

**AGENDA
Tompkins County Board of Health
Rice Conference Room
Tuesday, January 24, 2023
12:00 Noon
Via Zoom**

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 December 6, 2022 Minutes (2 mins.)
- 12:06 IV.** Financial Summary (9 mins.)
- 12:15 V.** Reports (15 mins.)
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|-------------------------------|----------------------------------|
| 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 (10 mins.)**
1. Discussion of Leadership Positions
- 12:40 Environmental Health (15 mins.)**
Administrative Action:
1. Review of Proposed ATUPA Penalty Policy (10 mins.)
 2. Administrative Changes to BOH Resolutions - December 2022 Memo (5 mins.)
- 12:55 Environmental Health (35 mins.)**
Enforcement Actions:
1. 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) (5 mins.)
 2. Resolution #EH-ENF-22-0039 – Homewood Suites, V-Lansing, Violations of Subpart 7-1 of New York State Sanitary Code (Temporary Residence) (5 mins.)

3. 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 (ATUPA) (5 mins.)
4. 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) (5 mins.)
5. 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) (5 mins.)
6. 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) (5 mins.)
7. 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) (5 mins.)

1:30 Administration (10 mins)

Administrative Action:

1. Review of Narcan Use in Home Visit Settings Policy – DCH (10)

1:40 Adjournment

Tompkins County Board of Health
December 6, 2022
12:00 Noon
Virtual Meeting via Zoom

Present: Christina Moylan, Ph.D., President; Susan Merkel; Shawna Black; Melissa Dhundale, MD; Edward Koppel, MD; David Evelyn, MD; and Samara Touchton

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

Excused: Ravinder Kingra

Guests: Manny Dong, Benjamin Hill Heights Mobile Home Park; and Michele Palmer of Whitham Planning Design Landscape Architecture, representing GrassRoots

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: Mr. Manny Dong, Owner of Benjamin Hill Heights Mobile Home Park was present to address the Board about his violations of failing to maintain minimum water pressure. He understood that he was to install a water pressure booster pump to maintain the required minimum water pressure. He was concerned about the cold January temperatures and the possibility of freezing pipes. and made a request to delay the installation until March 2023. The Board members had no questions.

Approval of the September 27, 2022 Minutes: Ms. Black moved to approve the October 25, 2022 minutes, second by Dr. Dhundale; all were in favor as written with one abstention.

Financial Summary: Ms. Grinnell Crosby referred to the November 2022 report pulled from the County's books included in the packet. This is a partial November report. The County has not posted two payrolls as of 11/28/22. The department is currently filing third quarter claims. The \$1,586,000 target budget of State aid has almost been reached and will likely exceed the State aid revenue projection this year. She had nothing to add to her written report.

Administration Report: Mr. Kruppa shared that the All Staff Meeting is Thursday, December 8th at the Green Street location and will present the new logo to the staff. He will share the new logo with the Board afterwards. The communications plan includes a soft release in December and a full launch of the new logo and name in January 2023 which will introduce all of the services provided to the community.

Health Promotion Program Report: Ms. Hillson updated the Board that TCHD did not receive the Nature Health Equity and Overdose Prevention Mentorship Program, but other opioid prevention initiatives are being implemented. The Community Health Workers are promoting flu vaccines and the new Tompkins County Whole Health branding. TCHD has changed how local COVID-19 data is posted on our website.

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These data are now displayed in a dashboard that's connected directly to NYSDOH and CDC databases. The NYS data updates every few days, the CDC data updates weekly.

Medical Director's Report and Discussion: Dr. Klepack noted the discussion from last month's Board meeting addressing the issues about vaping and the infractions, and the potential connection with the legalization of cannabis. THC legalization and the rollout of retail sales must be taken seriously. He referred to an email regarding packaging, labeling, marketing, advertising, laboratory permitting oversight and testing of adult use cannabis which is progressing into the public comment phase in the Office of Cannabis Management (OCM).

Dr. Klepack said that the Office of Cannabis Management's (OCM) regulations are designed to protect public health and reduce waste. The regulations include requirements for child resistant packaging and labeling the products as containing cannabis with THC, marketing limited to adult only audiences and the rules for establishing testing procedures to ensure that products are safe for consumption. He referred to an article from the New York Times on illegal cannabis operations and impurities in the products they sell. The article reported mislabeling, illegal marketing and impurities in unregulated illegal cannabis operations.

The NY Department of Health stated in its evaluation to legalize cannabis that an unbalanced and unregulated market is a hazard to our young people and communities. He encouraged all to make public comments to the OCM on their proposal regulations during the 45-day comment period that ends on January 23rd. He will forward the link.

Ms. Black asked what actions the Board should take to prohibit the sale of cannabis to kids that might be attracted to the snack like packaging. Mr. Troy, County Attorney stated that without statutory language we are unable to prohibit. Dr. Klepack added that if the OCM becomes aware of this type of marketing at businesses and if warranted, they can issue a cease and desist order that can be followed up by additional actions if needed. He encouraged notifying the OCM of the details of the businesses of concern. Mr. Kruppa welcomed information of businesses of concern to be sent to the TCHD, who will forward the information on to the OCM.

Division for Community Health (DCH) Report: Mr. Kruppa welcomed Rachel Buckwalter as the new Director of Community Health. Ms. Buckwalter had nothing to add to her written report included in the packet.

Children with Special Care Needs Report: Ms. Thomas referred to her report included in the package. The draft resolution regarding children with special health care needs was supported by the legislature and submitted to Albany.

County Attorney's Report: Mr. Troy had nothing to report.

Community Mental Health Services Board (CSB) Report: Ms. Ayers-Friedlander reported that Mr. Kruppa shared the All Staff meeting information for the roll out of the new logo and communication plan. He shared an overview of the information that was shared with the opioid task force which included available resources specific to our county as well as ways to address the opioid problem. The meeting ended with a slate of officers being selected with voting to be held at the January 2023 meeting.

Environmental Health Report: Ms. Cameron referred to an email from Thai Express (resolution #5) and Applegate Park (resolution #7) to be discussed; and acknowledged guest Michelle Palmer from Whitham Planning Design Landscape Architecture, the consultant for GrassRoots (resolution #10). She asked that

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Resolution # 7 be pulled from the agenda for the Board's approval in order for EH to review and revise per the request for a more structured penalty.

Dr. Moylan pulled resolution #7 as requested to revise enforcement actions.

Resolution #EH-ENF-22-0033 Trumansburg Main Street Market, V-Trumansburg, Violation of Subpart 14-1 of New York State Sanitary Code (Food) – Dr. Koppel moved to accept the resolution as written; seconded by Dr. Dhundale.

Ms. Cameron reported that this is a case of not maintaining food at the proper temperatures during hot holding. EH proposes a fine of \$200.

No discussion.

The vote to approve the resolution as written was unanimous.

Resolution #EH-ENF-22-0035 – Casper's Kitchen, V-Groton, Violation of Subpart 14-1 of New York State Sanitary Code (Food) - Dr. Evelyn moved to accept the resolution as written; seconded by Ms. Touchton.

Ms. Cameron reported multiple violations on this case. EH proposes a fine of \$400.

No discussion.

The vote to approve the resolution as written was unanimous.

Resolution #EH-ENF-22-0036 – SPM Empanadas, Throughout Tompkins, Violation of Subpart 14-4 of New York State Sanitary Code (Mobile Food) - Dr. Dhundale moved to accept the resolution as written; seconded by Dr. Koppel.

Ms. Cameron reported that this is a case of not maintaining food at the proper temperatures. EH proposes a fine of \$200.

No discussion.

The vote to approve the resolution as written was unanimous.

Resolution #EH-ENF-22-0041 – Zocalo Mexican Bar & Grill, V-Lansing, Violations of Subpart 14-1, and Violation of BOH Orders # EH-ENF-22-0017 (Food) – Ms. Merkel moved to accept the resolution as written; seconded by Ms. Touchton.

Ms. Cameron reported that this is violation of BOH orders, not maintaining food at the proper temperatures during hot and cold holdings. EH proposes a fine of \$800.

No discussion.

The vote to approve the resolution as written was unanimous.

Resolution #EH-ENF-22-0044 – Taste of Thai Express, C-Ithaca, Violations of Subpart 14-1, and Violation of BOH Orders # EH-ENF-22-0001 (Food) – Dr. Koppel moved to accept the resolution as written; seconded by Dr. Evelyn.

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Discussion in reference to the email received and EH recommendations. Ms. Cameron explained that this is a facility that has been brought to the Board annually since 2016 except when they were closed during COVID or when EH was doing limited COVID inspections in 2020 and 2021. New to the orders vs. past orders is that EH is requiring Taste of Thai Express to contract with a food safety expert and prepare a food safety plan. Questions raised in their email will be addressed within the EH department with the exception of the requested extension. EH supports an extension to February 17th and a proposed penalty of \$1,600.

The vote to approve with a friendly amendment to extend the due date to February 17, 2023 was unanimous.

Resolution #EH-ENF-22-0030 – Dollar General – North Lansing #22623, T-Lansing, Violations of Subpart 5-1 of New York State Sanitary Code (Water) - Dr. Evelyn moved to accept the resolution as written; seconded by Dr. Dhundale.

Ms. Cameron explained that this is a case related to their drinking water treatment system with multiple violations. There have been several issues with the Dollar General in North Lansing and other Dollar Generals throughout the county. A boil water order has been effect since February 2022. The water system was not fully constructed in accordance with the engineering plans. Additionally, EH's site visit revealed that the plans failed to show the storm water retention pond that contained a sewage discharge and that is close to their drinking water well. Ms. Cameron stated that new revised plans must be submitted to address the issues. EH proposes a fine of \$3,500.

The vote to approve the resolution as written was unanimous.

Resolution #EH-ENF-22-0038 – Benjamin Hill Heights MHP, T-Newfield, Violations of Subpart 5-1 of New York State Sanitary Code (Water) – Dr. Dhundale moved to accept the resolution as written; seconded by Dr. Evelyn.

Ms. Cameron explained this is a case of public water system violations at a mobile home park due to inadequate water pressure. EH proposes a \$500 penalty and installation of a booster pump to increase pressure throughout the park. EH supports extending the deadline from December 16, 2022, to January 30, 2023.

Discussion. Ms. Cameron confirmed that deadline extensions and other revisions to resolutions can be done without penalty. Water systems may be constructed are done during the winter months. The design engineer should raise concerns to EH if he has some. She said that it is the mobile home park's responsibility under mobile home park regulations to ensure the park's water pressure is at least 20 psi.

The vote to approve with the friendly amendment to extend the due date to January 30, 2023 was unanimous.

Resolution #EH-ENF-22-0042 – Newfield Estates MHP, T-Newfield, Violation of Part 17 – Operating without a Permit (Mobile Home Park) - Dr. Evelyn moved to accept the resolution as written; seconded by Ms. Merkel.

Ms. Cameron reported that this is case of operating without a permit due to a failure to pay fees. They are now current in their permit and late fees. EH supports reducing the penalty from \$500 to \$400.

No discussion.

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The vote to approve with the friendly amendment to reduce the penalty from \$500 to \$400 due to extenuating circumstances and the completion of all activities was unanimous.

