th</sup>, 2022 @ Noon.

**Adjournment:** Adjourned at 1:25 p.m.



## HEALTH PROMOTION PROGRAM – January 2023

Samantha Hillson, Director, PIO  
Ted Schiele, Planner/ Evaluator  
Diana Crouch, Healthy Neighborhoods Education Coordinator  
Shannon Alvord, Communications Coordinator  
Ambra Munlyn, Health Educator  
Emma Abbey, Community Health Worker Supervisor  
Mara Schwartz, Tenzin Aaya, and Shae Jewell, Community Health Workers  
Deidre Gallow, Administrative Assistant

*HPP staff strive to promote health equity and address underlying determinants of health, including but not limited to, health care access, health literacy, housing quality and environmental conditions, and food insecurity. We do this through education and outreach, community partnerships, home visits, public communication and marketing, and policy change.*

### Highlights

- Whole Health Rollout continues: bus and radio advertisements, new brochure
- NYSPHA 2023, “Building Healthy Communities,” two abstracts accepted: Workforce Development: Building Context and Capacity; Effective Public Health Communication

### M-pox

- Ongoing [Webpage](#) updates

### Community Health Worker Initiative (CHWs)

- Community Health Workers: continue to work with community partners who have similar roles, or plans for similar roles, including Cayuga Health, CCE, REACH Medical, and HSC; community outreach.
- Ongoing training and shadowing opportunities.

### PICHC (Perinatal and Infant Community Health Collaborative)

- In collaboration with Community Health Services, implementing PICHC grant.
- Training, learning, and making community connections.

### CHW Training in January 2023:

- OASH: Session 1: A National Overview and History of Community Health Workers (CHWs)
- National Day of Healing Webinar (NACHW): Racial Healing & Health

- Region 2 PHTC Webinar: Leveraging a bilingual communications campaign to promote physical activity

#### CHW Outreach events in January 2023:

- Weekly tabling at Immaculate Conception Food Pantry (downtown Ithaca)
- Weekly tabling at Loaves and Fishes (downtown Ithaca)
- Monthly tabling at West Village (Ithaca)
- Monthly tabling at Art Haus (Ithaca)
- Flyers and other promotional materials distributed across county

#### COVID-19

- Shared information re: circulating bivariant (Omicron XBB.1.5)
- Transitioned to weekly COVID data reporting, end of December. Updated table includes:
  - active hospitalizations & new hospital admissions
  - total resident deaths
  - weekly case rate per 100K, positive cases over the last 7 days, & percent positive over the last 7 days
  - vaccination rates
- Centers for Disease Control (CDC) community level

#### Community Health Assessment (CHA) & Community Health Improvement Plan (CHIP)

##### 2022-2024 Progress

- The Updated CHA/CHIP is available on the [website](#).
- The CHA/CHIP Steering Committee will shift to a quarterly meeting to support the workgroups both individually and collectively through consultation, feedback, and community networking.
- Cancer screening intervention meeting monthly.
- CATCHI (Coordinated Approach to Community Health Integration), a new working group combining previous working groups (Social Determinants of Health (SDoH), Childhood Nutrition Collaborative, and CHW initiatives) now meets monthly.
- Maternal and Child Health/Prenatal working group – now connected with PICHC and will be the backbone for the PICHC advisory workgroup.

#### Healthy Neighborhoods Program

- HNP staff continues to receive calls requesting information regard indoor air quality, radon, mold and mildew, bed bug infestations, etc.
- Attended Aging Services Network Meeting
- Outreach at Various Food Pantries within Tompkins County

- Lead Poisoning Prevention Network (LPPN) internal staff meeting; plans to start a monthly internal meeting to support outreach and educations
- HNP Presentation at PROS

**January 2023**

HEALTHY NEIGHBORHOODS PROGRAM	MONTH	YTD 2023	JAN 2022	TOTAL 2022*
# of Initial Home Visits (including asthma visits)	19	19	13	219
# of Revisits	0	0	0	16
# of Asthma Homes (initial)	1	1	1	42
# of Homes Approached	3	3	2	392

- \*Covers the calendar year (January - December); the HNP grant year is April-March.

**Tobacco Free Tompkins**

- Tobacco Free Zone for Cortland-Tompkins-Chenango grant staff call to begin legislative education planning.
- Collaborating with the Community Coalition for Healthy Youth, Environmental Health and Communications Team to develop vaping prevention campaign.

**Media, Website, Social Media**

- Website & Social Media pages transitioned to “Tompkins County Whole Health”.
- Website added to and updated regularly.
- Ongoing work with CHS and WIC re: social media pages; promotion plans for Moms PLUS+

**Press Releases in January 2023:**

- [Wednesday, January 4](#): Community Announcement: TCHD and TCMH Integration Launch Final Phase
- [Sunday, January 15](#): Health Alert: Environmental Health Warns of Potentially Rabid Fox Near Fall Creek Elementary
- [Sunday, January 15](#): Health Alert: Potentially Rabid Fox Located; Reminders to Report Contact
- [Thursday, January 19](#): COVID-19 Update: COVID-19 Subvariant of Concern Omicron XBB.1.5; Boosters Urged
- [Thursday, January 19](#): Health Alert: Environmental Health Thanks Community, Ithaca City Police
- [Friday, January 20](#): COVID-19 Update: Tompkins County COVID-19 Community Level Shifts to Medium
- [Friday, January 20](#): Health Alert: Potentially Rabid Gray Fox Near Ravenwood Apartments

- [Saturday, January 21](#): Health Alert: Gray Fox Located & Removed Near Ravenwood Apartments
- [Friday, January 27](#): Health Alert: Environmental Health Thanks Community, Alerts to Common Animal Behaviors This Time of Year

#### PH-MH Strategic Planning

- Integration of Services Team: working on a review of service functions and overlap
- Planning for a new CFT to work on a DEI plan and evaluation for the Department.

#### Training/Professional Development

- Internal (County) Communications bi-weekly roundtables (PIO Collaboration Team)
- Public Health Training Center Network: Workforce Recruitment and Retention Workshop Series Part 2: Employer Marketing & Branding
- SIREN Emergency Alert System training for use
- Planning for launch of DEI and trauma-informed training

#### Committee and Partnership Meetings

<b>Group, Organization</b>	<b>Activity/Purpose</b>	<b>Date</b>
CATCHI Working Group (Coordinated Approach to Community Health Integration)	Combines Social Determinants of Health, CHW initiative and Childhood Nutrition Collaborative into one working group.	monthly
Long Term Care Committee	Planning and sharing resources for long-term care in the community.	quarterly
Health Planning Council	Advisory Board and Executive Committee, Hillson reappointed as Secretary and Co-Chair of Community Health and Access Cte	Bi-monthly
Community Health and Access Committee	Sub-committee of the HPC. Focus on telehealth, maternal health, etc.	quarterly
COFA Advisory Board	Updates and Age Friendly	quarterly
Suicide Prevention Coalition	Revival of this coalition, new leadership, strategic planning process	monthly

Immunization Coalition	Quarterly meeting, updates about COVID-19 vaccine and discussion/feedback, youth vaccination promotion	quarterly
Lead Poisoning Prevention Network	Quarterly meeting, review lead cases, prevention, new regulation	quarterly
Cayuga Health Data Governance Committee	Oversight/advisory committee for the Cayuga Health health equity team, focus on data collection for health equity, We Ask Because we Care campaign.	quarterly
TC Cancer Screening Working Group	Regular meeting	monthly
Aging Services Network	Regular meeting	monthly
Homeless & Housing Taskforce	Regular meeting	Bi-monthly
PICHC Partners Meeting	Weekly meeting to discuss community health worker roles, align program design, collaborate w/community partners	weekly
PICHC State Call	Monthly meeting for PICHC programs in NYS	monthly
LATCH: Lactation Alliance for Tompkins County Health	Monthly meeting of community partners/stakeholders.  Mission: To protect, promote, & support breast-feeding/ chestfeeding in Tompkins County, and to protect, promote, & support the rights of families to achieve their infant feeding goals.	monthly

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**Medical Director's Report**  
**Board of Health**  
**February 2023**

## **Overview**

This past month XBB.1.5 has continued to hold sway and daily cases nationally have been unacceptably high at around 400/day. Our community transmission level has also been high and although the NYSDOH has shifted to recommending CDC masking guidelines healthcare facilities should still be masking due to our high transmission rate. The news has continued to be good regarding vaccine efficacy (including lowering the risk of long term Covid), and the Covid vaccine regimen has been simplified. We still are seeing a low acceptance rate for the bivalent booster which in respects to efficacy and safety is unwarranted. I have continued doing interviews on public health topics with WHCU every Wednesday morning. Besides Covid we have addressed lead poisoning prevention, cannabis and the illegal market (focusing on lack of safety and quality control, and HPV vaccine and how it prevents cancer. My weekly to biweekly practitioner bulletins have also broadened to include much more besides Covid.

## **Long Covid – the story continues to unfold:**

For most mild infections, long Covid symptoms clear after a year, large study finds

Since long Covid emerged, how best to define it, predict it, and treat it has been up for debate, but perhaps the most urgent question for patients and providers alike has been how long it lasts. A new [study](#) analyzing nearly 2 million patient records in Israel concludes that for most people, the troubling symptoms that persist after a mild Covid infection fade away after about a year.

<https://www.statnews.com/2023/01/11/mild-infections-long-covid-symptoms-clear-after-a-year-large-study/>

<https://www.bmj.com/content/380/bmj-2022-072529>

**Fourteen Percent of Those Who Contracted COVID-19 Face Long-Term Challenges**

Jan 16, 2023

Summary article with references

<https://www.pharmacytimes.com/view/fourteen-percent-of-those-who-contracted-covid-19-face-long-term-challenges>

## New Immunization schedules

MMWR this past week put out the ACIP recommended immunization schedules, with appropriate links to the tables. The choice of Covid vaccine to be given should be guided by the latest move to simplifying the Covid vaccine schedule and the use of bivalent vaccine. I don't see where the linked documents include this.

Here's the link for 18 and under: <https://www.cdc.gov/mmwr/volumes/72/wr/mm7206a1.htm>

Here's the link for 19 and older: <https://www.cdc.gov/mmwr/volumes/72/wr/mm7206a2.htm>

Also <https://www.cdc.gov/vaccines/acip/recommendations.html>

## Around the state

**N Meningitidis** 2 cases in adults upstate. One a resident of a congregate setting. The other was not.

**Viral GI illness** seen in facilities, higher education campuses, and in communities.

**Group A strep** invasive associated with wound care in persons in a facility.

**Covid** outbreaks in facilities continue

**Cryptosporidia** seen in swimmers in upstate NY. In past it has been also seen at spray parks where UV light helped to resolve the problem. Crypto is not eliminated with chlorination.

<https://www.cdc.gov/healthywater/surveillance/cryptosporidium/cryptosporidium-2019.html>

For general information on prevention of diarrheal illness regarding water/swimming:

<https://www.cdc.gov/healthywater/swimming/swimmers/rwi/diarrheal-illness.html>

**Investigations** - Suspect measles, brucellosis in an international traveler, and Q fever (chronic Q fever is an entity). [https://www.health.ny.gov/diseases/communicable/q\\_fever/fact\\_sheet.htm](https://www.health.ny.gov/diseases/communicable/q_fever/fact_sheet.htm)

and: <https://www.cdc.gov/qfever/index.html>

**Pseudomonas** – associated with artificial tears. The company has done a national recall. At this time, CDC and [FDA](#) recommend clinicians and patients **stop using EzriCare or Delsam Pharma’s Artificial Tears products** pending additional guidance from CDC and FDA.  
[https://www.cdc.gov/hai/outbreaks/crpa-artificial-tears.html?ACSTrackingID=USCDC\\_426-DM98998&ACSTrackingLabel=Artificial%20Tears%20Associated%20with%20Multistate%20Outbreak&deliveryName=USCDC\\_426-DM98998](https://www.cdc.gov/hai/outbreaks/crpa-artificial-tears.html?ACSTrackingID=USCDC_426-DM98998&ACSTrackingLabel=Artificial%20Tears%20Associated%20with%20Multistate%20Outbreak&deliveryName=USCDC_426-DM98998)

**Typhoid** reported in a traveler from Pakistan

**Powassan** reported in an infant –source tick exposure uncertain.

**Influenza** for week ending 2/11. 20<sup>th</sup> consecutive week of widespread activity. 2,612 lab confirmed cases - a 10% increase after decreases for 8<sup>th</sup> consecutive weeks. Flu A continues to decrease and B increase. Now 42% A, 38% B and 20% influenza type not specified. Nationally absolute numbers decreasing. Pediatric deaths have risen to 10. Nationally 106. **“Pediatric Flu Deaths Top 100 this Season; Most Unvaccinated”**

[https://www.cdc.gov/flu/spotlights/2022-2023/pediatric-flu-deaths.htm?ACSTrackingID=USCDC\\_7\\_3-DM99429&ACSTrackingLabel=Flu%20Newsletter%2002.10.2023&deliveryName=USCDC\\_7\\_3-DM99429](https://www.cdc.gov/flu/spotlights/2022-2023/pediatric-flu-deaths.htm?ACSTrackingID=USCDC_7_3-DM99429&ACSTrackingLabel=Flu%20Newsletter%2002.10.2023&deliveryName=USCDC_7_3-DM99429)

Addressing masking for healthcare practitioners and workers

[https://www.health.ny.gov/diseases/communicable/influenza/seasonal/providers/prevention\\_of\\_influenza\\_transmission/](https://www.health.ny.gov/diseases/communicable/influenza/seasonal/providers/prevention_of_influenza_transmission/)

**Botulism** a case in a neonate - a newly renovated home thought to be the source. The dust in the newly renovated home is thought to have botulinum spores in it perhaps raised from soils around the house and combining with dust of the house.

**Enterics:** a new CDC dashboard called BEAM: <https://www.cdc.gov/ncezid/dfwed/BEAM-dashboard.html>

**Marburg Virus in Equatorial Guinea [none in US]**-Marburg fever outbreak in Equatorial Guinea is galvanizing efforts to test drugs and vaccines for a virus that currently has none. But everyday counts, warned [WHO]experts who gathered virtually on Tuesday to try to chart a course for the work. The outbreak is believed to have begun in early January, but the confirmation that the Marburg virus was responsible for the growing cluster of people sick with hemorrhagic-fever-like illness was only confirmed on Monday. To date, nine people have died; all were epidemiologically linked. Another 16 people with some symptoms are in quarantine. <https://www.statnews.com/2023/02/14/marburg-outbreak-race-to-test-vaccines-drugs/>

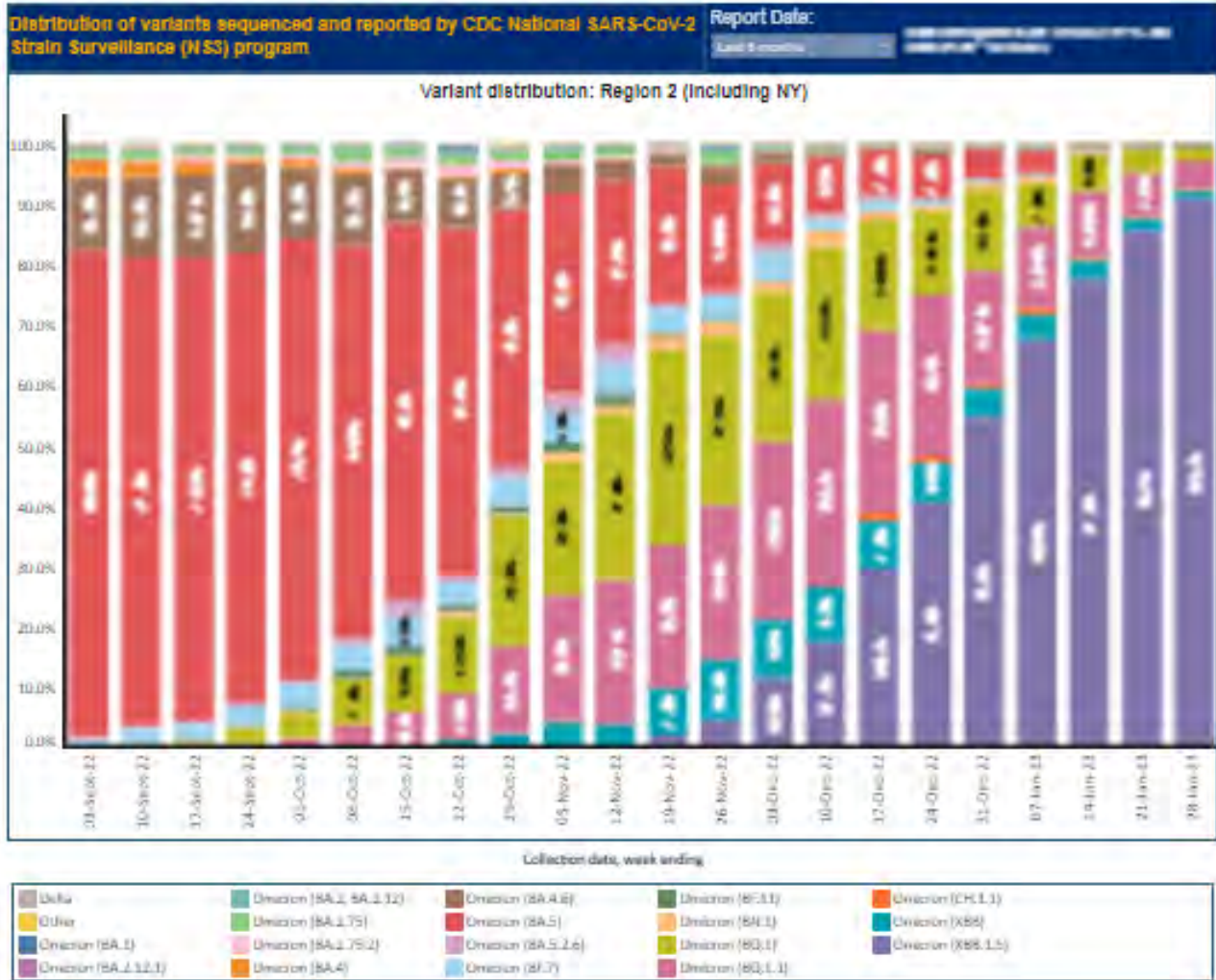
**Mpox** – still cases are being reported nationally usually in the single digits per day.

**Gonorrhea** The Massachusetts experience with resistant GC has not been seen in NYS as of now. If you have a patient who seems to be a treatment failure specimens can be submitted to Wadsworth for

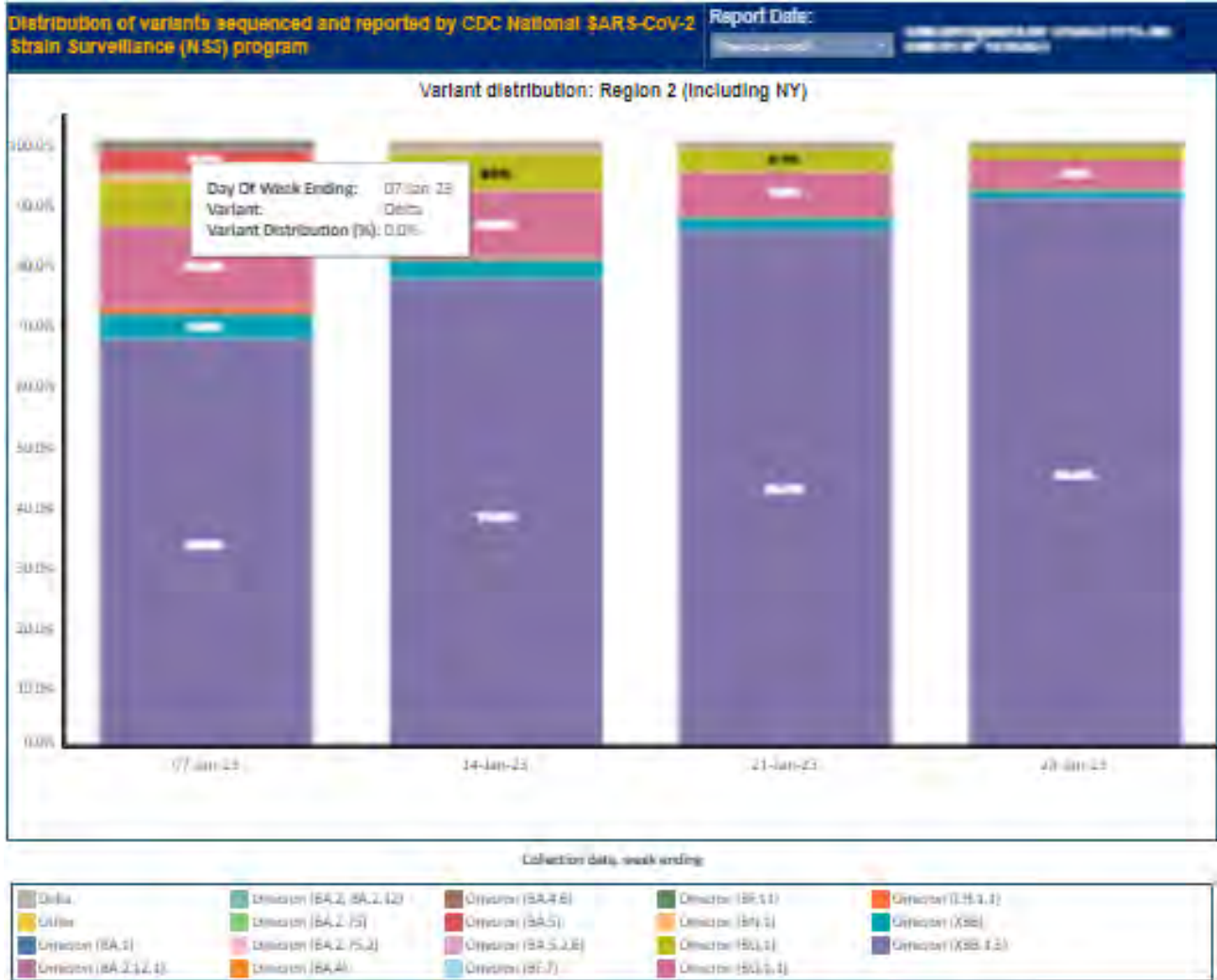




**New York State**



The picture in NYS looking only at the last month:



## Continuing to vaccinate for Covid

Data continues to verify the efficacy of receiving one's booster on severity and long term Covid. Unfortunately, the numbers are not great...

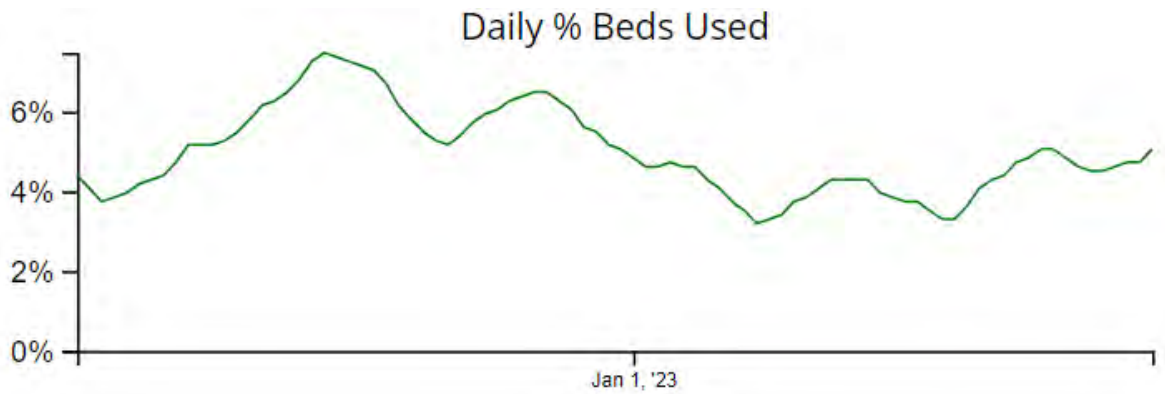
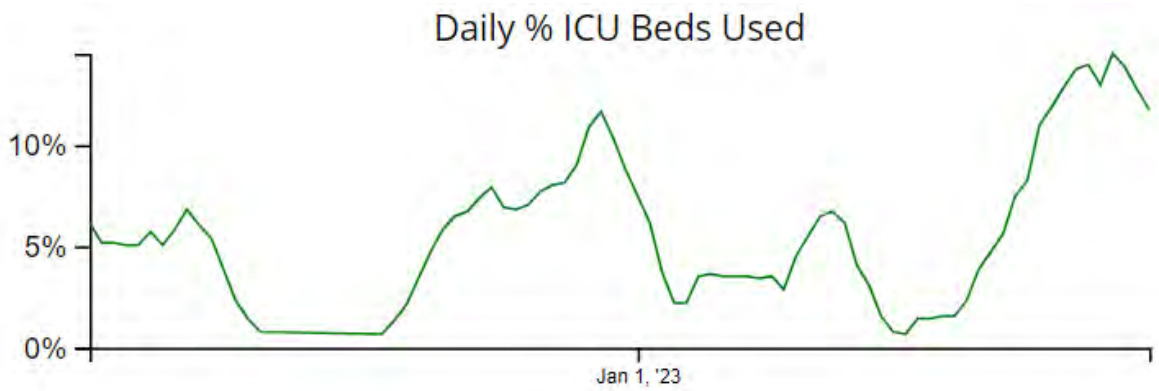
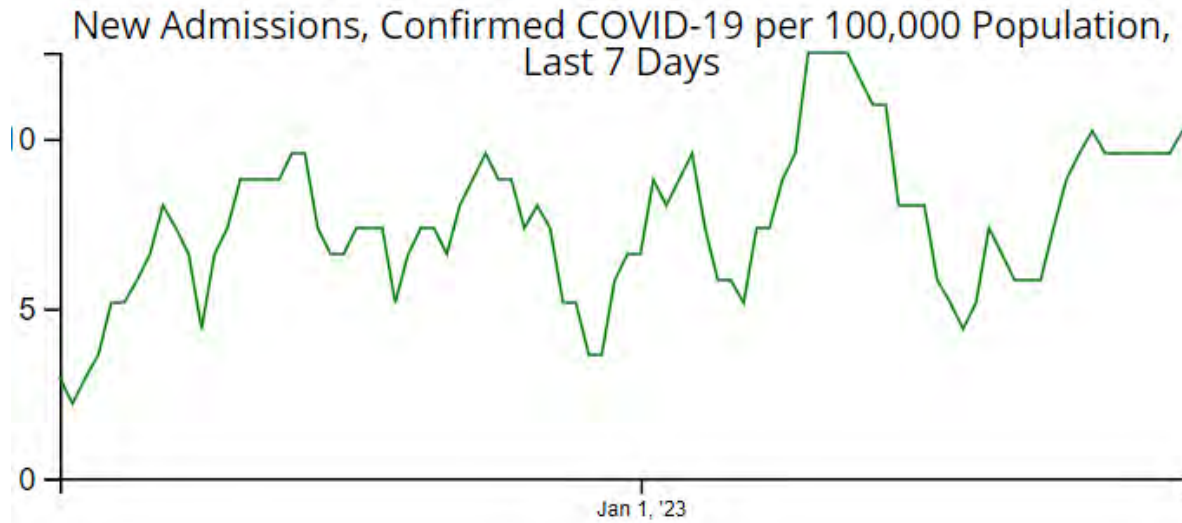
Fully Vaccinated Primary Series	Fully Vaccinated + First Booster	Received a Bivalent Booster
February 8, 2023	February 8, 2023	February 8, 2023
85,681	52,222	30,054
83.9%	60.9%	30.6%

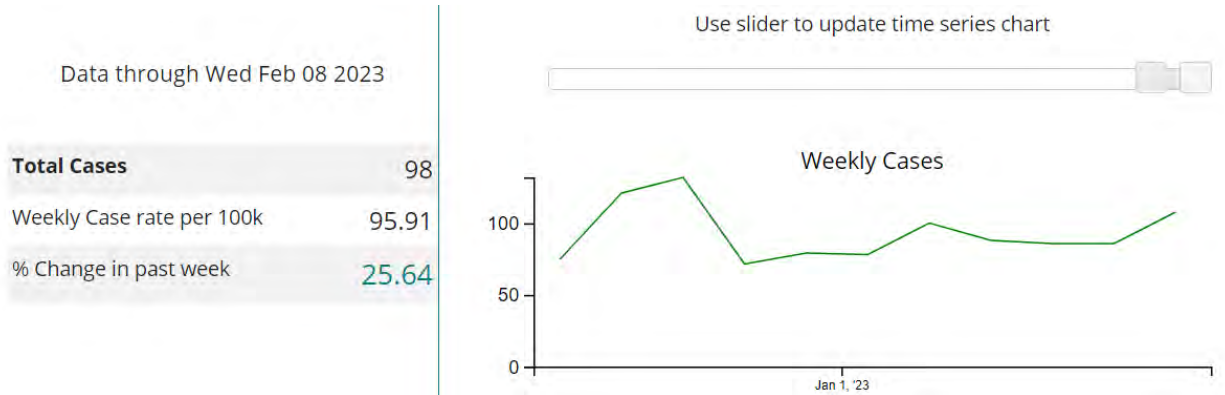
**Too many folks have the mistaken impression that a bivalent booster is not needed.** Vaccine is available to be given to offices at the public health department 607 274 6600 and through pharmacies and our vaccine clinic.