Resolution #EH-ENF-22-0027 – Finger Lakes GrassRoots Festival of Music and Dance, T-Ulysses, Violations of Subpart 5-1, Subpart 7-3, Subpart 7-4 and BOH Orders #EH-ENF-21-0011 (Water, Campground, Mass Gathering) - Dr. Koppel moved to accept the resolution as written; seconded by Ms. Merkel.

Ms. Cameron reported that GrassRoots has come before the Board on multiple occasions. EH is requiring them to hire a licensed professional to prepare campsite layout maps for the fairgrounds and Across the Way and plans for implementing the layout at the festival. These maps and plans are due January 15, 2023. Michelle Palmer was present, representing GrassRoots. GrassRoots has hired a professional engineer for plans for the water systems.

EH previously revoked their advertising waiver and GrassRoots is not allowed to advertise the 2023 festival or sell tickets until:

- Approvable plans have been submitted to TCHD for the fairgrounds and Across the Way;
- The fairground board has approved the water system plans for the fairgrounds site;
- Receipt of a signed construction contract for both the fairgrounds and the Across the Way water systems;
- Submission of approvable construction schedules which ensure completion of each project no later than May 1st, 2023.

In addition, a complete and final application must be submitted 45 days in advance of the festival. Everything must be completed and laid out five business days in advance of the festival. The festival must be cancelled if they fail to meet either of these requirements of the order. Additionally, EH must have a secure, air-conditioned office trailer. Engineer Dan Walker is not allowed to submit plans until 2026 due to prior issues. EH does not intend to issue a culture camp campground permit for camping by anyone other than staff, workers, or performers for the fairgrounds site.

Fines due:

\$22,000 due December 15, 2022

\$20,000 due February 28, 2023 (waived if the layout and implementation plan is submitted by 1/15/2023)

\$20,000 due June 15, 2023 (waived if all is completed and submitted by June 15, 2023)

No discussion.

The vote to approve the resolution as written was unanimous.

Administrative Actions:

Review of the Community Health Assessment Plan (CHAP) and Community Health Improvement (CHIP) Plan – Ms. Hillson stated that the CHAP and CHIP plans are done in partnership with Cayuga Health System. These plans are required by the state for the purposes of identifying main health challenges, determining gaps and disparities, prioritizing strengths, resources, assets in the community and to ultimately advance health equity in the County.

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Numerous data sources are used to develop priority needs including reviewing both local and state data, US Census, partner agencies, community input and expert input as well as through our steering committees such as Community Voices and then select goals and interventions.

NYS Prevention Agenda Priorities 2019 - 2024

1. Prevent Chronic Disease,
2. Healthy and Safe Environment
3. Promote Healthy Women, Infants, and Children
4. Promote Well-Being and Prevent Mental and Substance Use Disorders
5. Prevent Communicable Disease

Mr. Schiele reviewed data collected from the community health survey which was promoted from July 7 – August 1, 2022 and noted differences in data from the 1,569 responses that were received.

Ms. Hillson stated that the health system has done qualitative research by holding focus groups around diversity, equity, and inclusion to be included in the work in progress.

Tompkins County is one of the healthiest counties in New York State overall and has greater access to health care and supportive services than surrounding counties. There are significant barriers to services and overall health and well-being leading to serious disparities in the health outcomes.

Tompkins County Health Department and partners in the community as a whole, will continue to have regular conversations about our Community Health Improvement Plan.

COMMUNITY HEALTH IMPROVEMENT PLAN (CHIP)

Prevent Chronic Disease:

Healthy Eating and Food Security

Increase access to healthy and affordable foods and beverages

Preventive Care & Management:

Increase cancer screening rates for breast, cervical, and colorectal cancer screening

Increase early detection of CVD, diabetes, and obesity

Promote Healthy WIC:

Cross Cutting

Reduce racial, ethnic, economic, and geographic disparities in maternal/child health outcomes, promote health equity

Promote Well-Being & Prevent MH and Substance Use Disorders

Strengthen opportunities to build well-being and resilience across the lifespan

Facilitate supportive environments that promote respect and dignity for people of all ages

Mental Health & Substance Use Disorders

Prevent opioid and other substance misuse and deaths

Prevent and address Adverse Childhood Experiences (ACEs)

Prevent suicides

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Questions:

How are outcomes assessed? The CHIP matrix includes setting objectives and measures to evaluate and measure each intervention and its effectiveness. The prevention agenda lists objectives for each of the goals and in working toward objectives we evaluate by process as we move along.

Dr. Klepack added that based on research done prior to COVID, aggressively addressing the social medial risk to prevent to adverse childhood experience is necessary. He stated that a facility for safe consumption of substances to prevent overdose deaths is needed as well as a providing a portal for harm reduction for long-term relationships with people who have substance use disorder. Although a detox center will open soon on Triphammer Road, there is more to do.

Dr. Moylan thanked Ms. Hillson and the team for all the work put into the plans.

Dr. Moylan brought attention to bylaws decisions for upcoming meetings and encouraged board members to consider leadership positions on the Board. She gave an overview of the President and Vice President' responsibilities.

Dr. Evelyn shared that he may not be able to fulfill his role as Vice President. Mr. Kruppa stated that a notice will be sent out and nominations will take place.

Happy Holidays!

The next meeting is Tuesday, January 24th, 2022 @ Noon.

Adjournment: Adjourned at 1:40 p.m.

HEALTH PROMOTION PROGRAM – December 2022

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, Lester McNair, 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

- PICHC grant: Successfully supported two clients in securing housing and completed in-person site visit
- All Staff Meeting held to initiate launch of Tompkins County Whole Health (merger)
- NYSPHA 2023, “Building Healthy Communities,” two abstracts submitted: Workforce Development: Building Context and Capacity; Effective Public Health Communication

M-pox

- [Webpage](#) developed, ongoing 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.

State PICHC Site Visit, Nov. 28

- Kickoff webinars and one-one meeting with JSI (John Snow Institute), contracted by the State to provide technical support for the PICHC grant.
- Informational meeting with Albany County's WILLOW (Women & Infants, Linking Lifetime Opportunities for Wellness) program and how they operate in the community.
- Assisting with event planning for an event to promote MOMs PLUS+ and CHWs.

CHW Training in December 2022:

- CAPTA CARA: Plans of Safe Care (POSC)
- Meet & Greet with COFA
- Meet & Greet with DSS
- Better Together Community Coalition with Cornell Cooperative Extension
- Internal training re: home visits for birthing & post-partum parents in TC with CHS nurses (Moms PLUS+)
- Learning modules: variety of webinars about community health work

CHW Outreach events in December 2022:

- 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

- Promotion for COVID-19 Booster clinics for adults held: Nov 2nd, 9th, 30th
- Planning underway for transition to weekly COVID data reporting by end of month.
Updated table will include:
 - 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
- Outreach and promotion around COVID-19 Vaccine and Boosters; 30 second commercial produced, airing now – December 2022 on local tv stations: featuring [BIPOC](#); featuring [rural, white farmer](#).

- Advertisements for Boosters commercially promoted on Facebook with WSYR contract; ends December 2022.
- Booster ads running regularly in the Freeville Shopper and in Tompkins Weekly.
- Updated COVID-19 Guidance [video](#) produced.
- Outreach, promotion, and distribution of KN95 masks and self-test kits continues.
- KN95 mask video filmed and narrated by local videographer Shira Evergreen, <https://vimeo.com/693836241>; video is being translated into multiple languages, including Spanish, Karen, Mandarin, Cantonese, and Russian.
- In collaboration with COVID Communications team, develop and disseminate public information on guidance updates. Update website and social media.
- Ongoing website updates related to COVID-19 developments (see Media, Website section below).
- Ongoing review, analysis, and updates of COVID-related data. Regularly updated data is available on the COVID [Data Page](#).

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

2022-2024 Progress

- The CHA/CHIP Steering Committee meets monthly (first Thursday) 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.
- Completion of CHIP matrix based on recommendations of the CHIP Steering Committee and Health Planning Council.
- Completion of CHA and CHIP narrative.

Healthy Neighborhoods Program

- HNP staff continues to receive calls requesting information regard indoor air quality, radon, mold and mildew, bed bug infestations, etc.
- Attended Homeless and Housing Task Force Network Meeting
- Outreach at Various Food Pantries within Tompkins County
- HNP Asthma training webinar
- NYSDOH Radon Stakeholders Conference

- Lead Poisoning Prevention Network (LPPN) internal staff meeting: plans to start a monthly internal meeting to support outreach and educations.
- LPPN quarterly meeting

December 2022

HEALTHY NEIGHBORHOODS PROGRAM	MONTH	YTD 2022	Dec 2021	TOTAL 2021*
# of Initial Home Visits (including asthma visits)	12	219	7	100
# of Revisits	0	16	0	0
# of Asthma Homes (initial)	2	42	3	19
# of Homes Approached	1	392	2	448

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

Tobacco Free Tompkins

- Tobacco Free Zone for Cortland-Tompkins-Chenango grant staff will be meeting with Senator Lea Webb (D,WF 52) during Legislative Education Day in Albany Feb 7.
- Collaborating with the Community Coalition for Healthy Youth (CCHY), Environmental Health and Communications Team to develop vaping prevention campaign.
- Tobacco Free Tompkins working towards increasing number of smoke free housing units throughout Tompkins county.

Media, Website, Social Media

- [Health](#) and [Mental Health](#) websites updated regularly. Preparations underway for transfer to Tompkins County Whole Health at the start of 2023, including designing new homepage.
- Ongoing work with Mental Health to update/ upgrade the [TCMH website](#).
- Continue building out the Tompkins County Suicide Prevention Coalition [website](#).
- Ongoing work with CHS and WIC re: social media pages; promotion plans for Moms PLUS+.

Press Releases in December 2022:

- [December 5, 2022:](#) Health Alert: Health Department Seeks Information About A Dog At Stewart Park To Rule Out Rabies Infection
- [December 6, 2022:](#) Health Alert: Health Department Seeks Information About A Dog At Ithaca Dog Park To Rule Out Rabies Infection
- [December 6, 2022:](#) Health Alert: TCHD Thanks Community, Stewart Park Dog Located; Reminds About Dangers of Animal Bites
- [December 6, 2022:](#) Health And Mental Health Departments Closed On Thursday, December 8, 2022

- [December 7, 2022](#): Health Alert: TCHD Urges Flu Vaccination Amidst Continued Spread of Flu, RSV, and COVID-19
- [December 12, 2022](#): Health Department To Be Closed On Wednesday, December 14, 2022, 12:00pm–4:30pm
- [Error! Hyperlink reference not valid.](#) COVID-19 Update: CDC Recommends Updated COVID-19 Vaccine Boosters Ages 6 Months Through 5 Years
- [December 20, 2022](#): COVID-19 Update: Changes to COVID-19 Data Reporting; Self-Test Reporting Tool to be Discontinued

PH-MH Strategic Planning

- All Staff meeting held Dec. 8, 4 workshops: unveiling of Tompkins County Whole Health brand and Strategic Plan review; Whole Health Communications; Getting to Know Services and Program; Getting to Know your Colleagues.
- Cross-Functional Integration Team: Branding agency Iron Design of Ithaca developed Whole Health logo and finalizing brochure; HPP staff working through a Communications Plan and planning for integration of the website. New homepage designed for the integrated website, launched January 2.
- 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

- JEDI: General Meeting and subcommittees (Shannon – Communications, Samantha – Data and Analysis, Diana – Recognition).
- Pursuing Environmental Justice & Equity (County Health Rankings webinar)
- NACCHO – Adaptive Leadership in Public Health
- Community Health & Access committee met this month (quarterly meetings)
- Immunization Coalition Meeting met this month (quarterly meetings)
- Asthma Training webinar (HNP)

Committee and Partnership Meetings

Group, Organization	Activity/Purpose	Date
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	
Homeless & Housing Taskforce	Regular meeting	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	<p>Monthly meeting of community partners/stakeholders.</p> <p>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.</p>	monthly

Medical Director's Report
Board of Health
January 2023

Good Day

The trends these past few weeks have seen influenza dip as it heads into the hiatus between its usual bimodal behavior. Meanwhile, Covid is rising. Mpox and RSV have continued the pattern of the last couple of months.

Healthcare vaccination mandates have changed due to a recent court decision.

In addition to these developments, I will take you around the state and present some details on that Swedish study demonstrating that the impact on cancer from the HPV vaccine is playing out as predicted.

First, I will share with you some interesting history that has led up to the current abortion climate. The NY Times recently ran a profile article regarding the scientist/physician who emerged as the father of RU 486: <https://www.nytimes.com/2023/01/17/health/abortion-pill-inventor.html>

Should healthcare workers be required to be vaccinated for Covid?

A recent NYS Supreme Court decision says only the NYS legislature can create such a mandate and not the administration. As a result, the judge struck down the mandate. An appeal is expected.

<https://covid19vaccine.health.ny.gov/information-healthcare-workers-new-york-states-covid-19-new-booster-dose-requirement-frequently>

<https://www.wkbw.com/news/local-news/ny-vaccine-mandate-for-healthcare-workers-null-void-following-judge-ruling>

Here are some abstracted quotes:

The mandate is "null, void, and of no effect," the judge said. He sided with Medical Professionals for Informed Consent; a group of medical workers impacted by the vaccination mandate.

The mandate protects people most at-risk for serious symptoms and the people who care for them, the state health agency said in a statement to The Associated Press.

“The requirement is a critical public health tool,” the agency said. “The State Health Department strongly disagrees with the judge’s decision and is exploring its options.”
<https://www.wnytv.com/2023/01/15/ny-vaccine-mandate-health-care-workers-struck-down/>

There's no doubt that COVID vaccines have saved lives. [A recent study by the Commonwealth Fund](#) found that widespread vaccination in the U.S. has had the cumulative effect of preventing 18 million additional hospitalizations and 3 million additional deaths.

<https://www.npr.org/2022/12/27/1144323505/vaccine-mandates-lifted-sanitation-new-york-city-workers>

.....

Reflection: If I were asked by a healthcare professional if they should get the vaccine and boosters I would say yes. Although it does not eliminate our becoming infected it does diminish the risk (Vaccinated people can still become infected and have the potential to spread the virus to others, although at much lower rates than unvaccinated people. The risks of SARS-CoV-2 infection in fully vaccinated people are higher where community transmission of the virus is widespread.
<https://www.cdc.gov/coronavirus/2019-ncov/science/science-briefs/fully-vaccinated-people.html#:~:text=Vaccinated%20people%20can%20still%20become,of%20the%20virus%20is%20widespread.>) I believe we ethically cannot put people at risk if there is a reasonable step we can take. I believe Covid vaccination is a reasonable step.

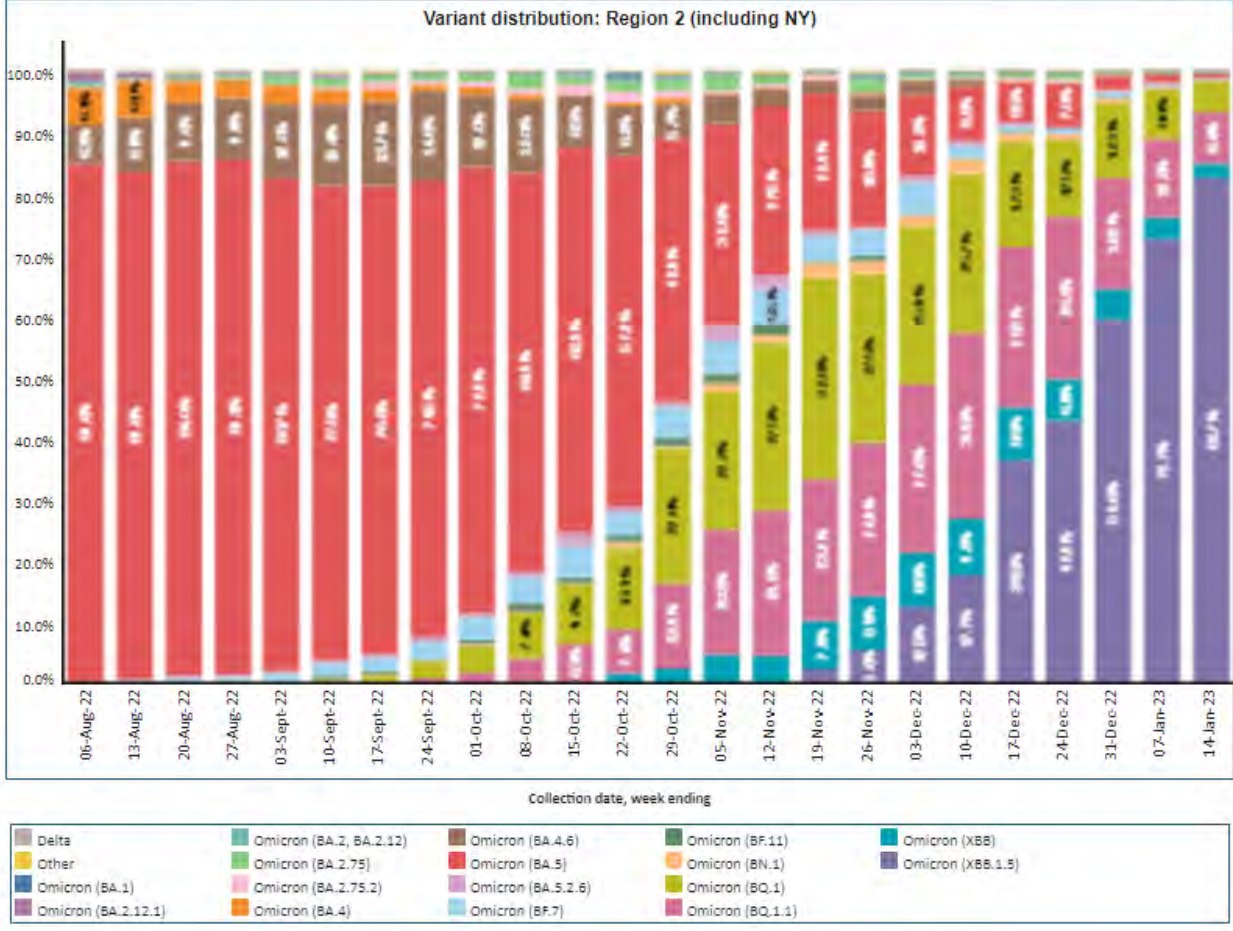
And while we on the subject of Covid

Bivalent Pfizer Covid vaccine – stroke incidence – a “signal” indicated an area to be investigated. No corroboration of this “signal” has been found. No change in use of this vaccine has occurred. All such signals are investigated. Here is the CDC announcement link regarding the potential safety signal in VSD for the Pfizer bivalent vaccine: <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/safety/bivalent-boosters.html>

Covid and other airborne infections - CDC is expected to emphasize ventilation more and more and air quality in buildings and, perhaps, germicidal UV radiation [covered in a previous bulletin]. NYSDOH has a Clean, Green, and Healthy Schools program that helps schools improve things like air quality etc. based on their (financial) situation. <https://www.nysacho.org/wp-content/uploads/2021/08/CGHSP-one-page-program-flyer.pdf> and https://www.health.ny.gov/environmental/indoors/healthy_schools/index.htm

Variants - here’s a pretty **good primer on XBB.1.5**, likely to become the dominant Omicron variant in the US in the coming weeks—it already is here in NY:

<https://www.vox.com/science-and-health/23542148/xbb-covid-19-cases-variant-omicron-vaccine-pandemic-treatment>

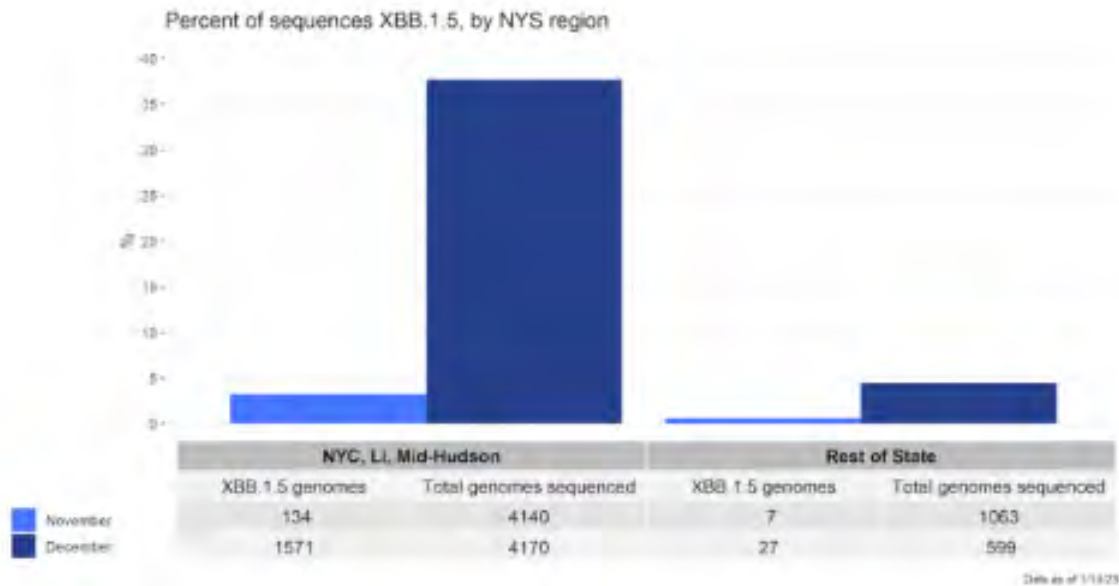


Monitoring Omicron XBB.1.5

The XBB.1.5 variant was first confirmed in New York State in October 2022. Emerging at a time when both COVID-19 and flu cases are high, early data indicate that XBB.1.5 is able to spread more rapidly than other currently circulating variants.

For more information on the emergence of XBB.1.5 in New York State, the graph below presents the percent of sequences in GISAID, with additional patient location information from laboratory databases, classified as XBB.1.5 in each region over the past two months.

XBB.1.5 has been found at the highest rates in the New York City, Long Island, and Mid-Hudson regions. These regions have also experienced the most elevated case rates in New York State since November 2022.



<https://coronavirus.health.ny.gov/covid-19-variant-data>

Covid Question of the week

A practitioner writes: I was trying to figure out when I could return to work (home with the dreaded, but now appears inevitable covid, having dodged it for close to 3 years) and was surprised to note that NYS had changed its recommendations pretty significantly. My office staff was also unaware. I'm wondering if it would be helpful to put the info in your next newsletter, as I suspect I am not the only office who has been following the old guidelines. Unfortunately, it also appears that the NYS DOH website has not been updated to reflect their change.