## Local Data from WholeHealth and the CDC

Active COVID-19 Hospitalizations	New Hospital Admissions	Total TC Resident Deaths
February 13, 2023	February 13, 2023	February 13, 2023
5	0	101

Weekly Case Rate per 100,000 population	Positives Last 7 Days	Percent Positive Last 7 Days
February 13, 2023	February 13, 2023	February 13, 2023
134.1	137	11.5%





### Communicable disease reports

Our local influenza reports are up this year compared to past years (but of course the years of the pandemic have been unusually low). The level of Lyme disease cases may be related to our warm winter.

These data are for the month of January. The complete reports are elsewhere in your packet.

Disease	2023		2022		2021		2020		Ave (2020-2022)	
	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate
INFLUENZA A, LAB CONFIRMED	68	798.6	5	58.7	0	0.0	127	1491.5	44	516.7
INFLUENZA B, LAB CONFIRMED	2	23.5	1	11.7	0	0.0	237	2783.3	79	927.8
LYME DISEASE** ****	26	305.3	7	82.2	0	0.0	1	11.7	3	35.2

## **Cannabis Exposure in Early Pregnancy May Be Tied To Adverse Outcomes In Pregnancy**

[MedPage Today](#) (2/10, Susman) reported, “Adverse outcomes in pregnancy appeared more frequent if the child-to-be was exposed to cannabis in the early stages of pregnancy, retrospective data from a multicenter study suggested.” Among “more than 9,000 pregnancies, the primary composite endpoint of small for gestational age, medically indicated preterm birth, stillbirth, or hypertensive disorders of pregnancy occurred in 27.4% of the cannabis-exposed group compared with 18.1% of the non-exposed group...reported” researchers. These [findings](#) were presented at the SMFM 2023 Annual Pregnancy Meeting and published in the American Journal of Obstetrics & Gynecology.

[HealthDay](#) (2/10, Murez) reported the “research links cannabis use in the first trimester of pregnancy to poor outcomes, closely related to functioning of the placenta.”

## **Conclusion**

In a large, diverse multicenter cohort with cannabis use ascertained by biological sampling, early pregnancy use was associated with adverse pregnancy outcomes that are mediated by the placenta.

[https://www.ajog.org/article/S0002-9378\(22\)00890-0/fulltext#secsectitle0010](https://www.ajog.org/article/S0002-9378(22)00890-0/fulltext#secsectitle0010)

## **Miscellany - From the age of the Horse**

The American economy has been crippled by viruses multiple times in the past. Here’s one from 1873, where equine influenza brought the US economy to a standstill.

<https://theconversation.com/how-a-flu-virus-shut-down-the-us-economy-in-1872-by-infecting-horses-150052>

## Division for Community Health

February 28<sup>th</sup>, 2023 Board of Health meeting

January 2023 monthly report

By Rachel Buckwalter, Director of Community Health, Celeste Rakovich, Senior Community Health Nurse and Michelle Hall, WIC director

### Communicable Disease:

- **Covid:** During the month of January, the Omicron subvariant XBB 1.5 became the dominant Covid strain statewide and in our community. TCWH issued a press release on January 19<sup>th</sup> alerting the community to this highly contagious strain and urging booster vaccination for those who haven't received it yet. Tompkins County's CDC Covid community level rose from low to medium in late January due to a brief rise in Covid-related hospitalizations. It remained at medium for one week and then dropped back to low the following week. CHS nurses continue to provide guidance to healthcare providers and community members on Covid isolation, testing and mask-wearing.
- **Flu:** Flu rates decreased during the month of January; however flu is still widespread in New York State and Tompkins County. Flu A rates are decreasing but Flu B rates are increasing. Our message to the community is that it's not too late to get the flu vaccine. CHS offers the flu vaccine at our on-site immunization clinic and to those who sign up for our homebound vaccination program.
- **Travel-related illness:** We had one confirmed case of malaria in January, in a traveler. CHS nurses urge those who are traveling to consult with a travel clinic prior to the trip and take all recommended precautions to avoid contracting illnesses while traveling. We occasionally investigate cases of food or water borne illness in international travelers who contract these diseases while abroad and then return to Tompkins County.

### SafeCare Program:



- We received one new referral to SafeCare during the month of January. Three families are currently enrolled and receiving services.

#### **Maternal Child Health:**

- Moms PLUS+ had 12 referrals in January that resulted in 5 admissions to the program. Moms PLUS+ nurses continue to refer clients to the PICHC program and WIC as appropriate. Supervisors from MCH and PICHC meet weekly to coordinate services for shared clients. After hours lactation support is available to county residents regardless of their status as a client. Event planning continues for the launch of the first Moms PLUS+ community café to be held on March 4<sup>th</sup>. The goal of this event is to increase community awareness of our Moms PLUS+ program and introduce the community health workers.
- Moms PLUS+ nurses and CHWs met with providers at Ithaca OBGYN Associates on January 12<sup>th</sup> for a working lunch to discuss collaboration and referrals. We were able to introduce our expanded Moms PLUS+ program and discuss how CHWs can assist clients to access care and community resources. The information was well received and we are continuing to collaborate on increasing and streamlining the referral process to both programs.

#### **Immunization Clinics:**

- CHS received a new full-size vaccine freezer in January. We needed a larger freezer to expand storage capacity and also needed to upgrade to an auto defrost unit. Our new freezer is working well and we are feeling more prepared now for our next pandemic!
- In January we vaccinated 4 homebound Tompkins County residents with hi-dose flu and Covid bivalent booster.
- Our on-site immunization clinic continues to vaccinate children and adults who are unable to access vaccination elsewhere.

#### **Rabies:**

- There was one rabies client in January that was given the full rabies post exposure prophylaxis treatment for waking to a bat in the bedroom. CHS and EH to continue collaborate on combined department and program policy.

**Lead:**

- There were no new lead cases in January. CHS and EH met for an internal lead prevention meeting on Jan 12<sup>th</sup> to discuss the work plan for the 2022-2023 lead grant and how to collectively involve community stakeholders in efforts to reduce lead hazards in the community and to increase testing. An invitation letter was created to be sent out to community organizations to join our Lead Poisoning Prevention Network that will meet quarterly.

**HIV:**

- Community Health Nurse and Anonymous HIV program supervisor met with STAP leadership on Jan 26<sup>th</sup> to establish anonymous testing at the downtown Ithaca STAP site. Regular testing will begin on Feb 23<sup>rd</sup> and be available every Thursday from 1-4pm. Whole Health continues to take appointments for anonymous HIV testing at the Brown Rd location by appointment only.

**Staffing:**

- CHS continues to recruit for a communicable disease nurse.
- CHS hired two new support staff during the month of January. Chassity Hulbert is our new information aide and Charnie Norton is our new administrative assistant level 2. We welcome them to the team and will be training them on all aspects of CHS programming.

## BOH Report- Tompkins County WIC Program

February 2023

### Caseload Data:

	Oct	Nov	Dec	Jan	Feb
Participation	1073	1092	1121	1123	Data not available yet
Enrollment	1173	1156	1182	1198	
Participation/Enrollment	91.47%	94.46%	94.84%	93.74%	
Part/Target Caseload	71.53%	72.80%	74.73%	74.87%	

Total participants seen in December: 488

Total participants seen in January: 526

Appointment show rate: 98%

Appointment show rate: 95%

The program continues to serve 50.36 % of the eligible population in Tompkins County.

### Program Highlights

1. Program caseload is increasing.
2. **Formula shortage update:** In February 2022, Abbott laboratories recalled formula which resulted in a series of formula shortages; first it was hypoallergenic formulas and now general milk based and other types of formula. WIC staff continue to navigate these formula shortages daily. As of February 2023, there is one formula, "Enfamil Gentlease," that families are still struggling to find. Staff continue to work with the NYS WIC vendor agency to locate this formula.
  - In January 2023, The United States Department of Agriculture (USDA) announced that WIC will be transitioning back to normal program operations this year and in response, they will be discontinuing substitute formulas that were previously approved on a temporary basis due to the formula shortage. This change will begin as of March 1, 2023.

- On February 14<sup>th</sup>, 2023, the WIC Director participated in a regional conference call with NYS Department of Health staff, WIC regional office, and NYS Central office vendor staff to relay the struggles WIC families continue to face in finding WIC approved formula and the concerns with discontinuing the temporarily approved formula options.
3. The NYS WIC Program has partnered with wichealth to offer WIC families online nutrition education (NE) appointments centered around the needs of WIC participants. Beginning March 2023 staff will begin to offer this option to participants. WIC families will now have the option of completing a self-guided online NE lesson for their NE appointment(s).
  4. On January 31, 2023, the White House announced the COVID-19 Public Health Emergency (PHE) declaration will end on May 11, 2023. The current WIC Physical Presence and Remote Benefit Issuance waivers are set to expire 90 days after the end of the COVID-19 Public Health Emergency which is on August 9, 2023.
    - On February 2, 2023, the USDA announced the opportunity for State agencies to opt into nationwide waivers for Physical Presence and Remote Benefit Issuance using the authority granted to USDA by the American Rescue Plan Act which will be valid through September 2026. New York State WIC program plans to opt into these waivers and will share additional information as it becomes available.

N.Y.S. Department of Health  
Division of Epidemiology  
Communicable Disease Monthly Report\*, DATE: 01FEB23  
Rates are defined as: Cases/100,000 population/Month

County=TOMPKINS Month=January

Disease	2023		2022		2021		2020		Ave (2020-2022)	
	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate
CAMPYLOBACTERIOSIS**	1	11.7	2	23.5	1	11.7	2	23.5	2	23.5
COVID-19	425	4991.2	5388	63277	610	7163.8	0	0.0	1999	23476
CRYPTOSPORIDIOSIS**	2	23.5	0	0.0	0	0.0	4	47.0	1	11.7
GIARDIASIS	1	11.7	0	0.0	0	0.0	0	0.0	0	0.0
HEPATITIS A	0	0.0	0	0.0	1	11.7	0	0.0	0	0.0
HEPATITIS B,CHRONIC**	1	11.7	2	23.5	0	0.0	0	0.0	1	11.7
HEPATITIS C,ACUTE**	1	11.7	0	0.0	0	0.0	0	0.0	0	0.0
HEPATITIS C,CHRONIC**	2	23.5	1	11.7	0	0.0	0	0.0	0	0.0
INFLUENZA A, LAB CONFIRMED	68	798.6	5	58.7	0	0.0	127	1491.5	44	516.7
INFLUENZA B, LAB CONFIRMED	2	23.5	1	11.7	0	0.0	237	2783.3	79	927.8
LYME DISEASE** ****	26	305.3	7	82.2	0	0.0	1	11.7	3	35.2
MALARIA	1	11.7	0	0.0	0	0.0	0	0.0	0	0.0
PERTUSSIS**	0	0.0	0	0.0	0	0.0	1	11.7	0	0.0
SALMONELLOSIS**	1	11.7	0	0.0	0	0.0	0	0.0	0	0.0
STREP,GROUP A INVASIVE	0	0.0	1	11.7	0	0.0	1	11.7	1	11.7
STREP PNEUMONIAE,INVASIVE**	0	0.0	0	0.0	0	0.0	1	11.7	0	0.0
SYPHILIS TOTAL.....	1	11.7	1	11.7	0	0.0	0	0.0	0	0.0
- P&S SYPHILIS	1	11.7	1	11.7	0	0.0	0	0.0	0	0.0
GONORRHEA TOTAL.....	10	117.4	2	23.5	10	117.4	7	82.2	6	70.5
- GONORRHEA	10	117.4	2	23.5	10	117.4	7	82.2	6	70.5

	2023		2022		2021		2020		Ave (2020-2022)	
Disease	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate
CHLAMYDIA	18	211.4	13	152.7	15	176.2	31	364.1	20	234.9

\*Based on month case created, or December for cases created in Jan/Feb of following year

\*\*Confirmed and Probable cases counted

\*\*\*Not official number

\*\*\*\* In 2017, 27 counties investigated a sample of positive laboratory results; in 2018, 30 counties sampled; in 2019, 33 counties sampled; in 2020, 36 counties sampled.

N.Y.S. Department of Health  
 Division of Epidemiology  
 Communicable Disease Monthly Report\*, DATE: 01FEB23  
 Through January  
 Rates are defined as: Cases/100,000 population/Month

County=TOMPKINS

Disease	2023		2022		2021		2020		Ave (2020-2022)	
	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate
AMEBIASIS	0	0.0	1	11.7	0	0.0	0	0.0	0	0.0
ANAPLASMOSIS**	0	0.0	67	786.8	86	1010.0	31	364.1	61	716.4
BABESIOSIS**	0	0.0	12	140.9	20	234.9	8	94.0	13	152.7
CAMPYLOBACTERIOSIS**	1	11.7	28	328.8	19	223.1	17	199.6	21	246.6
COVID-19	450	5284.8	16033	188291	9627	113059	2446	28726	9369	110029
CRYPTOSPORIDIOSIS**	2	23.5	11	129.2	14	164.4	14	164.4	13	152.7
DENGUE FEVER**	0	0.0	1	11.7	0	0.0	0	0.0	0	0.0
ECOLI SHIGA TOXIN**	0	0.0	3	35.2	6	70.5	5	58.7	5	58.7
EHRlichiosis (CHAFEENSIS)**	0	0.0	2	23.5	0	0.0	0	0.0	1	11.7
EHRlichiosis (EWINGII)**	0	0.0	1	11.7	0	0.0	0	0.0	0	0.0
ENCEPHALITIS, ARBO**	0	0.0	1	11.7	0	0.0	0	0.0	0	0.0
ENCEPHALITIS, OTHER	0	0.0	0	0.0	1	11.7	2	23.5	1	11.7
ENCEPHALITIS, POST	0	0.0	0	0.0	0	0.0	1	11.7	0	0.0
GIARDIASIS	1	11.7	9	105.7	15	176.2	7	82.2	10	117.4
HAEMOPHILUS INFLUENZAE, NOT TYPE B	0	0.0	4	47.0	0	0.0	2	23.5	2	23.5
HEPATITIS A	0	0.0	1	11.7	7	82.2	12	140.9	7	82.2
HEPATITIS B,CHRONIC**	1	11.7	16	187.9	18	211.4	9	105.7	14	164.4
HEPATITIS C,ACUTE**	1	11.7	4	47.0	3	35.2	9	105.7	5	58.7
HEPATITIS C,CHRONIC**	2	23.5	18	211.4	30	352.3	32	375.8	27	317.1
HEPATITIS C,PERINATAL	0	0.0	0	0.0	1	11.7	0	0.0	0	0.0
INFLUENZA A, LAB CONFIRMED	68	798.6	1341	15749	265	3112.2	526	6177.3	711	8350.0

	2023		2022		2021		2020		Ave (2020-2022)	
Disease	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate
INFLUENZA B, LAB CONFIRMED	2	23.5	11	129.2	6	70.5	738	8667.1	252	2959.5
INFLUENZA UNSPECIFIED, LAB CONFIRMED	0	0.0	3	35.2	1	11.7	0	0.0	1	11.7
LEGIONELLOSIS	0	0.0	6	70.5	3	35.2	0	0.0	3	35.2
LISTERIOSIS	0	0.0	1	11.7	0	0.0	0	0.0	0	0.0
LYME DISEASE** ****	26	305.3	388	4556.7	44	516.7	37	434.5	156	1832.1
MALARIA	1	11.7	3	35.2	0	0.0	2	23.5	2	23.5
MENINGITIS, ASEPTIC	0	0.0	0	0.0	0	0.0	1	11.7	0	0.0
MONKEYPOX	0	0.0	3	35.2	0	0.0	0	0.0	1	11.7
PERTUSSIS**	0	0.0	0	0.0	0	0.0	1	11.7	0	0.0
ROCKY MTN SPOT FEVER**	0	0.0	1	11.7	0	0.0	0	0.0	0	0.0
SALMONELLOSIS**	2	23.5	20	234.9	13	152.7	8	94.0	14	164.4
SHIGELLOSIS**	0	0.0	2	23.5	1	11.7	0	0.0	1	11.7
STREP,GROUP A INVASIVE	0	0.0	4	47.0	3	35.2	2	23.5	3	35.2
STREP,GROUP B INVASIVE	0	0.0	5	58.7	10	117.4	6	70.5	7	82.2
STREP,GROUP B INV,EARLY/LATE ONSET	0	0.0	0	0.0	0	0.0	1	11.7	0	0.0
STREP PNEUMONIAE,INVASIVE**	0	0.0	8	94.0	4	47.0	6	70.5	6	70.5
TUBERCULOSIS***	0	0.0	1	11.7	1	11.7	2	23.5	1	11.7
VIBRIO - NON 01 CHOLERA**	0	0.0	2	23.5	1	11.7	0	0.0	1	11.7
YERSINIOSIS**	0	0.0	6	70.5	1	11.7	0	0.0	2	23.5
SYPHILIS TOTAL.....	1	11.7	34	399.3	24	281.9	20	234.9	26	305.3
- P&S SYPHILIS	1	11.7	16	187.9	7	82.2	8	94.0	10	117.4
- EARLY LATENT	0	0.0	15	176.2	11	129.2	8	94.0	11	129.2
- LATE LATENT	0	0.0	2	23.5	6	70.5	4	47.0	4	47.0
- CONGENITAL SYPHILIS	0	0.0	1	11.7	0	0.0	0	0.0	0	0.0
GONORRHEA TOTAL.....	11	129.2	109	1280.1	142	1667.6	97	1139.2	116	1362.3
- GONORRHEA	11	129.2	109	1280.1	142	1667.6	96	1127.4	116	1362.3



	2023		2022		2021		2020		Ave (2020-2022)	
Disease	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate
- GONORRHEA,DISSEMINATED	0	0.0	0	0.0	0	0.0	1	11.7	0	0.0
CHLAMYDIA	20	234.9	377	4427.5	337	3957.7	396	4650.6	370	4345.3

\*Based on month case created, or December for cases created in Jan/Feb of following year

\*\*Confirmed and Probable cases counted; Campylobacter confirmed and suspect

\*\*\*Not official number

\*\*\*\* In 2017, 27 counties investigated a sample of positive laboratory results; in 2018, 30 counties sampled; in 2019, 33 counties sampled; in 2020, 36 counties sampled.

Children with Special Care Needs Division — (607) 274-6644

## **Children with Special Care Needs Highlights**

**January 2023**

### **Staff Activities**

#### **Staff Group Trainings-**

- NA

#### **Committees/Meetings**

- CSCN Staff meeting-1/31/23
- Early Childhood Collaborative meetings once a month with community partners.
- Collaborative Solutions Network meeting regarding the new Systems of Core initiative.
- 3 CSCN staff participating in Strategic Planning Cross Functional Team meetings.

#### **Program Work:**

##### Early Intervention

- Early Intervention experiencing wait lists for speech services, Special Instruction Teachers, and Social Work services. Long wait list for Speech (approximately 40-50 kids)
- NYSDOH BEI notified monthly of current needs.
- Hired a Community Health Nurse-Julie Norton- started on January 9, 2023, for Early Intervention and will also support Municipal Rep position. -Julie is a returning employee who left 3 years ago.
- Community Health Nurse Tim Andersen resigned on 1/31/23
- Working on development of a family survey.
- Discussion with our EI software company to develop a digital Child Find program-waiting for development of this program from iCentral.
- Currently serving 169 active/qualified children in Early Intervention
- Prepared for CHN to go out on medical leave for surgery. Shifted 31 EI children caseload and Child Find caseload of 8 children to all other Service Coordinators.
- 2 Former agencies closed this month and most of their staff was hired by Liberty Resources in Syracuse- caused additional work getting Amendment to the IFSP forms by all Service Coordinators and some children ended up on the wait list without a provider.

##### Preschool

- New Digital session notes for providers through McGuinness software went live July 1, 2022. Still receiving trainings on billing procedures. Went live with a new electronic health record using Laserfiche software in September. Meeting to map our new processes and trouble shoot any new issues. Process continues to be adjusted and mapped processes. The new system has already helped with work time and quality of monitoring preschool billing. All preschool charts were scanned and uploaded to the county archive system- Laserfiche which is being used as a Electronic Records management system for the preschool program.
- Currently serving 169 children in Preschool Special Education with 61 in special integrated classrooms

##### CYSHCN

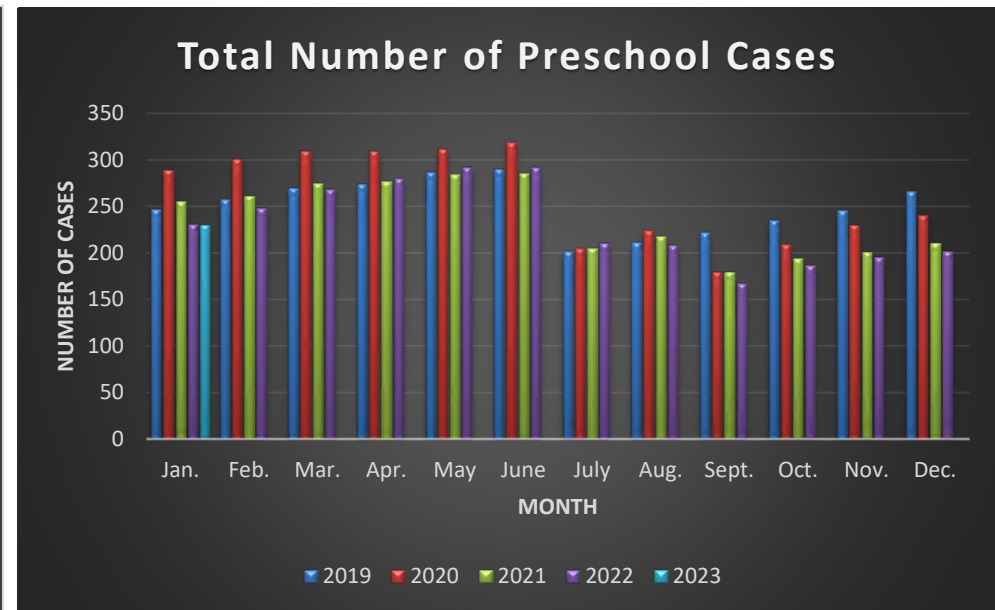
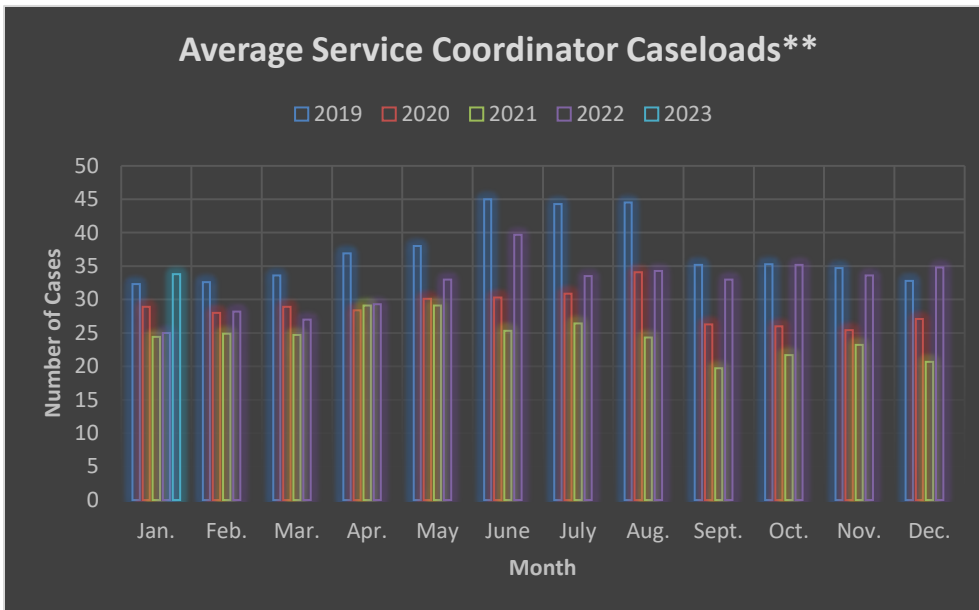
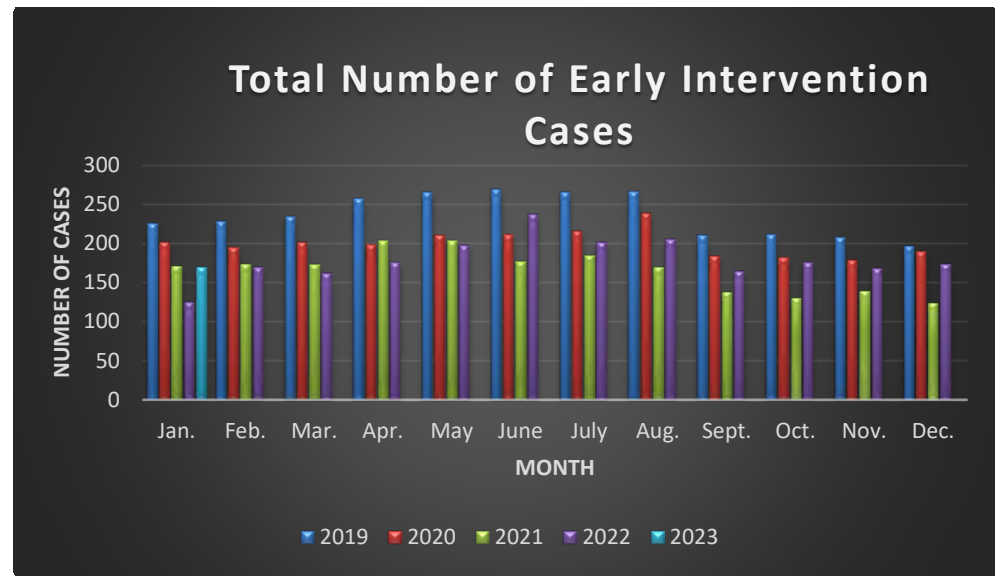
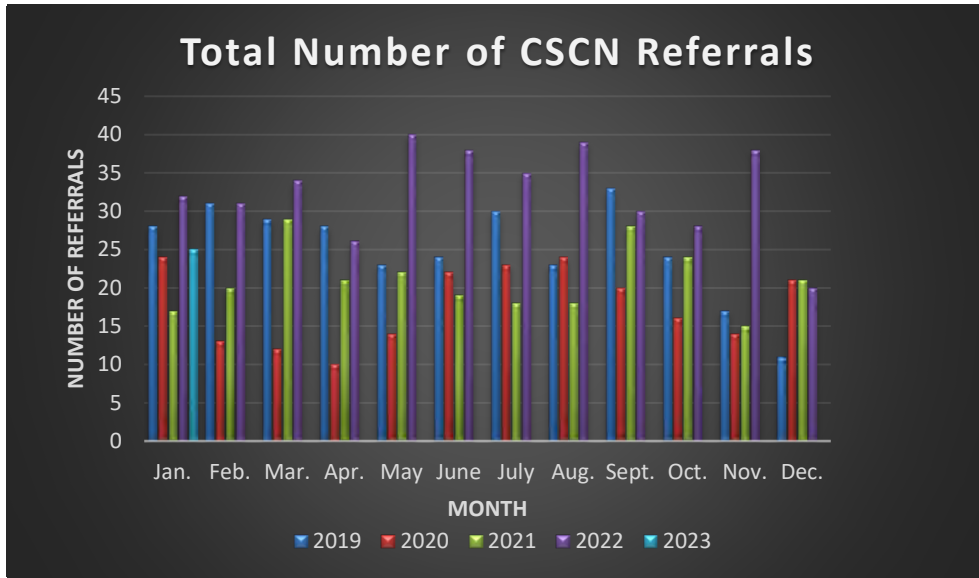
- Monthly meetings with Regional Support Centers for work on Social Media platforms, website development, developing a resource Guide, development of promotional materials, development of a resource library, and a new family survey for the program.