I have just retested (+) on day five and am now out for 10 days....

Here is the [link to the CDC guidance](https://www.cdc.gov/coronavirus/2019-ncov/hcp/guidance-risk-assesment-hcp.html) and in the appendix, I have copied the **NYSDOH advisory** in full for your reference. <https://www.cdc.gov/coronavirus/2019-ncov/hcp/guidance-risk-assesment-hcp.html>

HPV vaccine and cervical cancer

Good news about cancer prevention – another vaccine that is proven to prevent cancer in men and women and reduces the frequency for women to get checked for cervical cancer.

This past fall a Swedish study was reported out <https://www.cancer.gov/news-events/cancer-currents-blog/2020/hpv-vaccine-prevents-cervical-cancer-sweden-study>

Background -There were about 43 million HPV infections in 2018, many among people in their late teens and early 20s...including genital warts and cancers...particularly of the head and neck and tongue and of the genital/anal region in both boys and girls, men, and women.

The vaccine has been used for 16 years. It is only effective if given before the person is infected with the virus. Prior to this study we have before this seen a drop in cervical cancer

The Swedish study involved:

1.7 million women study over 11 years from 2006 to 2017

Vaccine was best if girls vaccinated before age 17

Incredible drop in cervical cancer - 90% reduction

All of the females followed in the study were between the ages of 10 and 30. Approximately 528,000 of them had received at least one dose of the vaccine between 2006 and 2017, and the remaining 1.14 million had not been vaccinated. More than 80% of those vaccinated received the vaccine before they were 17 years old.

After adjusting for different factors that can influence cervical cancer risk, those numbers translated into a 63% reduced risk of being diagnosed with cervical cancer among females who had been vaccinated compared with those who hadn't.

The nearly 90% reduction in cervical cancer [was] among women who were vaccinated at a younger age [17 or under]

[The difference in efficacy is traced to] Many women who received the vaccine after age 17 would be more likely to have HPV infections at the time of vaccination, and the vaccine only works to prevent infections, not stop existing infections.

...good discussion point around age of vaccination," she said. And that's needed, she added, because parents sometimes are reluctant to have their daughters receive the HPV vaccine at the recommended age, which is 11-12 years old.

<https://www.cancer.gov/news-events/cancer-currents-blog/2020/hpv-vaccine-prevents-cervical-cancer-sweden-study>

in 2018, 65-70% of adolescent girls and boys had had at least 1 dose of the vaccine. 50-55% had completed a full vaccination

<https://www.cdc.gov/mmwr/volumes/68/wr/mm6833a2.htm>

Other study:

In Australia, for example, researchers have shown that the country's universal HPV vaccination program, launched in 2007, [led to massive declines in infections with the HPV types covered by the vaccine](#),

The HPV vaccine schedule in brief:

- A 2-dose schedule is recommended for **people who get the first dose before their 15th birthday**. In a 2-dose series, the second dose should be given 6–12 months after the first dose (0, 6–12-month schedule).

Routine vaccination	Age 11–12 years; can be started at age 9 years
Catch-up Vaccination*	Age 13–26 years, if not adequately vaccinated
Shared clinical decision-making*	Some adults age 27–45 years, if not adequately vaccinated

*[MMWR. 2019;68\(32\):698-702](#)

About 85% of people will get an HPV infection in their lifetime. Vaccinating all 11–12-year-olds can protect them long before they are ever exposed.

CDC recommends two doses of HPV vaccine for all adolescents at age 11 or 12 years.

Who Gets Three Doses?

A 3-dose schedule is recommended for **people who get the first dose on or after their 15th birthday**, and for people with certain immunocompromising conditions.

- In a 3-dose series, the second dose should be given 1–2 months after the first dose, and the third dose should be given 6 months after the first dose (0, 1–2, 6-month schedule).

<https://www.cdc.gov/hpv/hcp/schedules-recommendations.html>

Around the state

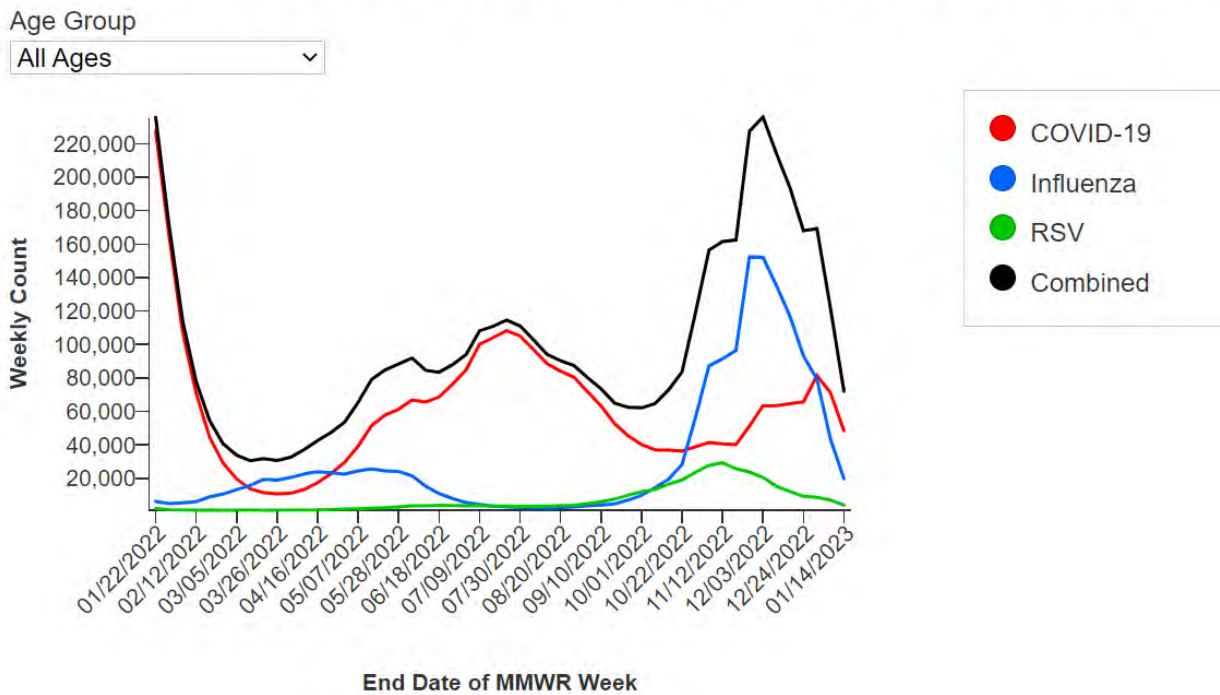
The **NY Games** are presently being held in Lake Placid and involving about 6 counties. One small **enteric** outbreak there.

A potential mumps case in western NY in 12 mo. old.

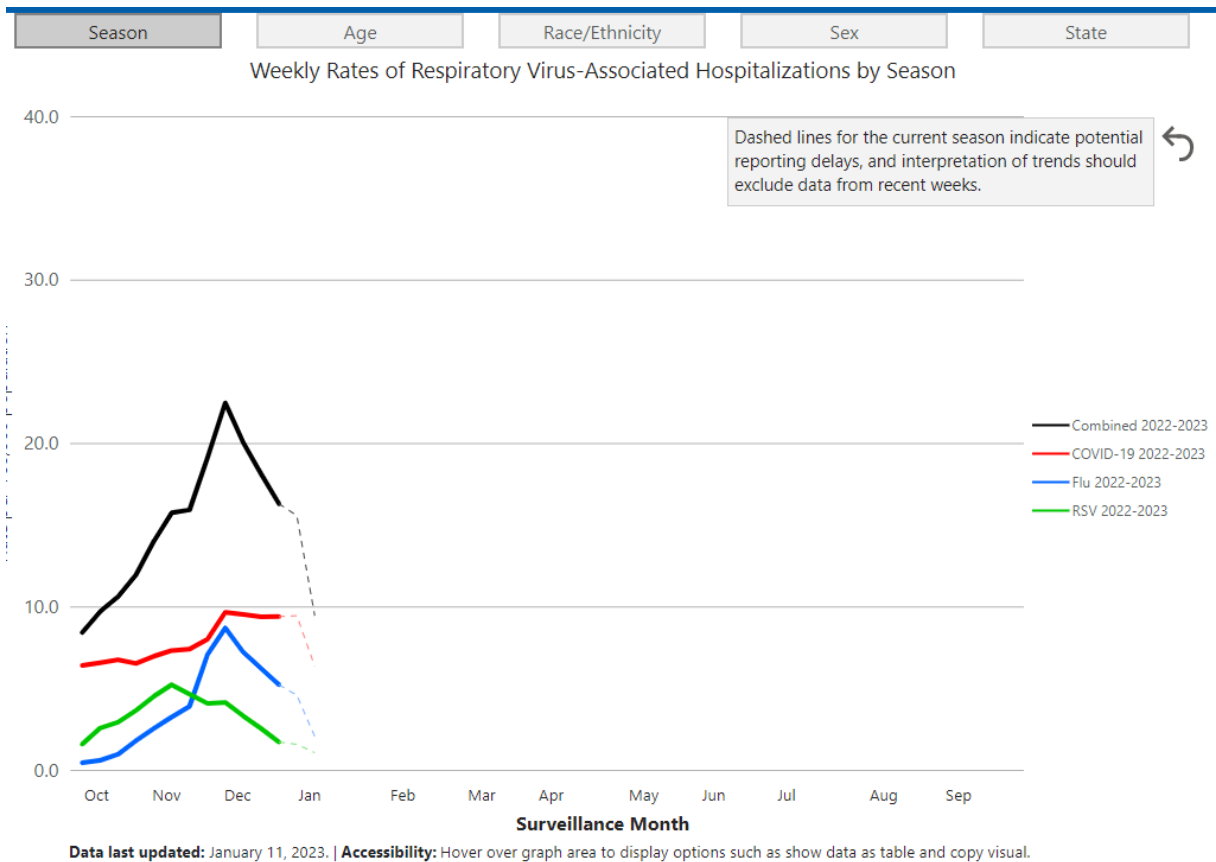
RSV, Influenza, and Covid

Respiratory viruses predominate across the state and nation. Here is the national picture: Two new dashboards of respiratory data from CDC. One is ER visits, one is hospitalizations. Covers COVID, RSV, and flu. Can't drill down to state level. (Yet.) But the good news—at least for now—is all the arrows are pointing in the right direction in the short term. For all you beleaguered in your offices by an unprecedented past few months these graphs may give you hope.

Weekly Emergency Department Visits by Age Group



<https://www.cdc.gov/ncird/surveillance/respiratory-illnesses/>



<https://www.cdc.gov/surveillance/resp-net/dashboard.html>

Despite the national picture, **Covid** is reported to be rising in NYS healthcare facilities. Though a drop in downstate nursing home numbers has been seen.