- Increased referrals to this program for high needs children with medical needs, referrals to OPWDD, Health homes and other needs.
- Finished a new pamphlet for this program in January

**CSCN Director Program work:**

- Meetings include a statewide EI Fiscal work group mtgs, statewide Maternal Child Committee mtg, Strategic Planning meetings with SR Leadership on Integrating Children's services, Early Intervention Coordinating Council mtg, Sr Leadership mtgs every 2 weeks, Preschool software meetings, Preschool Chairperson meeting, EI software mtg, and CYSHCN regional meetings on social media use, advertising, outreach support, and collaboration meetings.
- Chair of monthly Early Childhood Development Collaborative
- Participating in development of chart work for a third Cross Functional Team focused on diversity, equity and inclusion work with other Sr Leadership staff.
- Development work with the Fiscal Administrator and CSCN Administrative Coordinator to collaborate on shared supervision processes with the merger of PH and MH.

## Statistics Based on Calendar Year 2019-2023



**\*\*Average Service Coordinator Caseloads showing decrease due to increase in fully oriented Ongoing Service Coordinators, until June 2019 when we experienced staff retirement and leave.**



**EARLY INTERVENTION PROGRAM**

<b>Family/Client visits</b>	<b>Jan</b>	<b>Feb</b>	<b>March</b>	<b>April</b>	<b>May</b>	<b>June</b>	<b>July</b>	<b>Aug</b>	<b>Sept</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>2023 Totals</b>	<b>2022 Totals</b>
-- Intake visits	13												13	241
-- IFSP Meetings	31												31	261
-- Core Evaluations	18												18	221
-- Supplemental Evaluations	2												2	50
-- Observation Visits	24												24	314
-- CPSE meetings	6												6	57
-- Family Training/Team Meetings	0												0	2
-- Transition meetings	5												5	38
														<b>1184</b>
<b>Services and Evaluations Pending &amp; Completed</b>														
<b>Children with Services Pending(Needs List)</b>														
-- Feeding	1												1	42
-- Nutrition	0												0	0
-- Occupational Therapy	4												4	18
-- Physical Therapy	6												0	62
-- Social Work	5												5	13
-- Special Education	11												0	106
-- Speech Therapy	46												46	486
													0	<b>727</b>

**EARLY INTERVENTION PROGRAM**

<b>Early Intervention Discharges</b>	<b>Jan</b>	<b>Feb</b>	<b>March</b>	<b>April</b>	<b>May</b>	<b>June</b>	<b>July</b>	<b>Aug</b>	<b>Sept</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>	<b>2023 Totals</b>	<b>2022 Totals</b>
-- To CPSE	7												7	59
-- Aged out	3												3	15
-- Skilled out	2												2	27
-- Moved	0												0	27
-- Not Eligible/DNQ	4												4	79
-- Family Refused/Unable to Locate	2												2	1
<b>Total Number of Discharges</b>	18												18	44
														<b>252</b>
<b>Child Find</b>														
Total # of Referrals	0												0	53
Total # of Children in Child Find	9												9	
													0	
Total # Transferred to Early Intervention	0												0	14
Total # of Discharges	10												10	<b>32</b>



**PRESCHOOL SPECIAL EDUCATION PROGRAM**

<b>Number of Children Served Per School District Attending Tuition Based Programs</b>	<b>Jan</b>	<b>Feb</b>	<b>March</b>	<b>April</b>	<b>May</b>	<b>June</b>	<b>July</b>	<b>Aug</b>	<b>Sept</b>	<b>Oct</b>	<b>Nov</b>	<b>Dec</b>		
-- Ithaca	32													
-- Dryden	11													
-- Groton	4													
-- Lansing	5													
-- Newfield	2													
-- Trumansburg	7													
-- Odessa-Montour	0													
-- Spencer VanEtten	0													
-- Moravia	0													
-- # attending Dryden Central School	6													
-- # attending Franziska Racker Centers	30													
-- # attending Ithaca City School District	25													
<b>Total # attending Special Ed Integrated Tuition Progr.</b>	<b>61</b>													

<b>Municipal Representation Committee on Preschool Special Education</b>													<b>2023 Totals</b>	<b>2022 Totals</b>
-- Ithaca	22												22	219
-- Candor	0												0	1
-- Dryden	9												9	64
-- Groton	4												4	50
-- Homer	0												0	2
-- Lansing	1												1	23
-- Newfield	3												3	19
-- Trumansburg	0												0	26
-- Spencer VanEtten	0												0	1
-- Moravia	0												0	1
<b>Total CPSE Meetings Attended</b>	<b>39</b>												<b>39</b>	<b>390</b>



ENVIRONMENTAL HEALTH DIVISION  
<http://www.tompkinscountyny.gov>

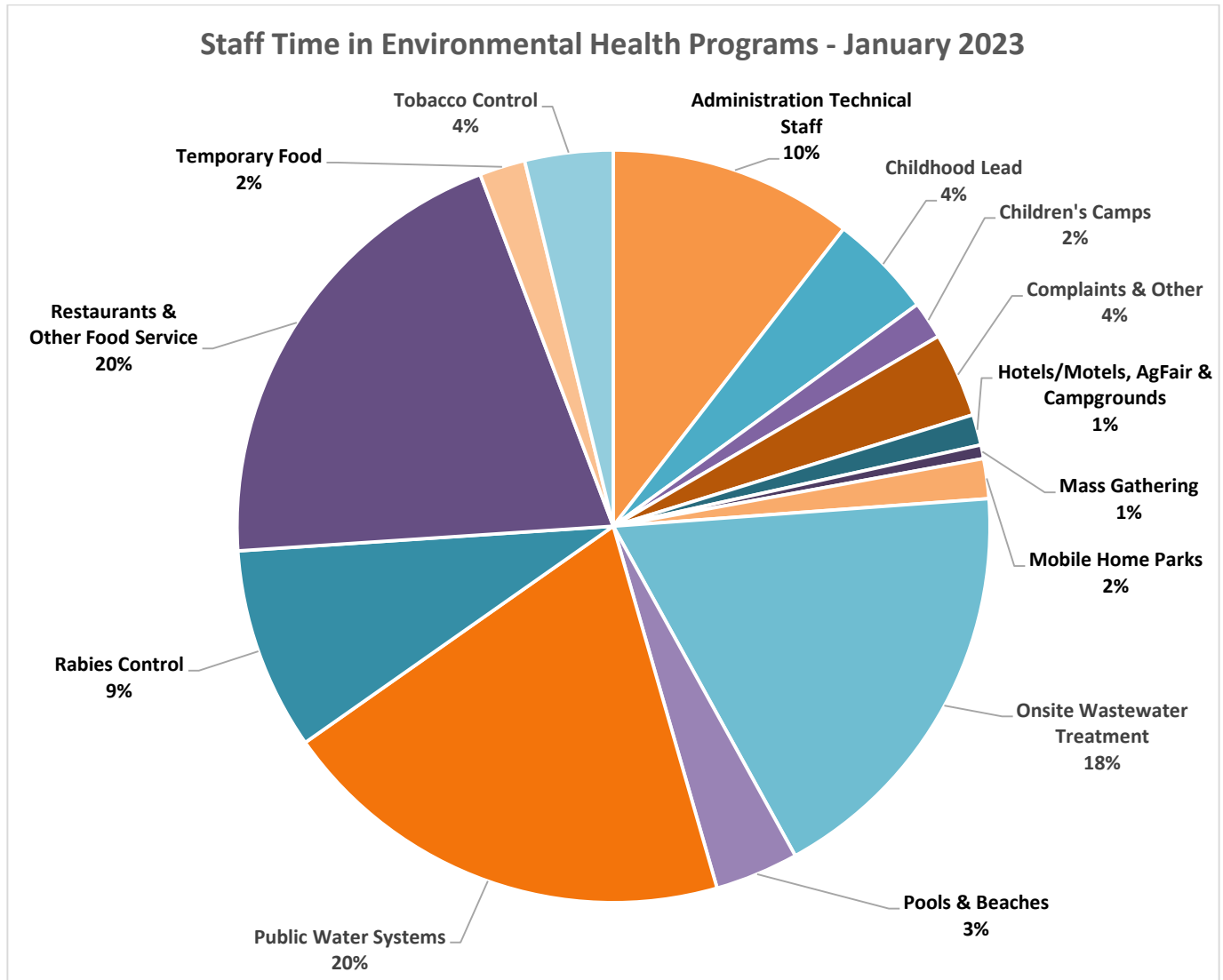
Ph: (607) 274-6688  
 Fx: (607) 274-6695

## ENVIRONMENTAL HEALTH HIGHLIGHTS January 2023

**Outreach and Division News:**

Reporting in this section is on hold until EH staffing vacancies are resolved.

**EH Programs Overview:**





**Division of Environmental Health  
Summary of Activity (2023)**

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	YTD	2022 Totals
<b>ON-SITE WASTEWATER TREATMENT SYSTEMS (OWTS)</b>														
<b>Permits Issued</b>	13	0	0	0	0	0	0	0	0	0	0	0	13	193
New Construction/Conversions	2												2	99
Replacements	11												11	94
<b>Completion Certificates Issued</b>	6	0	0	0	0	0	0	0	0	0	0	0	6	152
New Construction/Conversions	4												4	74
Replacements	2												2	78
<b>ENGINEERING PLAN REVIEWS</b>														
Realty Subdivisions	0												0	3
OWTS	1												1	23
Collector Sewer	0												0	6
Public Water Systems	1												1	5
Water Main Extension	0												0	9
Cross-Connection Control Devices	0												0	12
Other Water System Modification	0												0	5
Other Engineering Reviews	0												0	7
<b>RABIES CONTROL PROGRAM</b>														
Potential Human Exposure Investigations	22												22	530
Human Post-X Treatments	3												3	163
Animal Specimens Tested	8												8	177
Animals Testing Positive	2												2	10
Rabies Clinics Offered	1												1	5
Dogs Vaccinated	85												85	382
Cats Vaccinated	74												74	281
Ferrets Vaccinated	3												3	2
Pet Quarantine	2												2	4
<b>CHILDHOOD LEAD PROGRAM</b>														
# of New EH Referrals w/ Elevated BLL	1												1	11
# of EH Investigations Initiated	1												1	11
# of Home Assessments Performed	1												1	8
# of Notice of Demands Sent	0												0	4
Lead Calls/Inquires Received by EH	2												2	16
<b>FOIL REQUESTS</b>														
Total Received	3												3	46
<b>ADOLESCENT TOBACCO USE PREVENTION ACT (ATUPA) (65 Operations *) &amp; CLEAN INDOOR AIR ACT (CIAA)</b>														
ATUPA (Adult & Minor) Compliance Checks	15												15	127
Violations	1												1	19
CIAA Complaints	0												0	3
<b>COMPLAINTS - General/Nuisance</b>														
Complaint Investigations Opened	7												7	52
<b>ENFORCEMENT ACTIONS</b>														
Total Cases	8												8	43
Cases Related to FSE	0												0	19
BOH Penalties Assessed	\$49,525												\$49,525	\$123,600
BOH Penalties Collected	\$5,500												\$5,500	\$40,500
<b>CUSTOMER SERVICE/SUPPORT</b>														
Calls Received	499												499	8359
Walk-In Customers	9												9	463
TCEH Emails Received	404												404	5181
Applications Processed	83												83	1575
Payment Receipts Processed	49												49	1258
Renewals/Billings Sent	114												114	841

\* As of 1/1/2022

\*\* Includes Pre-op, Inspection, Re-inspection, HAACP, Sanitary Surveys (Doesn't include Co-Inspector/Field Visits)

**Food Program Detailed Report:**

The results of food service establishment inspections conducted in Tompkins County can be viewed directly on the Environmental Health website (<https://www2.tompkinscountyny.gov/health/eh/food#fsetable>). Inspections can be sorted to meet the needs of the viewer (by facility, date, etc.) by clicking on the column heading of interest.

The following plans were approved this period:

- Alley Cat Cafe, C-Ithaca
- Dream Poke, C-Ithaca
- On a Roll Catering, T-Groton

New permits were issued for the following facilities:

- Alley Cat Cafe, C-Ithaca
- Cheese Club, Throughout Tompkins
- On a Roll Catering, T-Groton
- CU - Atrium Cafe, C-Ithaca

**Boil Water Orders (BWOs):**

Ongoing:

- In February 2022, a BWO was issued to Dollar General in North Lansing for operating a water system with TCHD approval. Enforcement action is pending.