Reflections from schools on the fall and winter's challenge

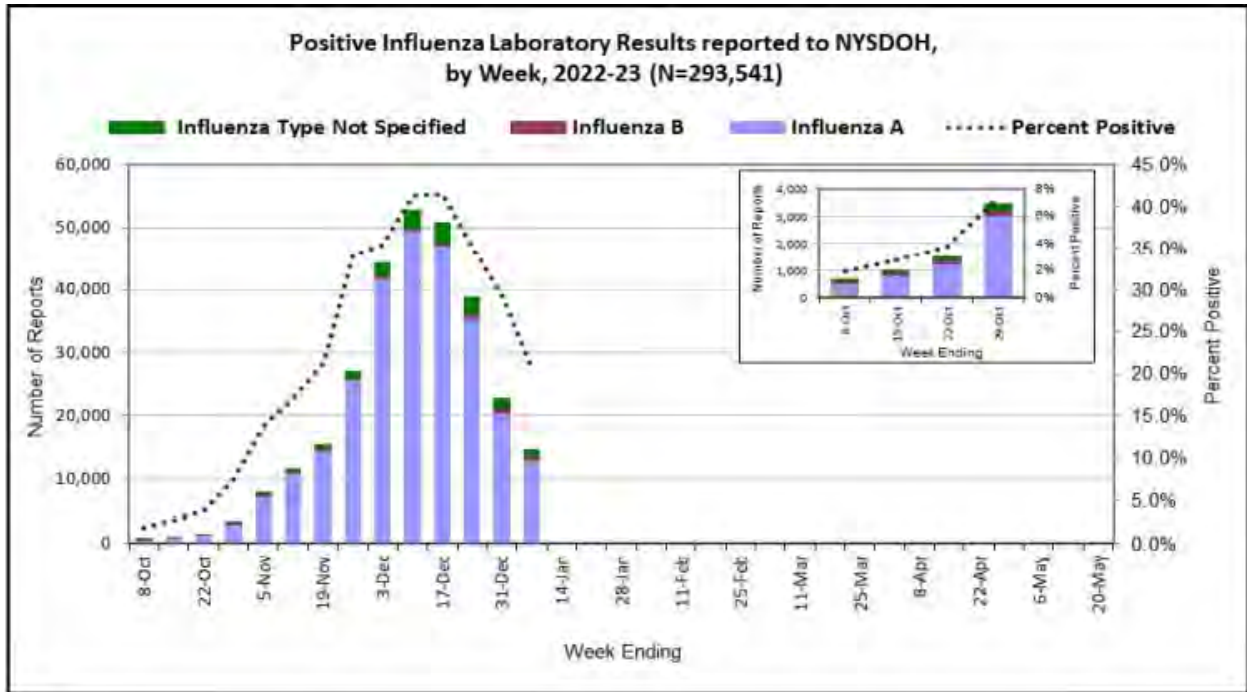
One school district reports: " We've experienced a real increase in absences across all of our schools. Absence rates are higher as compared to pre-pandemic periods (2018 and 2019) and on par with recent years when mandatory quarantine and isolation were in effect.

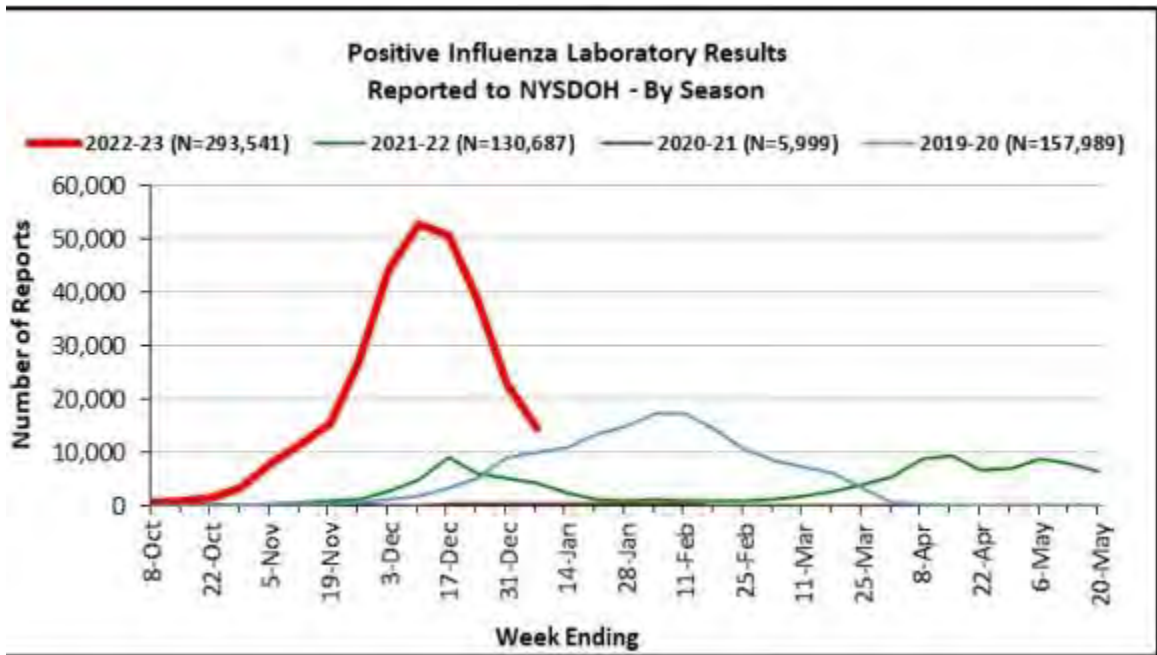
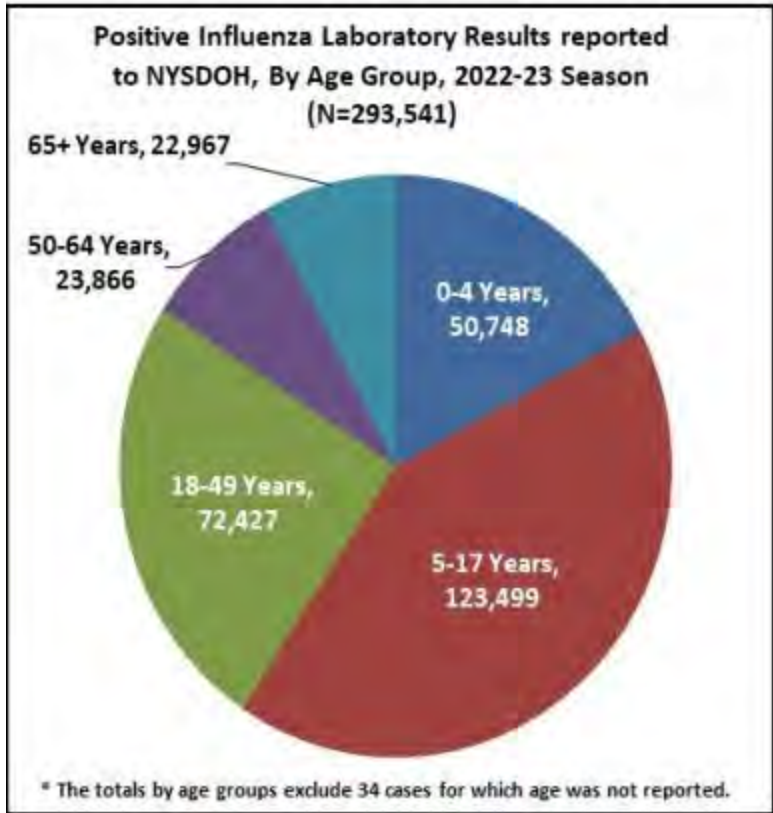
Across our elementary buildings, the proportion of absences due to illness increased by ~8% in November and December of 2022 as compared to data from the fall of 2018. That said, it is difficult to parse the underlying cause as a large share of absences at the elementary level are "unresolved" this school year, as many as 40% of absences are unresolved for some months. One could assume a share of these absences are due to illness and either the caregivers fail to contact the school and/or the school is unable to confirm why a student was absent.

We've been reviewing our attendance data since the fall, when the higher rate of absences was evident as early as September."

Influenza decreased in healthcare facilities. Over past couple of weeks a significant drop-off occurred. To again emphasize a point: influenza is bimodal and typically we have a drop before a rise again.

Summary: Widespread for 16th consecutive week. Lab confirmed reports show a 50% decrease over prior week and the 5th consecutive week of decreases. Current profile is: 81% A 11% flu B and rest unspecified. [note the shift in flu types]. CDC estimates 21 million illnesses total this season with 260,000 hospitalizations and 16,000 deaths. One additional ped death bring the total to 7 for the year. Nationally 70 children have died.





Sporadic **grp A strep** is being seen in healthcare facilities

N Meningitis – the pt. of the last few weeks was discharged from hospital.

Ebola – declared over by WHO. Travel and monitoring precautions will taper off now as the incubation period passes.

Methicillin resistant staph infection cluster in a NICU. Adhesive tape as a source may have played a role here with other factors as well.

Asylum seekers – **varicella** cases are being seen in this population.

ticks...with the warmer than normal winter, will the tick population be higher than normal? Ticks will be out any time when temps are above 40-45 or so. (They might be a bit dopey and slower than usual if that cold, but they'll be out.) There's usually some die-off in winter from cold and dry air, and we still may get that before winter is out. But there's also die-off due to just life cycle--once adult ticks reproduce, they die. But in general, warmer winters mean a few things—perhaps fewer die off, and earlier starts and later endings of tick season.

The ticks have a 2–3-year lifecycle. They usually winter over under a blanket of snow but if enough wetness in the air they will survive the winter. In a winter of no snow and dry air they can be killed off by desiccation. This winter has been wet to date. Ticks will burrow down under such things as leaf litter to winter over where moisture can persist. With the changes in our climate, tick “season” formally starts late March and ends into December and even into January. But anytime the temp is pushing 40 deg F ticks become active and the higher the temp the more activity they have.

Covid Like Illness (CLI) Update Report

I recently sent a status report to primary care practices who have been participating in collecting data and reporting the number of persons they saw that day with symptoms consistent with Covid. This project started in May of 2020. In my report I summarized the significant findings that are summarized in this graph:

From the raw data, the rate of CLI appears to increase before confirmed case counts and test positivity

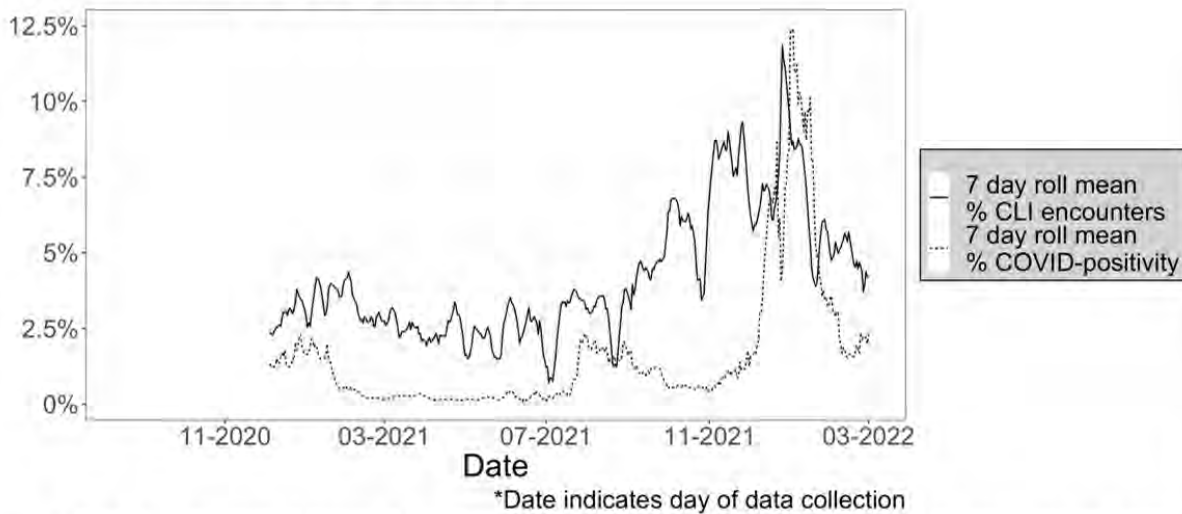


Figure 1. 7-day rolling mean of number of CLI (COVID-like illness) patients out of total patients seen (solid line) and new COVID-19 cases out of total tests in Tompkins County (dashed line)

This is a very significant finding which is being shared with the NYSDOH, was presented at the fall American Public Health Association meeting and will be submitted for publication this winter.

The significance of this finding is evident now that testing has shifted considerably. We no longer have PCR test results in the robust manner that we have had. Self-testing with antigen test kits is the most prevalent test modality. Nearly all those results are not reported in a manner that can be reported. Thus, our monitoring of the pandemic is via hospitalizations, deaths, and CLI reporting. However, the CLI reporting is forced to take a pause at this point. Funding for data analysis and reporting needs to be secured. And the question of whether to shift from pure symptom reporting to adding point of service test results needs to be answered.

The funding issue requires about six months to be resolved. Meanwhile, we know that this reporting works, and that it has utility. The community has a debt of gratitude to the primary care practices that gave so much to this effort, and I thank them.

Communicable Disease Report for Tompkins County

The complete preliminary report is in your packet. This yearend report allows us to compare ourselves to the last several years. Here are some observations.

The progressive rise in syphilis is evident and contrasts with the relatively stable numbers for other sexually transmitted diseases. This data supports maintaining syphilis in a practitioner's differential. Congenital syphilis was limited to only the 1 TC resident and the one other case in a resident of another county who was treated here.

Of the tick-borne diseases we see relatively stable numbers – note that with the change of case definition which occurred in January 2022 for inclusion of Lyme in these reports that the number jumped up. My perception is that we have not had a marked increase in clinical experience. So, take that number advisedly.

Although much has been said about the rise in invasive Strep A our data are not showing a change in our region.

The other diseases I have commented upon in past bulletins or are about as expected.

Thank you,

Bill Klepack, MD

Public Health Medical Director



Division for Community Health

January 24th, 2023 Board of Health meeting

November and December 2022 monthly report

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

Communicable Disease:

- **COVID-19:** The end of 2022 brought several changes to our Covid data reporting. NYSDOH ended use of CommCare. TCHD's data dashboard has changed to reporting once a week using data from CDC and NYSDOH. Covid deaths are now reported from NYSDOH data. The Tompkins County Covid CDC Community Level remains low. Communicable disease nurses continue to provide guidance on Covid isolation, prevention of Covid transmission and Covid testing to individuals and organizations that call looking for assistance. Communicable disease nurses also advise organizations on how to manage Covid outbreaks in sensitive settings, in partnership with the NYSDOH regional office in Syracuse.
- **Mpox:** There was one new case of Mpox in a Tompkins County resident in November. The individual isolated appropriately and no high risk close contacts were identified within Tompkins County. We received a new allotment of Jynneos from NYSDOH on December 1st. Currently no Jynneos vaccination clinics are planned and this supply will be used if needed for high risk close contacts of confirmed cases.
- **Flu:** Flu remained at high levels in November and December. TCHD continues to encourage flu vaccination. The flu vaccine is a good match this year to the circulating strains of flu.

SafeCare Program:

- Two families are currently receiving SafeCare services.
- Celeste Rakovich will receive training to become certified as a SafeCare coach and will take over management of that program once her training is completed.

Maternal Child Health:

- Moms PLUS+ admitted 16 new clients for Nov-Dec. Program outreach materials including 2 banners were created and purchased in Dec. A community event is being planned for the winter season to launch the Moms PLUS+ and PICHHC programs and to foster relationship and trust building with the intention of decreasing socioeconomic and racial disparities for community members.
- A meet and greet for new Moms PLUS+ nurses and new providers at OBGYN and Midwifery associates of Ithaca is scheduled for Jan. The intent is to improve the referral process to our program and offer the services of Community Health Workers through the PICHHC program.

Immunization Clinics:

- Flu clinics were held in November at Lakeview Mental Health, Lansing Fire Department and Open Doors English. We concluded our mobile flu clinics for the 2022-2023 flu season in November. We are still offering flu vaccine in our regular on-site Friday immunization clinics.
- Moderna bivalent clinics were held at TCHD on Nov 2nd, Nov 9th and Nov 30th. These were held due to a shortage of available Moderna bivalent booster appointments at local pharmacies. Overall these three clinics vaccinated approximately 600 people.
- Our homebound program continues—eight homebound Tompkins County residents received Covid booster vaccination in the month of November and four homebound residents in the month of December. We are also offering flu vaccination to those who register for a homebound Covid booster.

Rabies:

- There were 4 rabies clients that received post exposure treatment in Nov and 2 rabies post exposure authorizations in December. CHS and EH continue to collaborate on combined Rabies program policy and department policy and procedures.

Lead:

- One discharge in December from the lead program. The Lead poisoning prevention network met in Dec with CHS, EH and other community partners. Strategies discussed for community education and outreach.

HIV:

- For Nov-Dec there were 3 Anonymous HIV tests administered on site at TCHD. Walk ins are accommodated when possible and CHS has trained another community health nurse to perform testing. Plans underway to establish a presence with STAP at the downtown location.

Staffing:

- CHS is recruiting for a full-time communicable disease nurse, a senior community health nurse, an information aide and an administrative assistant level 2. See job postings here: <https://www.tompkinscivilservice.org/civilservice/vacancies>
- CHS support staff Darlene Prince retired Dec 30th after 20 years of employment at the Health Department. She will be greatly missed!

Policies:

- The CHS Quality Improvement Committee met on 12/13/22 and approved the policy “Narcan use in home visit settings.” This policy (on our new Whole Health letterhead!) is attached for Board of Health review and approval.

**BOH Report- Tompkins County WIC Program
December 2022/ January 2023**

Caseload Data:

November final caseload data:

Enrollment: 1156
 Participation: 1092
 Participation/Enrollment %: 94.46
 Participation/Caseload %: 72.80

Total participants seen in November: 432

Appointment show rate: 96%

Preliminary December

Enrollment: 1182
 Participation: 1111
 Participation/Enrollment %: 93.99
 Participation/Caseload %: 74.07

Total participants seen in December: 488

Appointment show rate: 96%

The program continues to serve almost 50% of the eligible population in Tompkins County.

Program Highlights

- **What's happening with the WIC Fruit and Vegetable benefit?** Congress increased the fruits and vegetable benefits and extended the increase through September 30, 2023. State local agencies remain hopeful that Congress will make the increased fruit and vegetable benefits permanent.

The current cash value each participant receives on their WIC food package is below:

\$25 each month for Children ages 1-4

\$44 each month for pregnant and postpartum individuals

\$49 each month for breastfeeding and chestfeeding postpartum individuals

- The WIC local agency will have an intern from Ithaca College starting January 30th.

- USDA physical present waivers remain in place until April 2023. This waiver allows the WIC agency to continue providing WIC services remotely. In person appointments can be scheduled if requested by the participant.

N.Y.S. Department of Health
 Division of Epidemiology
 Communicable Disease Monthly Report*, DATE: 03JAN23
 Rates are defined as: Cases/100,000 population/Month

County=TOMPKINS Month=November

Disease	2022		2021		2020		2019		Ave (2019-2021)	
	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate
ANAPLASMOSIS**	5	58.7	10	117.4	1	11.7	0	0.0	4	47.0
BABESIOSIS**	1	11.7	3	35.2	0	0.0	0	0.0	1	11.7
CAMPYLOBACTERIOSIS**	1	11.7	5	58.7	1	11.7	2	23.5	3	35.2
COVID-19	418	4909.0	724	8502.6	409	4803.3	0	0.0	0	0.0
CRYPTOSPORIDIOSIS**	2	23.5	1	11.7	1	11.7	0	0.0	1	11.7
ECOLI SHIGA TOXIN**	0	0.0	1	11.7	0	0.0	1	11.7	1	11.7
EHRlichiosis (EWINGII)**	1	11.7	0	0.0	0	0.0	0	0.0	0	0.0
GIARDIASIS	1	11.7	2	23.5	0	0.0	2	23.5	1	11.7
HAEMOPHILUS INFLUENZAE, NOT TYPE B	1	11.7	0	0.0	1	11.7	0	0.0	0	0.0
HEPATITIS A	0	0.0	0	0.0	3	35.2	0	0.0	1	11.7
HEPATITIS B,CHRONIC**	0	0.0	0	0.0	0	0.0	1	11.7	0	0.0
HEPATITIS C,CHRONIC**	0	0.0	8	94.0	0	0.0	2	23.5	3	35.2
HEPATITIS C,PERINATAL	0	0.0	1	11.7	0	0.0	0	0.0	0	0.0
INFLUENZA A, LAB CONFIRMED	369	4333.5	197	2313.6	1	11.7	1	11.7	66	775.1
INFLUENZA B, LAB CONFIRMED	2	23.5	1	11.7	0	0.0	1	11.7	1	11.7
LEGIONELLOSIS	0	0.0	1	11.7	0	0.0	0	0.0	0	0.0
LYME DISEASE** ****	29	340.6	4	47.0	0	0.0	2	23.5	2	23.5
MALARIA	1	11.7	0	0.0	0	0.0	0	0.0	0	0.0
MONKEYPOX	1	11.7	0	0.0	0	0.0	0	0.0	0	0.0
MUMPS**	0	0.0	0	0.0	0	0.0	1	11.7	0	0.0

Disease	2022		2021		2020		2019		Ave (2019-2021)	
	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate
ROCKY MTN SPOT FEVER**	1	11.7	0	0.0	0	0.0	0	0.0	0	0.0
SALMONELLOSIS**	0	0.0	2	23.5	1	11.7	0	0.0	1	11.7
SHIGELLOSIS**	0	0.0	1	11.7	0	0.0	0	0.0	0	0.0
STREP, GROUP A INVASIVE	1	11.7	1	11.7	0	0.0	1	11.7	1	11.7
STREP, GROUP B INVASIVE	0	0.0	6	70.5	0	0.0	2	23.5	3	35.2
STREP PNEUMONIAE, INVASIVE**	1	11.7	0	0.0	0	0.0	1	11.7	0	0.0
SYPHILIS TOTAL.....	4	47.0	1	11.7	2	23.5	3	35.2	2	23.5
- P&S SYPHILIS	2	23.5	1	11.7	0	0.0	1	11.7	1	11.7
- EARLY LATENT	2	23.5	0	0.0	0	0.0	2	23.5	1	11.7
- LATE LATENT	0	0.0	0	0.0	2	23.5	0	0.0	1	11.7
GONORRHEA TOTAL.....	12	140.9	8	94.0	8	94.0	12	140.9	9	105.7
- GONORRHEA	12	140.9	8	94.0	8	94.0	12	140.9	9	105.7
CHLAMYDIA	17	199.6	35	411.0	38	446.3	48	563.7	40	469.8