**Summary of Open BOH Enforcement Actions**

<b>Date of BOH Action</b>	<b>Facility</b>	<b>Owner/ Operator</b>	<b>Basis for Action</b>	<b>Penalty Assessed</b>	<b>Next BOH Order Deadline</b>	<b>Status</b>
1/24/23	Applegate Park MHP	Joseph Giordano	Mobile Home Park – Operating without a Permit and Public Water Monitoring and Reporting Violations	\$475	Partial Payment due 3/15/23	Monitoring Compliance
1/24/23	Homewood Suites	Waterford Hotel Group LLC	Temporary Residence – Repeat Critical Violations	\$400	Payment due 3/15/23	Monitoring Compliance
1/24/23	Ithaca Convenience	Ithaca Convenience LLC	ATUPA - Sale of Prohibited Flavored Nicotine Product	\$6,250	Payment due 3/15/23	Monitoring Compliance
1/24/23	Cayuga Smoke Shop	Cayuga Smoke Shop Inc.	ATUPA - Sale of Prohibited Flavored Nicotine Product	\$9,250	Payment due 3/15/23	Monitoring Compliance
1/24/23	Ayra Convenience	Ayra Convenience Inc.	ATUPA - Sale of Prohibited Flavored Nicotine Product	\$5,750	Payment due 3/15/23	Monitoring Compliance
1/24/23	Commons Market	J&C Wells, Inc.	ATUPA - Sale of Prohibited Flavored Nicotine Product	\$4,250	Payment due 3/15/23	Monitoring Compliance
1/24/23	Jason's Grocery & Deil	Jason Burnham	ATUPA - Sale of Prohibited Flavored Nicotine Product	\$1,950	Payment due 3/15/23	Monitoring Compliance
12/6/22	Casper's Kitchen	Kevin Griffin	Food Service Establishment – Repeat Critical Violations	\$400	Payment due 1/13/23	Late Penalty Letter Pending
12/6/22	Taste of Thai Express	Taste of Thai Express Inc.	Food Service Establishment – Repeat Critical Violations and Violation of BOH Orders	\$1,600 (paid)	Submit plan for safety and handling practices due 1/17/23	Monitoring Compliance
12/6/22	Benjamin Hill Heights MHP	MJD Good Neighbors, LLC	Mobile Home Park – Failure to Maintain Continuous Water Pressure	\$500 (waived if deadline met)	Complete modifications to water system as approved due 1/30/23	Request for Deadline Modification
12/6/22	Newfield Estates MHP	Newfield Estates MHP, LLC	Mobile Home Park – Operating without a Permit	\$400	Payment due 1/13/23	Late Penalty Letter Pending

Date of BOH Action	Facility	Owner/ Operator	Basis for Action	Penalty Assessed	Next BOH Order Deadline	Status
10/25/22	Dream Vape & Smoke	Dream Vape & Smoke LLC.	ATUPA Retailer- Sale of Prohibited Flavored Nicotine Product and Sale of Nicotine to Person Under 21	\$71,500	Payment due 12/15/22	Referral to Collections Pending
6/28/22	Dream Vape & Smoke	Dream Vape & Smoke LLC.	ATUPA Retailer- Sale of Prohibited Flavored Nicotine Product and Sale of Nicotine to Person Under 21	\$2500	Payment due 8/15/22	Referral to Collections Pending
7/26/22	ZaZa Exotics	ZaZa Exotics Inc.	ATUPA - Sale of Prohibited Flavored Nicotine Product	\$600	Payment due 9/15/22	Further BOH Action Pending
6/28/22	TOSA Apartments	Tony Busse	Public Water Supply - Violation of Board of Health Orders for Failure to Maintain Disinfection and to Adhere to Monitoring Requirements	\$1500	Payment due 8/15/22	Late penalty notice sent. Additional enforcement action may be required.

ENVIRONMENTAL HEALTH DIVISION  
tompkinscountyny.gov/health/eh

Phone: (607) 274-6688  
Fax: (607) 274-6695

**CERTIFIED, REGULAR, & ELECTRONIC MAIL**

January 27, 2023

Manny Dong  
MJD Good Neighbors, LLC  
102 Pinewood Place  
Ithaca, NY 14850

**Re: Tompkins County Board of Health Revised Resolution # EH-ENF-22-0038  
Benjamin Hill Heights Mobile Home Park, T-Newfield**

Dear Manny Dong:

Enclosed is a copy of the Revised Resolution that the Tompkins County Board of Health will consider at its meeting on **Tuesday, February 28, 2023**. This revision extends the original deadline of Order #2 to accommodate your concerns regarding work on your water system during winter weather, as requested by your plumber. Please note that the enclosed revised resolution extends the penalty payment in the amount of **\$500 to April 15, 2023**. This penalty will be waived if Order #2 is completed **by March 31, 2023**.

If you have any questions, please contact Adriel Shea or me at the Environmental Health Division at (607) 274-6688.

Thank you for your cooperation in this matter.

Sincerely,



C. Elizabeth Cameron, P.E.  
Director of Environmental Health

Enclosure – Revised Final Resolution, Final Resolution, Correspondence from plumber

pc: F:\EH\MOBILE HOME PARKS (MHP)\Facilities (MHP-4)\Benjamin Hill Hts\Enforcement\2022\Revised Resolution 22-0038.docx  
ec: CEO T-Newfield; Supervisor T-Newfield; Randy B. Brown, TC Legislature; Garrett Cappon, P.E., NYSDOH; TCHD: Elizabeth Cameron, P.E., Director of Environmental Health; Frank Kruppa, Public Health Director; Scott Freyburger, Public Health Engineer; Thomas Palmer; Skip Parr; Adriel Shea; Brenda Coyle  
scan: Signed copy to Accela

ENVIRONMENTAL HEALTH DIVISION  
tompkinscountyny.gov/health/eh

Phone: (607) 274-6688  
Fax: (607) 274-6695

**DRAFT REVISED RESOLUTION # EH-ENF-22-0038 FOR**

**Benjamin Hill Heights MHP  
MJD Good Neighbors, LLC/Manny Dong, Owner/Operator  
35 Benjamin Hill Rd, T-Newfield**

**Whereas**, the owner/operator of a Mobile Home Park must comply with the regulations established under Part 17 of the New York State Sanitary Code (NYSSC); **and**

**Whereas**, it is a violation of Part 17 of the NYSSC to fail to maintain a minimum water pressure of 20 pounds per square inch at the riser pipe of each site at all times; **and**

**Whereas**, on August 29, 2022, the Tompkins County Health Department (TCHD) observed pressure readings of 16-17 pounds per square inch at Lot 19; **and**

**Whereas**, Manny Dong, Operator, signed a Stipulation Agreement with Public Health Director's Orders on November 1, 2022, agreeing that Benjamin Hill Heights violated this provision of the New York State Sanitary Code; **now therefore be it**

**Resolved, on recommendation of the Tompkins County Board of Health,  
That MJD Good Neighbors, LLC, Owner, is ordered to:**

1. Pay a penalty not to exceed \$500 for this violation following adoption of a resolution by the Board of Health, **due by April 15, 2023. (Do Not** submit penalty payment until notified by the Tompkins County Health Department). This penalty will be waived upon receipt of timely submission of documents as required in Order #2; **and;**
2. Complete modifications to the distribution system as per approved engineering plans and submit completed works certified by a NYS licensed design professional **by March 31, 2022.**





Your Partner for a Healthy Community

Frank Kruppa  
Public Health Director  
55 Brown Road  
Ithaca, NY 14850-1247

ENVIRONMENTAL HEALTH DIVISION  
www.tompkinscountyny.gov/health/eh

Ph: (607) 274-6688  
Fx: (607) 274-6695

**CERTIFIED, REGULAR, & ELECTRONIC MAIL**

December 12, 2022

Manny Dong  
MJD Good Neighbors, LLC  
102 Pinewood Place  
Ithaca, NY 14850

**Re: Tompkins County Board of Health Resolution # EH-ENF-22-0038  
Benjamin Hill Heights Mobile Home Park, T-Newfield**

Dear Manny Dong:

The Tompkins County Board of Health adopted the enclosed resolution at its regular meeting on December 6, 2022. Please note that the enclosed resolution requires a penalty payment in the amount of **\$500 due by February 15, 2023**. This penalty will be waived if Order #2 is completed **by January 30, 2023**.

If you have any questions, please contact Skip Parr or me at the Environmental Health Division at (607) 274-6688.

Thank you for your cooperation in this matter.

Sincerely,

C. Elizabeth Cameron, P.E.  
Director of Environmental Health

Enclosure – Final Resolution

pc: F:\EH\MOBILE HOME PARKS (MHP)\Facilities (MHP-4)\Benjamin Hill Hts\Enforcement\2022\Resolution 22-0038.docx  
ec: CEO T-Newfield; Supervisor T-Newfield; Randy B. Brown, TC Legislature; Garrett Cappon, P.E., NYSDOH; TCHD: Elizabeth Cameron, P.E., Director of Environmental Health; Frank Kruppa, Public Health Director; Scott Freyburger, Public Health Engineer; Thomas Palmer; Skip Parr; Adriel Shea; Brenda Coyle  
scan: Signed copy to Accela



Frank Kruppa  
Public Health Director  
55 Brown Road  
Ithaca, NY 14850-1247

ENVIRONMENTAL HEALTH DIVISION  
www.tompkinscountyny.gov/health/eh

Ph: (607) 274-6688  
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**RESOLUTION # EH-ENF-22-0038 FOR**

**Benjamin Hill Heights MHP  
MJD Good Neighbors, LLC/Manny Dong, Owner/Operator  
35 Benjamin Hill Rd, T-Newfield**

**Whereas**, the owner/operator of a Mobile Home Park must comply with the regulations established under Part 17 of the New York State Sanitary Code (NYSSC); **and**

**Whereas**, it is a violation of Part 17 of the NYSSC to fail to maintain a minimum water pressure of 20 pounds per square inch at the riser pipe of each site at all times; **and**

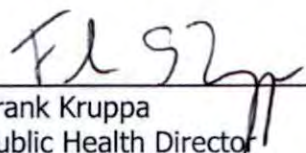
**Whereas**, on August 29, 2022, the Tompkins County Health Department (TCHD) observed pressure readings of 16-17 pounds per square inch at Lot 19; **and**

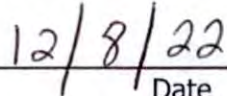
**Whereas**, Manny Dong, Operator, signed a Stipulation Agreement with Public Health Director's Orders on November 1, 2022, agreeing that Benjamin Hill Heights violated this provision of the New York State Sanitary Code; **now therefore be it**

**Resolved, on recommendation of the Tompkins County Board of Health,  
That MJD Good Neighbors, LLC, Owner, is ordered to:**

1. Pay a penalty not to exceed \$500 for this violation following adoption of a resolution by the Board of Health, **due by February 15, 2023**. This penalty will be waived upon receipt of timely submission of documents as required in Order #2; **and**;
2. Complete modifications to the distribution system as per approved engineering plans and submit completed works certified by a NYS licensed design professional **by January 30, 2022**.

**This action was adopted by the Tompkins County Board of Health at its regular meeting on December 6, 2022.**

  
\_\_\_\_\_  
Frank Kruppa  
Public Health Director

  
\_\_\_\_\_  
Date

**From:** [Jingzhen Guo](#)  
**To:** [Manny Dong](#)  
**Subject:** Re: Pump installation Benjamin Hill Heights  
**Date:** Sunday, January 22, 2023 8:50:13 PM

---

On Jan 22, 2023, at 12:30 PM, Tim Lanigan <[lanigantim@gmail.com](mailto:lanigantim@gmail.com)> wrote:

Dear Tompkins County Health Department,

Manny Dong expressed his concern on the frozen pipes that might be caused by shutting off the main water line while installing the pressure pump at Benjamin Hill Heights. I didn't take into consideration that shutting off the water while the temperature is below freezing raises the risk of pipes freezing due to no water flow. It didn't dawn on me until after I wrote my last email. After his explanation I agree with him that it's better to avoid the risk of freezing pipes and recommend not starting until the end of March when the weather is above freezing.

Thank you for your consideration.

Tim Lanigan  
Lanigan's Plumbing, Heating & Electrical  
607-227-9094  
[lanigantim@gmail.com](mailto:lanigantim@gmail.com)  
[lanigans.plumbing.heating@gmail.com](mailto:lanigans.plumbing.heating@gmail.com)

ENVIRONMENTAL HEALTH DIVISION  
tompkinscountyny.gov/health/eh

Phone: (607) 274-6688  
Fax: (607) 274-6695

**CERTIFIED, REGULAR, & ELECTRONIC MAIL**

February 15, 2023

ZaZa Exotics  
101 East State Street  
Ithaca, NY 14850

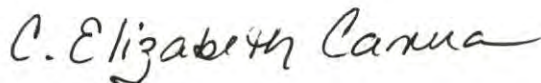
**Re: Tompkins County Board of Health Draft Resolution # EH-ENF-22-0051  
Violation of Adolescent Tobacco Use Prevention Act (ATUPA)  
ZaZa Exotics, C-Ithaca**

Dear Zaza Exotics Inc.:

Enclosed is the Hearing Officer's Findings of Fact and Recommendations from the January 9, 2023, hearing, and a copy of the Draft Resolution that the Tompkins County Board of Health will consider at its meeting on **Tuesday, February 28, 2023**.

You or a representative has the right to speak to the Board for a few minutes prior to them taking action. If you wish to speak to the Board, please contact Skip Parr or me at (607) 274-6688 at least one day before the meeting. If you plan to attend, please arrive by 12:00 p.m. (noon).

Sincerely,



C. Elizabeth Cameron, P.E.  
Director of Environmental Health

Enclosures: Draft Resolution Hearing Officer's Findings of Fact, and Inspection Report

pc: F:\EH\TOBACCO\ATUPA\Facilities\Zazas Exotics\Enforcement\22-0051 Underage Sale\Zazas DraftRs#22-0051.docx  
ec: Thiyazan Alsaayadi, ZaZa Accountant; Holly Mosher; Deputy County Attorney; Ithaca Building Department; Mayor Laura Lewis; Travis Brooks, TC Legislature; Shawna Black, TC Legislature; TCHD: Elizabeth Cameron, P.E., Director of Environmental Health; Frank Kruppa, Whole Health Commissioner; Skip Parr; Brenda Coyle  
scan: Signed copy to Accela

**DRAFT RESOLUTION # EH-ENF-22-0051 FOR**

**Zaza Exotics  
ZaZa Exotics Inc., Owner/Operator  
101 East State Street  
Ithaca, NY 14850**

**Whereas**, businesses that hold a Certificate of Registration from New York State Department of Taxation and Finance (NYSDTF) for tobacco and/or vapor retail sales must comply with the regulations of Article 13-F of New York State Public Health Law (NYSPHL); **and**

**Whereas**, Article 13-F, Section 1399-MM-1 of NYSPHL prohibits the offer for sale and sale of flavored vapor products, other than tobacco flavored vapor products, that contain nicotine; **and**

**Whereas**, Article 13-F, Section 1399-cc of NYSPHL and Tompkins County Local Law No. b of 2019 prohibits the sale of tobacco or vapor products to individuals under 21 years of age; **and**

**Whereas**, on July 26, 2022, the Tompkins County Board of Health Resolution EH-ENF-22-0010 ordered Zaza Exotics Inc., to prohibit the sale or other provision of flavored vapor products containing nicotine, with the exception of tobacco flavor, to anyone; **and**

**Whereas**, on October 18, 2022, the Environmental Health Division observed the sale of a peach flavored vapor tobacco product containing nicotine to an individual under the age of 21 years old at Zaza Exotics; **and**

**Whereas**, Article 13-F, Section 1399-ee of NYSPHL requires that the sale of a vapor product to an individual under 21 results in the assignment of two points to the NYSDTF registration to sell tobacco and/or vapor products, unless it is demonstrated that at the time of the sale the seller possessed a valid certificate from a State tobacco sales training program, in which case one point will be assigned; **and**