*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: 03JAN23
 Through December
 Rates are defined as: Cases/100,000 population/Month

County=TOMPKINS

Disease	2022		2021		2020		2019		Ave (2019-2021)	
	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate
AMEBIASIS	1	1.0	0	0.0	0	0.0	0	0.0	0	0.0
ANAPLASMOSIS**	67	65.6	86	84.2	31	30.3	11	10.8	43	42.1
BABESIOSIS**	12	11.7	20	19.6	8	7.8	3	2.9	10	9.8
CAMPYLOBACTERIOSIS**	27	26.4	19	18.6	17	16.6	27	26.4	21	20.6
CHIKUNGUNYA**	0	0.0	0	0.0	0	0.0	1	1.0	0	0.0
COVID-19	16015	15673	9627	9421.6	2446	2393.8	0	0.0	0	0.0
CRYPTOSPORIDIOSIS**	11	10.8	14	13.7	14	13.7	11	10.8	13	12.7
DENGUE FEVER**	1	1.0	0	0.0	0	0.0	0	0.0	0	0.0
ECOLI SHIGA TOXIN**	3	2.9	6	5.9	5	4.9	4	3.9	5	4.9
EHRlichiosis (CHAFEENSIS)**	2	2.0	0	0.0	0	0.0	1	1.0	0	0.0
EHRlichiosis (UNDETERMINED)**	0	0.0	0	0.0	0	0.0	1	1.0	0	0.0
EHRlichiosis (EWINGII)**	1	1.0	0	0.0	0	0.0	0	0.0	0	0.0
ENCEPHALITIS, ARBO**	1	1.0	0	0.0	0	0.0	0	0.0	0	0.0
ENCEPHALITIS, OTHER	0	0.0	1	1.0	2	2.0	1	1.0	1	1.0
ENCEPHALITIS, POST	0	0.0	0	0.0	1	1.0	0	0.0	0	0.0
GIARDIASIS	9	8.8	15	14.7	7	6.9	26	25.4	16	15.7
HAEMOPHILUS INFLUENZAE, NOT TYPE B	4	3.9	0	0.0	2	2.0	4	3.9	2	2.0
HEPATITIS A	1	1.0	7	6.9	12	11.7	0	0.0	6	5.9
HEPATITIS B,CHRONIC**	14	13.7	18	17.6	9	8.8	7	6.9	11	10.8
HEPATITIS C,ACUTE**	3	2.9	1	1.0	5	4.9	6	5.9	4	3.9
HEPATITIS C,CHRONIC**	19	18.6	32	31.3	36	35.2	37	36.2	35	34.3

Disease	2022		2021		2020		2019		Ave (2019-2021)	
	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate
HEPATITIS C,PERINATAL	0	0.0	1	1.0	0	0.0	0	0.0	0	0.0
INFLUENZA A, LAB CONFIRMED	1339	1310.4	265	259.3	526	514.8	772	755.5	521	509.9
INFLUENZA B, LAB CONFIRMED	11	10.8	6	5.9	738	722.3	62	60.7	269	263.3
INFLUENZA UNSPECIFIED, LAB CONFIRMED	3	2.9	1	1.0	0	0.0	1	1.0	1	1.0
LEGIONELLOSIS	6	5.9	3	2.9	0	0.0	3	2.9	2	2.0
LISTERIOSIS	1	1.0	0	0.0	0	0.0	0	0.0	0	0.0
LYME DISEASE** *****	400	391.5	44	43.1	37	36.2	55	53.8	45	44.0
MALARIA	3	2.9	0	0.0	2	2.0	0	0.0	1	1.0
MENINGITIS, ASEPTIC	0	0.0	0	0.0	1	1.0	1	1.0	1	1.0
MONKEYPOX	3	2.9	0	0.0	0	0.0	0	0.0	0	0.0
MUMPS**	0	0.0	0	0.0	0	0.0	1	1.0	0	0.0
PERTUSSIS**	0	0.0	0	0.0	1	1.0	6	5.9	2	2.0
ROCKY MTN SPOT FEVER**	1	1.0	0	0.0	0	0.0	0	0.0	0	0.0
SALMONELLOSIS**	20	19.6	13	12.7	8	7.8	7	6.9	9	8.8
SHIGELLOSIS**	1	1.0	1	1.0	0	0.0	0	0.0	0	0.0
STREP,GROUP A INVASIVE	4	3.9	3	2.9	2	2.0	5	4.9	3	2.9
STREP,GROUP B INVASIVE	5	4.9	10	9.8	6	5.9	9	8.8	8	7.8
STREP,GROUP B INV,EARLY/LATE ONSET	0	0.0	0	0.0	1	1.0	0	0.0	0	0.0
STREP PNEUMONIAE,INVASIVE**	5	4.9	4	3.9	6	5.9	4	3.9	5	4.9
TUBERCULOSIS***	1	1.0	1	1.0	2	2.0	3	2.9	2	2.0
VIBRIO - NON 01 CHOLERA**	2	2.0	1	1.0	0	0.0	0	0.0	0	0.0
YERSINIOSIS**	6	5.9	1	1.0	0	0.0	2	2.0	1	1.0
SYPHILIS TOTAL.....	36	35.2	24	23.5	20	19.6	22	21.5	22	21.5
- P&S SYPHILIS	17	16.6	7	6.9	8	7.8	8	7.8	8	7.8

Disease	2022		2021		2020		2019		Ave (2019-2021)	
	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate
- EARLY LATENT	15	14.7	11	10.8	8	7.8	9	8.8	9	8.8
- LATE LATENT	3	2.9	6	5.9	4	3.9	5	4.9	5	4.9
- CONGENITAL SYPHILIS	1	1.0	0	0.0	0	0.0	0	0.0	0	0.0
GONORRHEA TOTAL.....	110	107.7	142	139.0	97	94.9	118	115.5	119	116.5
- GONORRHEA	110	107.7	142	139.0	96	94.0	117	114.5	118	115.5
- P.I.D.	0	0.0	0	0.0	0	0.0	1	1.0	0	0.0
- GONORRHEA,DISSEMINATED	0	0.0	0	0.0	1	1.0	0	0.0	0	0.0
CHLAMYDIA	376	368.0	337	329.8	396	387.6	513	502.1	415	406.1
CHLAMYDIA PID	0	0.0	0	0.0	0	0.0	2	2.0	1	1.0
OTHER VD	0	0.0	0	0.0	0	0.0	1	1.0	0	0.0

*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.

N.Y.S. Department of Health
 Division of Epidemiology
 Communicable Disease Monthly Report*, DATE: 03JAN23
 Rates are defined as: Cases/100,000 population/Month

County=TOMPKINS Month=December

Disease	2022		2021		2020		2019		Ave (2019-2021)	
	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate
ANAPLASMOSIS**	2	23.5	2	23.5	7	82.2	3	35.2	4	47.0
BABESIOSIS**	0	0.0	0	0.0	1	11.7	0	0.0	0	0.0
CAMPYLOBACTERIOSIS**	4	47.0	0	0.0	1	11.7	1	11.7	1	11.7
COVID-19	482	5660.6	4395	51615	909	10675	0	0.0	0	0.0
CRYPTOSPORIDIOSIS**	1	11.7	2	23.5	0	0.0	0	0.0	1	11.7
ECOLI SHIGA TOXIN**	0	0.0	0	0.0	0	0.0	1	11.7	0	0.0
ENCEPHALITIS, OTHER	0	0.0	0	0.0	1	11.7	0	0.0	0	0.0
GIARDIASIS	1	11.7	3	35.2	1	11.7	1	11.7	2	23.5
HAEMOPHILUS INFLUENZAE, NOT TYPE B	1	11.7	0	0.0	0	0.0	1	11.7	0	0.0
HEPATITIS A	0	0.0	0	0.0	2	23.5	0	0.0	1	11.7
HEPATITIS B,CHRONIC**	0	0.0	8	94.0	2	23.5	1	11.7	4	47.0
HEPATITIS C,ACUTE**	0	0.0	0	0.0	1	11.7	2	23.5	1	11.7
HEPATITIS C,CHRONIC**	4	47.0	8	94.0	6	70.5	3	35.2	6	70.5
INFLUENZA A, LAB CONFIRMED	597	7011.2	66	775.1	0	0.0	26	305.3	31	364.1
INFLUENZA B, LAB CONFIRMED	5	58.7	3	35.2	0	0.0	32	375.8	12	140.9
LEGIONELLOSIS	1	11.7	0	0.0	0	0.0	0	0.0	0	0.0
LYME DISEASE** ****	20	234.9	6	70.5	1	11.7	3	35.2	3	35.2
MALARIA	1	11.7	0	0.0	0	0.0	0	0.0	0	0.0
MENINGITIS, ASEPTIC	0	0.0	0	0.0	1	11.7	0	0.0	0	0.0
SALMONELLOSIS**	2	23.5	1	11.7	1	11.7	0	0.0	1	11.7

Disease	2022		2021		2020		2019		Ave (2019-2021)	
	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate	Freq	Rate
STREP,GROUP A INVASIVE	1	11.7	0	0.0	0	0.0	1	11.7	0	0.0
STREP,GROUP B INVASIVE	0	0.0	1	11.7	4	47.0	0	0.0	2	23.5
STREP PNEUMONIAE,INVASIVE**	1	11.7	2	23.5	1	11.7	0	0.0	1	11.7
TUBERCULOSIS***	0	0.0	1	11.7	0	0.0	0	0.0	0	0.0
SYPHILIS TOTAL.....	0	0.0	5	58.7	2	23.5	1	11.7	3	35.2
- P&S SYPHILIS	0	0.0	0	0.0	1	11.7	0	0.0	0	0.0
- EARLY LATENT	0	0.0	2	23.5	0	0.0	0	0.0	1	11.7
- LATE LATENT	0	0.0	3	35.2	1	11.7	1	11.7	2	23.5
GONORRHEA TOTAL.....	10	117.4	22	258.4	13	152.7	14	164.4	16	187.9
- GONORRHEA	10	117.4	22	258.4	13	152.7	13	152.7	16	187.9
- P.I.D.	0	0.0	0	0.0	0	0.0	1	11.7	0	0.0
CHLAMYDIA	29	340.6	38	446.3	53	622.4	47	552.0	46	540.2
CHLAMYDIA PID	0	0.0	0	0.0	0	0.0	2	23.5	1	11.7