**Whereas**, Zaza Exotics has been cited for a total of three violations in the past 12 months, and will be assigned two points for this violation of the ATUPA law because it was not demonstrated that the seller possessed a certificate from a state certified tobacco sales training program at the time of the sale; **and**

**Whereas**, the Environmental Health Division will conduct at least three inspections with an underage individual each year for the next three years at Zaza Exotics and, if Zaza Exotics is assigned a total of three or more points due to future sales to a person under the age of 21 years or, if four or more violations are cited in a three year period, its registration to sell tobacco and, if a lottery agent, its lottery license will be suspended and/or revoked for one year; **and**

**Whereas**, based upon review of the Findings of Fact and Recommendations of the hearing held on January 9, 2023, presented to the Environmental Health Division by the Hearing Officer, the Board of Health finds that ZaZa Exotics is in violation of Article 13-F, Sections 1399-cc and 1399-MM-1 of the New York State Public Health Law (NYSPL), and Tompkins County Board of Health Resolution #EH-ENF-22-0010; **now therefore be it**

**Resolved, on recommendation of the Tompkins County Board of Health,  
That ZaZa Exotics Inc., Owner, is ordered to:**

1. Pay the outstanding penalty of \$600 required by Resolution EH-ENF-22-0010 **by March 15, 2023**. Failure to make the penalty payment will result to a referral to the County Attorney for collections; **and**
2. Pay a penalty of \$1,750 (includes \$250 surcharge) for the sale of vapor product to a person under the age of 21, **by April 14, 2023 (Do Not** submit penalty payment until notified by the Environmental Health Division.); **and**
3. Pay a penalty of \$1,850 (includes \$250 surcharge) for selling prohibited product containing nicotine, **by April 14, 2023 (Do Not** submit penalty payment until notified by the Environmental Health Division.); **and**
4. Prohibit the sale of tobacco products to people under the age of 21; **and**
5. Prohibit the sale or other provision of flavored vapor products containing nicotine, with the exception of tobacco flavor, to anyone; **and**
6. Comply with all the requirements of New York State Public Health Law, Article 13F.

January 11, 2023

Matter of ZaZa Exotics Inc.

## Recommendation

### BACKGROUND

ZaZa Exotics Inc. (respondent) is a vender of vapor products in Ithaca, New York. Tompkins County Whole Health (the Tompkins County Health Department) alleges that on October 18, 2022 respondent violated:

- A) New York State Public Health Law, Article 13-F Section 1399-cc by selling a flavored vapor product to a person under 21years of age; and
- B) New York State Public Health Law, Article 13F, Section 1399-mm-1 by offering for sale and selling a flavored vapor product with nicotine; and
- C) a July 26, 2022 order of the Tompkins County Board of Health, which prohibited respondent from “the sale or other provision of flavored vapor products containing nicotine, with the exception of tobacco flavor”.

### RELEVANT LAWS

Relevant sections of laws (with the penalty provisions underlined> read as follows:

#### *SELLING TO PERSONS UNDER 21 YEARS OF AGE*

##### *§ 1399-cc*

*2. Any person operating a place of business wherein tobacco products, herbal cigarettes, liquid nicotine, shisha or electronic cigarettes, are sold or offered for sale is prohibited from selling such products, herbal cigarettes, liquid nicotine, shisha, electronic cigarettes or smoking paraphernalia to individuals under twenty-one years of age...*

The penalties for a violation of this law are set forth in Section 1399-ee of the Public Health Law. That Section reads in relevant part as follows:

*2. If the enforcement officer determines after a hearing that a violation of this article has occurred, he or she shall impose a civil penalty of a minimum of three hundred dollars, but not to exceed one thousand five hundred dollars for a first violation...*

*§ 1399-mm-1. Sale of flavored products prohibited. 1. For the purposes of this section "flavored" shall mean any vapor product intended or reasonably expected to be used with or for the consumption of nicotine, with a distinguishable taste or aroma, other than the taste or aroma of tobacco, imparted either prior to or during consumption of such product or a component part thereof, including but not limited to tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, mint, wintergreen, menthol, herb or spice...*

*2. No vapor products dealer, or any agent or employee of a vapor products dealer, shall sell or offer for sale at retail in the state any flavored vapor product intended or reasonably expected to be used with or for the consumption of nicotine.*

*3. Any vapor products dealer, or any agent or employee of a vapor products dealer, who violates the provisions of this section shall be subject to a civil penalty of not more than one hundred dollars for each individual package of flavored vapor product intended or reasonably expected to be used with or for the consumption of nicotine sold or offered for sale...*

Section 1399-ee establishes a surcharge for violations of the law.

*3 (f) Surcharge. A two hundred fifty dollar surcharge to be assessed for every - violation will be made available to enforcement officers and shall be used solely for compliance checks to be conducted to determine compliance with this section*

Sections 1399-aa and 1399-t of the Public Health Law establishes that the Tompkins County Board of Health is the enforcement officer for violations of these laws within Tompkins County.



Penalties for violations of Board of Health Orders are included in the following penalty provision of New York State Public Health Law.

#### *SECTION 12*

#### *Violations of health laws or regulations; penalties and injunctions*

*§ 12. Violations of health laws or regulations; penalties and injunctions. 1. (a) Except as provided in paragraphs (b) and (c) of this subdivision, any person who violates, disobeys or disregards any term or provision of this chapter or of any lawful notice, order or regulation pursuant thereto for which a civil penalty is not otherwise expressly prescribed by law, shall be liable to the people of the state for a civil penalty of not to exceed two thousand dollars for every such violation.*

#### THE HEARING

A hearing was scheduled for January 9, 2023. Respondent was notified of the hearing and provided a proposed stipulation agreement by certified mail return receipt requested. The return receipt was signed and returned to the Health Department. The respondent was also notified by email and regular mail. No one from the respondent appeared at the hearing.

The hearing went forward in the absence of the respondent. At the hearing Deputy County Attorney Holly Mosher represented the Health Department. Two members of the Health Department staff, Skip Parr and Becky Sims appeared at the hearing and gave sworn testimony on behalf of the Health Department.

As hearing officer, I am responsible for conducting the hearing and making a recommendation to the Tompkins County Board of Health. As a result of the testimony and evidence presented at the hearing, I make the following findings of facts, conclusions of law and recommendations to the Tompkins County Board of Health:

## FACTS:

On October 18, 2022 Environmental Health Specialists Becky Sims and a person under the age of twenty-one (the “youth”) entered the respondent’s facility. The youth approached the counter and asked to purchase a Hyde flavored vapor product. She was shown a variety of flavored products on a tablet. She chose a peach flavored product. The person working at the counter went behind a wall and returned with the chosen product. The youth purchased the flavored vapor product for \$20 cash. At no time did the clerk ask for identification. Thereafter, Ms. Sims informed the clerk that he made an illegal sale to an underage person.

This was not the first violation by the respondent. On July 26, 2022 the Board of Health adopted a resolution finding that the respondent sold a flavored vapor product to a member of the Health Department staff and also had more than 425 individual flavored vapor products available for sale. The Board ordered the respondent to pay a fine of \$600 and to prohibit “the sale or other provision of flavored vapor products containing nicotine, with the exception of tobacco flavor”. The respondent has not paid the fine nor has it refrained from the sale of flavored vapor products.

## CONCLUSION OF LAW

The respondent violated New York State Public Health Law, Article 13-F Section 1399-cc by selling a flavored vapor product to a person under 21years of age. The respondent also violated New York State Public Health Law, Article 13F, Section 1399-mm-1 by offering for sale and selling a flavored vapor product with nicotine. Furthermore, the respondent violated a July 26, 2022 order of the Tompkins County Board of Health, which prohibited respondent from “the sale or other provision of flavored vaper products containing nicotine, with the exception of tobacco flavor”.

## RECOMMENDATION:

As hearing officer, I recommend that the Board of Health accept the Department's recommendation of a \$1750 fine (\$1500.00 as a penalty and \$250.00 as a surcharge) for the sale to an underage person, a \$350 fine for the sale of a flavored nicotine product (\$100.00 for the sale and a \$250.00 surcharge) and a penalty of \$1,500 for the violation of the July 26, 2002 order of the Tompkins County Board of Health.

Jonathan Wood  
Hearing Officer

## Retail Tobacco and Vapor Product Inspection Summary Report

Operation: ZAZA EXOTIC MARKET, INC. (ID: 1079132 )  
Facility Name: ZAZA EXOTIC MARKET, INC.  
Facility Code: ATUPA  
Facility Address: 101 East State Street, Ithaca, NY 14850  
Facility Type: Retail Electronic Cigarette Store

### To the Attention of:

ZAZA EXOTIC MARKET, INC.  
101 E State Street  
Ithaca, NY 14850

### Underage Compliance Check - Purchase Attempt

Date: October 18, 2022 05:58 PM  
Inspector: Rebecca Sims (rsims@tom-pkins-co.org)  
Person in Charge of Establishment: Adam Abdelah

### Registration Information

Products available for sale: Tobacco and Vapor Products

<b>Tobacco Products</b>	Was DTF Certificate of Registration Information Verified for Tobacco Products? Registered ID Type: Certificate of Registration Certificate Displayed? Certificate Displayed ID Number: 87-3747757 Year of Registration Expiration: 2022
<b>Vapor Products</b>	Was DTF Certificate of Registration Information Verified for Vapor Products? Registered ID Type: Certificate of Registration Certificate Displayed? Certificate Displayed ID Number: 87-3747757 Year of Registration Expiration: 2022

### Sales Compliance

Was tobacco or vapor products, electronic or herbal cigarettes or other restricted product purchased? Yes  
Lottery Agent? No  
Bidis/Gutka offered for sale? Not Verified (Not evaluated)  
Location/Access of tobacco and vapor products, electronic or herbal cigarettes, and shisha acceptable? Yes  
Type of product for which purchase was attempted: Other: Hyde flavored vape  
Out of package sale and minimum package size requirements met? Not Verified (Not evaluated)

## Underaged Sales Compliance

Gender of person attempting purchase: Female

Date of Birth of person attempting purchase: December 12, 2001

Did sales person ask for identification from minor? No

Was age asked? No

Sale details:

Brand Name: Hyde

Receipt? No

Cost: \$20.00

Held for evidence? Yes

*I entered the premises with no proof of age, tobacco or vapor products, herbal cigarettes or other restricted products in my possession. The money I carried was provided by the Department and used to purchase the product as described herein. I returned \$0.00 and all evidence to the Department after leaving the premises.*

MP

Initials or Code of Underage Inspector: MP

## Description of Person Who Sold the Product

Name (Last, First): Albadeh, Adam

Gender: Male

Race: Asian

Age: Age: 21 - 35 Yrs.

Height: 5'6" - 6'0"

Build: Slim Build

Hair Color: black

Hair Length: medium

## Signs and Posting

Is sign displayed prohibiting the sale of tobacco and other restricted products to persons less than 21 years-of-age? No


When bidis or gutka are sold in a tobacco business, is the required sign displayed? Not Verified (Not evaluated)

## Additional Information Collected During Inspection

**Comments:** Underage inspector requested a flavored Hyde vape from cashier. The cashier provided a tablet with flavor choices and directed the underage inspector to choose a flavor. Peach flavor was selected by the underage inspector and a Hyde Peachy vape containing 5% nicotine was sold for \$20 without request for identification or date of birth. The cashier provided the following contact information for the store owner: Abdoasalam Alharbi, 347-207-1582, auburnexpress104@gmail.com Enforcement to follow.



Inspector: Rebecca Sims (rsims@tompkins-co.org)

Photo	Caption
	<p data-bbox="857 449 1256 480">Hyde peach flavored nicotine vape</p>

ENVIRONMENTAL HEALTH DIVISION  
[tomkinscountyny.gov/health/eh](http://tomkinscountyny.gov/health/eh)

Phone: (607) 274-6688  
Fax: (607) 274-6695

**CERTIFIED, REGULAR, & ELECTRONIC MAIL**

January 27, 2023

Breiny Galitzky  
Storage Sense  
12 Jeffery Place  
Monsey, NY 10952

**Re: Tompkins County Board of Health Draft Resolution # EH-ENF-22-0053  
Bailey Park mobile home park, Town of Danby**

Dear Breiny Galitzky:

Thank you for signing the Stipulation Agreement on January 12, 2023, for Bailey Park. Enclosed is a copy of the Draft Resolution that the Tompkins County Board of Health will consider at its meeting on **Tuesday, February 28, 2023**.

You or a representative has the right to speak to the Board for a few minutes prior to them taking action. If you wish to speak to the Board, please contact Adriel Shea or me at (607) 274-6688 at least one day before the meeting. If you plan to attend, please arrive by 12:00 p.m. (noon).

Sincerely,



C. Elizabeth Cameron, P.E.  
Director of Environmental Health

Enclosures – Draft Resolution & Stipulation Agreement and Orders

pc: F:\EH\MOBILE HOME PARKS (MHP)\Facilities (MHP-4)\Bailey Park\Enforcement\2022 - operating w-o a permit\Draft Resolution Bailey Park-0053.docx  
ec: Tompkins County Board of Health (via; Karan Palazzo, TCHD)  
CEO T-Danby; Supervisor T-Danby; Daniel Klein, TC Legislature; TCHD: Elizabeth Cameron, P.E., Director of Environmental Health; Frank Kruppa, Public Health Director; Thomas Palmer; Skip Parr; Brenda Coyle  
scan: Signed copy to Accela

**DRAFT RESOLUTION # EH-ENF-22-0053**

**Bailey Park  
1395 Danby, LLC/Breiny Galitzky, Owner/Operator  
1395 Danby Road, Town of Danby  
Ithaca, NY 14850**

**Whereas**, the owner/operator of a Mobile Home Park must comply with the regulations established under Part 17 of the New York State Sanitary Code (NYSSC); **and**

**Whereas**, it is a violation of Part 17 of the NYSSC to operate a mobile home park without a permit to do so from the permit-issuing official; **and**

**Whereas**, the operators of Bailey Park did not submit a renewal application with the requisite certifications for Worker's Compensation and Disability Benefits prior to the expiration of the previous permit on October 31, 2022; **and**

**Whereas**, on November 4, 2022, a temporary permit to operate Bailey Park from November 1, 2022 through November 30, 2022 was issued to provide the operator additional time to submit the certifications; **and**

**Whereas**, having not received the necessary certifications before the expiration of the temporary permit, on December 15, 2022, a Stipulation Agreement with Public Health Director's Orders was issued; **and**

**Whereas**, having not received all outstanding documentation or a signed Stipulation Agreement, a notice of hearing was issued to the operator on January 6, 2023; **and**

**Whereas**, on January 12, 2023, Bailey Park's owner submitted all necessary documentation and a signed Stipulation Agreement with Public Health Director's Orders, agreeing that the mobile home park violated this provision of the New York State Sanitary Code; **and**

**Whereas**, Bailey Park operated a mobile home park without a permit issued by Tompkins County Whole Health from December 1, 2022 through January 12, 2023; **now therefore be it**

**Resolved, on recommendation of the Tompkins County Board of Health,  
That Breiny Galitzky, Owner, is ordered to:**

1. Pay a penalty of \$500 for these violations, due by **April 15, 2023**. (**Do Not** submit penalty payment until notified by Tompkins County Whole Health); **and**
2. Submit the required forms showing proof of worker's compensation and disability **by December 22, 2022 (completed)**; **and**
3. Submit a complete renewal application to obtain a Permit to Operate a Mobile Home Park at least 30 days before expiration of the existing permit during each year of operation.





Frank Kruppa  
Public Health Director  
55 Brown Road  
Ithaca, NY 14850-1247

ENVIRONMENTAL HEALTH DIVISION  
www.tompkinscountyny.gov/health/eh

Ph: (607) 274-6688  
Fx: (607) 274-6695

December 15, 2022

Robert Smith  
1395 Danby LLC  
3501 Concord Rd, Suite 350  
York, PA 17402

**Re: Stipulation Agreement and Orders # EH-ENF-22-0053  
Bailey Park, Town of Danby**

Dear Mr. Smith:

On November 1, 2022, the Tompkins County Health Department issued a temporary permit to operate a Mobile Home Park valid through November 30, 2022, allowing you additional time to submit the required Worker's Compensation and Disability Benefits certifications for your facility. This office has not yet received this documentation and therefore is unable to issue you a permit extension. Part 17.4 of the New York State Sanitary Code states that no person shall operate any mobile home park without a permit to do so from the permit-issuing official. Bailey Park has been operating without a permit since December 1, 2022.

We have scheduled an office conference for **December 22, 2022, at 9:30 a.m.**, in the Environmental Health offices at 55 Brown Road, Ithaca, NY, during which we will discuss the enclosed Stipulation Agreement and Orders. This agreement is offered as an alternative to a formal administrative hearing.

If you choose to sign the agreement without discussion at the office conference, you may do so. The signed Stipulation Agreement must be received by this office prior to the date scheduled for the office conference.

Should you or a designated representative be unable to attend the office conference on the date indicated, please contact Adriel Shea at (607) 274-6688 as soon as possible to arrange a mutually agreeable earlier conference date.

Sincerely,

C. Elizabeth Cameron, P.E.  
Director of Environmental Health

Enclosure- Stipulation Agreement and Orders, and NYS WC/DB Requirements handout

pc: F:\EH\MOBILE HOME PARKS (MHP)\Facilities (MHP-4)\Bailey Park\Enforcement\Bailey Stip-ENF-0053.docx  
ec: CEO-Town of Danby; TCHD: Adriel Shea, Thomas Palmer, Skip Parr, Brenda Coyle; NYSDOH: Tim Wiant  
scan: Signed copy to Accela

ENVIRONMENTAL HEALTH DIVISION  
www.tompkinscountyny.gov/health/eh

Ph: (607) 274-6688  
Fx: (607) 274-6695

**STIPULATION AGREEMENT AND ORDERS # EH-ENF-22-0053**

**Bailey Park**  
**1395 Danby, LLC/Robert Smith, Owner/Operator**  
**1395 Danby Road, Town of Danby**  
**Ithaca, NY 14850**

I, Robert Smith, as a representative for Bailey Park, agree that since December 1, 2022, Bailey Park has been operating a mobile home park without a valid permit.

I agree to pay a penalty not to exceed \$500 for this violation following adoption of a resolution by the Board of Health. (**Do not submit penalty payment until notified by the Tompkins County Health Department.**)

I also agree to comply with the following Orders when signed by the Tompkins County Public Health Director:

1. Submit the required forms showing proof of worker's compensation and disability **by December 22, 2022.**
2. Submit a complete renewal application to obtain a Permit to Operate a Mobile Home Park at least 30 days before expiration of the existing permit during each year of operation.

I understand this agreement is offered as an alternative to a formal administrative hearing and that I am subject to further action if I fail to comply with the orders.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

1/12/2023

Robert Smith is hereby ordered to comply with these Orders of the Public Health Director.

Signed: \_\_\_\_\_

  
for Frank Kruppa  
Public Health Director

Date: \_\_\_\_\_

1/13/2023

Environmental Health Division  
Renewal Application for a Permit to Operate  
NYS WC/DB Requirements  
REFERENCE: Worker's Compensation Law, Sections 57 & 220

Submit copies of the following documentation with the application to document compliance with the New York State Workers' Compensation Law.

**1) When WC/DB coverage IS required:**

Workers' Compensation (one of the follow forms is required):

- Form C-105.2 – Certificate of Workers' Compensation Insurance
- Form U-26.3 – Certificate of Workers' Compensation Insurance
- Form SI-12 – Certificate of Workers' Compensation Self-Insurance
- GSI – 105.2 – Certificate of Participation in Workers' Compensation Group Self-Insurance

**AND**

Disability Benefits (one of the following forms is required):

- DB-120.1 – Certificate of Disability Benefits
- Form DB-155 – Certificate of Disability Benefits Self-Insurance

**OR**

**2) When WC and/or DB coverage IS NOT required:**

- Form CE-200 – Certificate of Exemption from NYS WC/DB Benefits Coverage (valid for one year from date issued). This form must be signed & dated.

If you have no employees you are required to have a Certificate of Exemption (Form CE-200), you may access the online application on the Workers' Compensation Board website at

<https://www.businessexpress.ny.gov>

Contact the Workers' Compensation Board Customer Service at (877) 632-4996, or your insurance company, with questions.

**Your permit to operate will not be issued unless all required forms are submitted with your application.**

ENVIRONMENTAL HEALTH DIVISION  
tompkinscountyny.gov/health/eh

Phone: (607) 274-6688  
Fax: (607) 274-6695

**CERTIFIED, REGULAR, & ELECTRONIC MAIL**

February 15, 2023

Gary Fischer  
5129 Birchleaf Drive  
Raleigh, NC 27606

**Re: Tompkins County Board of Health Draft Resolution # EH-ENF-22-0054  
North Applegate Apartments, T-Enfield**

Dear Gary Fisher:

Thank you for signing the Stipulation Agreement on January 26, 2023, for the North Applegate Apartments.

Enclosed is a copy of the Draft Resolution that the Tompkins County Board of Health will consider at its meeting on **Tuesday, February 28, 2023**. You or a representative has the right to speak to the Board for a few minutes prior to them taking action. If you wish to speak to the Board, please contact Adriel Shea or me at (607) 274-6688 at least one day before the meeting. If you plan to attend, please arrive by 12:00 p.m. (noon).

Sincerely,



C. Elizabeth Cameron, P.E.  
Director of Environmental Health

Enclosures: Draft Resolution and Stipulation Agreement and Orders,

pc: F:\EH\WATER (SW)\Public Water (SW)\Facilities (SW-4)\Apartments (SC-9)\North Applegate Apts\Enforcement\North Applegate DraftRs#22-0054.docx  
ec: CEO T-Enfield; Supervisor T-Enfield; Anne Koreman, TC Legislature; Garrett Cappon, P.E., NYSDOH; TCWH: Elizabeth Cameron, P.E., Director of Environmental Health; Frank Kruppa, Whole Health Commissioner; Scott Freyburger, Public Health Engineer; Chris Laverack; Dillon Shults, Adriel Shea; Skip Parr; Brenda Coyle  
scan: Signed copy to Accela

**DRAFT RESOLUTION # EH-ENF-22-0054 FOR**

**North Applegate Apartments  
Gary Fischer, Owner  
371 North Applegate Rd, Town of Enfield  
Ithaca, NY 14850**

**Whereas**, operators of public water systems are required to comply with Subpart 5-1 of the New York State Sanitary Code (NYSSC); **and**

**Whereas**, North Applegate Apartments is a public water system with five service connections; **and**

**Whereas**, Subpart 5-1.22 of the New York State Sanitary Code (NYSSC) requires submission and approval of plans by the health department prior to the modification of an existing public water system; **and**

**Whereas**, On December 5, 2022, the Environmental Health Division was notified that the water treatment system at North Applegate Apartments had been converted from chlorine to ultraviolet (UV) disinfection without the submission and approval of plans for a UV disinfection system; **and**

**Whereas**, Subpart 5-1.51(b) of the NYSSC requires total coliform sampling be performed at a frequency determined by state discretion and the results submitted to the health department; **and**

**Whereas**, North Applegate Apartments only submitted total coliform sampling results for the fourth quarter of 2022; **and**

**Whereas**, Subpart 5-1.72(c)1 of the NYSSC requires monthly reports of daily chlorine residual readings be submitted to the health department by the 10<sup>th</sup> day of the following month; **and**

**Whereas**, North Applegate Apartments only submitted monthly reports of daily chlorine residual readings for the months of November and December 2022; **and**

**Whereas**, Gary Fischer, Owner, signed a Stipulation Agreement with Public Health Director's Orders on January 26, 2023, agreeing that North Applegate Apartments violated these provisions of the New York State Sanitary Code and; **now therefore be it**

**Resolved, on recommendation of the Tompkins County Board of Health,  
That Gary Fischer, Owner, is ordered to:**

1. Pay a penalty of \$1,600 for these violations, due by April 14, 2023 (**Do Not** submit penalty payment until notified by the Environmental Health Division.); **and**
2. **By January 13, 2023**, provide the results to this office that were performed by an ELAP certified laboratory, of the water quality parameters that are located on page 3 of PWS-186 that was previously provided (completed 1/26/2023); **and**
3. **By January 30, 2023**, complete modifications to the unapproved UV treatment system as required by the Environmental Health Division (completed 1/24/2023); **and**

4. Comply with all the requirements of Subpart 5-1 of the NYSSC, including the following:
  - a. Maintain a minimum ultraviolet light (UV) disinfection intensity of 70%,
  - b. Submit to the Environmental Health Division a copy of the Water System Operation Report no later than 10 days after the end of every month (this report is used to record daily readings of UV intensity – form enclosed),
  - c. Submit to the Environmental Health Division copies of the laboratory results for required water samples no later than 10 days after the end of the monitoring period for which they were taken (2022 water sample schedule enclosed).
5. Submit a nitrate sample report **by March 31, 2023**, and submit a nitrate test result annually for the North Applegate Apartment Water Treatment System **by the 10<sup>th</sup> day of the following month; and**
6. Comply with all the requirements of Subpart 5-1 of the New York State Code.
7. a. Comply with Orders #1 through #5

**-OR-**

- b. Permanently restrict the number of units available for occupancy to four or less.



Your Partner for a Healthy Community

Frank Kruppa  
Public Health Director  
55 Brown Road  
Ithaca, NY 14850-1247

ENVIRONMENTAL HEALTH DIVISION  
www.tompkinscountyny.gov/health/eh

Ph: (607) 274-6688  
Fx: (607) 274-6695

**STIPULATION AGREEMENT AND ORDERS # EH-ENF-22-0054**

**North Applegate Apartments  
Gary Fischer, Owner/Operator  
371 N. Applegate Road, T-Enfield  
Ithaca, NY 14850**

I, Gary Fischer, as a representative for North Applegate Apartments, agree that North Applegate Apartments is in violation of:

Subpart 5-1.22 & 1.31 of the New York State Sanitary Code for constructing, operating, and modifying a public water system without approval from the Tompkins County Health Department in 2022; and

Subpart 5-1.51(b) of the New York State Sanitary Code (NYSSC) for not submitting required total coliform sampling results for the first, second, and third quarters of 2022; **and**

Subpart 5-1.72(c)1 of the NYSSC for not submitting required monthly operation reports of daily chlorine readings January 2022 through October 2022.

I agree to pay a penalty not to exceed \$1,600 for these violations following adoption of a resolution by the Board of Health. (***Do not*** submit penalty payment until notified by the Tompkins County Health Department.)

I also agree to comply with the following Orders when signed by the Tompkins County Public Health Director:


1. **By January 13, 2023**, provide the results to this office that were performed by an ELAP certified laboratory, of the water quality parameters that are located on page 3 of PWS-186 that was previously provided; **and**
2. **By January 30, 2023**, complete modifications to the unapproved UV treatment system as required by the Tompkins County Health Department; **and**
3. Comply with all the requirements of Subpart 5-1 of the NYSSC, including the following:
  - a. Maintain a minimum ultraviolet light (UV) disinfection intensity of 70%,
  - b. Submit to the TCHD a copy of the Water System Operation Report no later than 10 days after the end of every month (this report is used to record daily readings of UV intensity – form enclosed),
  - c. Submit to the TCHD copies of the laboratory results for required water samples no later than 10 days after the end of the monitoring period for which they were taken (2022 water sample schedule enclosed).
4. Submit the 2022 nitrate sample report **by January 30, 2023**, and submit a nitrate test result annually for the Applegate Park Water Treatment System **by the 10<sup>th</sup> day of the following month; and**
5. Comply with all the requirements of Subpart 5-1 of the New York State Code.

6. a. Comply with Orders #1 through #5

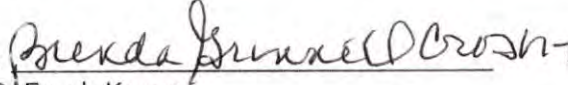

**-OR-**

b. Permanently restrict the number of units available for occupancy to four or less.

I understand this agreement is offered as an alternative to a formal administrative hearing and that I am subject to further action if I fail to comply with the orders.

Signed:  Date: SUBMITTED ON 1/26/2023 AS

Gary Fischer is hereby ordered to comply with these Orders of the Public Health Director.

Signed:  Date: 2/9/2023  
 Frank Kruppá  
Public Health Director