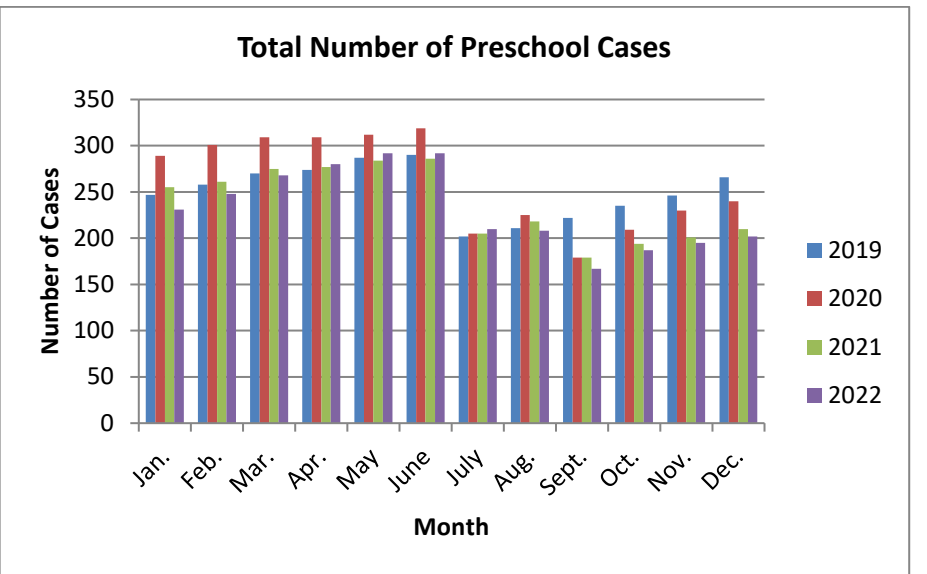
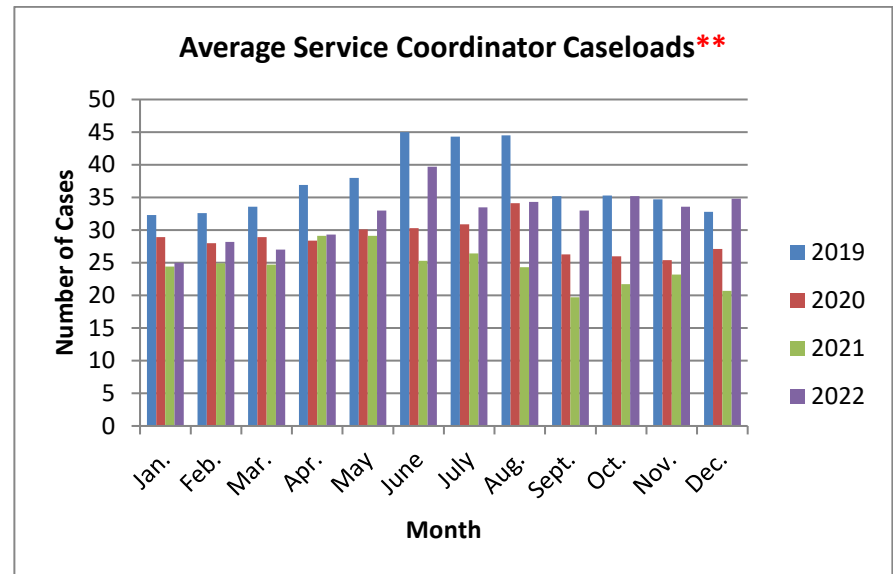
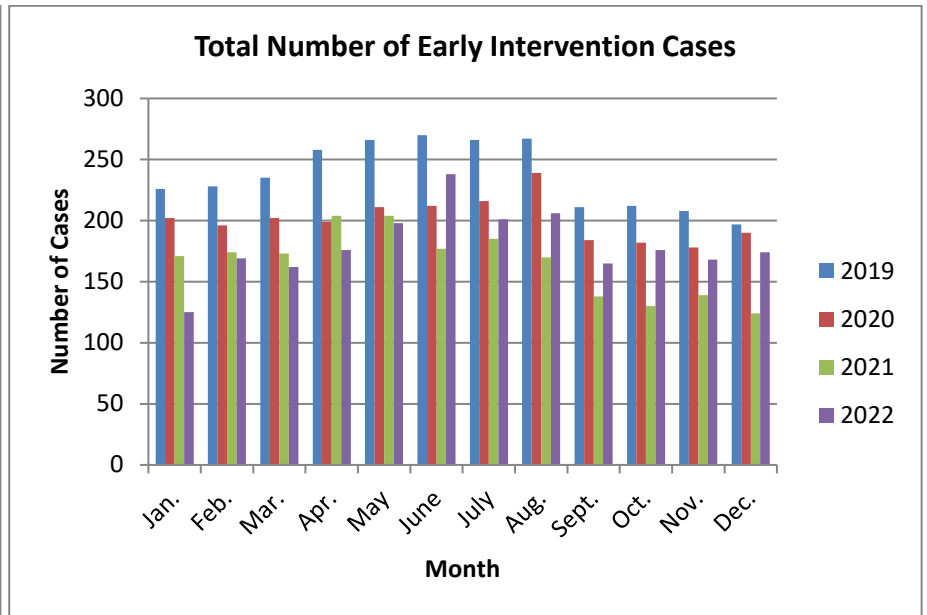
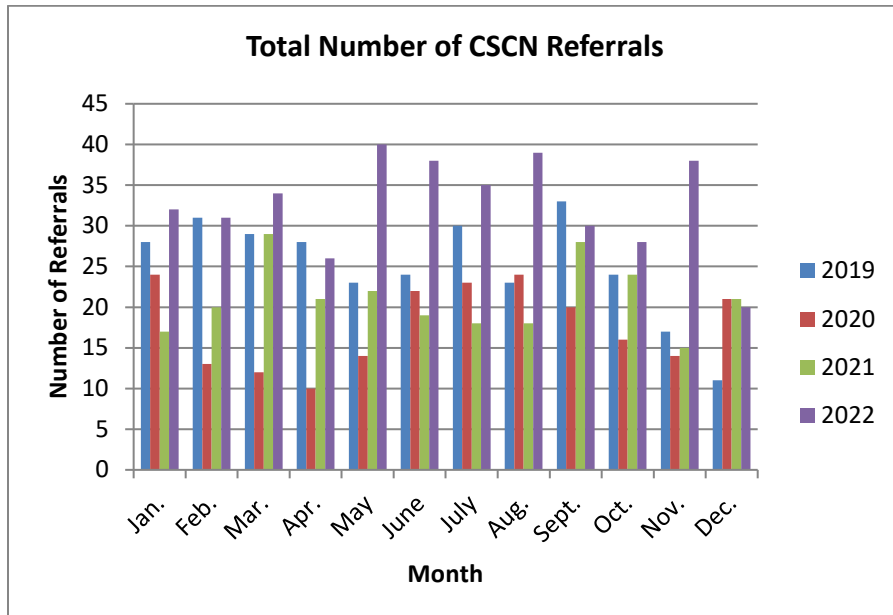
*Based on month case created, or December for cases created in Jan/Feb of following year

**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.

Statistics Based on Calendar Year



**** 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.**

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

Children with Special Care Needs Highlights
November and December 2022

Staff Activities

Staff Group Trainings-

- Overview of Facilitated Attuned Interactions webinar
- CDC Guidance on Developmental milestone changes
- Journey to Trauma Responsive System of Care
- Transitions for Young Adults

Committees/Meetings

- CSCN Staff meeting-12/20/22
- Early Childhood Collaborative meetings once a month with community partners.
- Collaborative Solutions Network meeting regarding the new Systems of Core initiative.
- 4 CSCN staff participating in Strategic Planning Cross Functional Team meetings.
- All Staff meeting 12/8/22

Program Work:

Early Intervention

- Early Intervention experiencing wait lists for speech services, Special Instruction Teachers, and Social Work services.
- NYSDOH BEI notified monthly of current needs.
- Advocacy for rate increases currently being supported by Early Intervention Coordinating Council
- NYSACHO currently gathering information on 11% pay increase for EI providers -waiting for guidance on Teletherapy first to determine what advocacy work will be supported.
- Hired a Community Health Nurse-Julie Norton- will start on January 9, 2023, for Early Intervention and will also support Municipal Rep position. Julie is a returning employee who left 3 years ago.
- Sr Community Health Nurse-Capri Prentice, Rn was promoted 11/28/22 and is managing the EI program with Director of CSCN.
- 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.
- Decreased referrals this month for EI.
- Currently serving 174 active/qualified children in Early Intervention

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.
- Currently serving 202 children in Preschool Special Education with 45 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.

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.
- Participated in the Regional Early Childhood Coordinating Council meeting 12/16/22
- Participated in a Forum-Looking Back and Forward for NYS Preventing Child Abuse
- Chair of monthly Early Childhood Development Collaborative

**Children with Special Care Needs Division
Statistical Highlights 2022
EARLY INTERVENTION PROGRAM**

Number of Program Referrals	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	2022 Totals	2021 Totals
Initial Concern/reason for referral:														
-- DSS Founded Case														7
-- Gestational Age		1	1	1				1	1			1	6	6
-- Gestational Age/Gross Motor									2				2	0
-- Global Delays				1										1
-- Hearing						1					1		2	0
-- Physical													0	
-- Feeding	4	1	2		1	3			3	2	1		17	14
-- Feeding & Gross Motor	1				1	2	1	2	1		1	1	10	0
-- Feeding & Social Emotional							1	1		2			4	0
-- Gross Motor	3		3		7	6		8	6	2	3	2	40	37
-- Gross Motor & Fine Motor							7	1				1	9	2
-- Gross Motor, Speech & Social Emotional					1			2				1	4	2
-- Fine Motor									1		1		2	0
-- Social Emotional			1			1					1		3	8
-- Social Emotional & Adaptive					1								1	0
-- Speech	13	13	13	12	14	13	10	10	8	6	14	3	129	147
-- Speech & Cognitive													0	1
-- Speech & Feeding		1	1						1				3	1
-- Speech & Fine Motor			1						1				2	0
-- Speech & Gross Motor	1	4	1		1	1			1			1	10	15
-- Speech & Hearing	2		1		1						1		5	0
-- Speech & Sensory													0	0
-- Speech & Social Emotional	1		2	1		1	1	3	1			1	11	4
-- Speech, Feeding & Gross Motor													0	2
-- Adaptive													0	0
-- Adaptive/Sensory										1	1		2	1
-- Adaptive/Fine Motor													0	0
-- Qualifying Congenital / Medical Diagnosis				1						2			3	6
-- Other -- Birth Trauma													0	0
-- Maternal Drug Use													0	4
Total # of CYSHCN Referrals	0	1	1	5	5	0	4	0	0	2	4	1	23	
Total # of Information and Referrals (I&R)	3	2	0	0	5	10	2	6	1	9	3	7	48	
Total # of Child Find Referrals	4	8	7	5	3	0	9	5	3	2	7	1	54	15
Total Number of CSCN Program Referrals	32	31	34	26	40	38	35	39	30	28	38	20	391	252
Caseloads														
Total # of clients worked with during this month	125	169	162	176	198	238	201	206	165	176	168	174		
Average # of Cases per Full Time Service Coordinator	25.0	28.2	27.0	29.3	33.0	39.7	33.5	34.3	33.0	35.2	33.6	34.8		

EARLY INTERVENTION PROGRAM

Family/Client visits	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	2022 Totals	2021 Totals
-- Intake visits	19	17	27	18	22	19	18	24	24	16	22	15	241	245
-- IFSP Meetings	18	19	35	31	28	26	25	15	21	15	11	17	261	301
-- Core Evaluations	13	19	19	17	17	19	22	20	22	20	15	18	221	207
-- Supplemental Evaluations	5	4	5	5	4	6	1	10	2	2	1	5	50	57
-- Observation Visits	12	39	44	19	39	28	26	17	29	11	30	20	314	392
-- CPSE meetings	5	2	7	2	5	10	6	5	3	4	5	3	57	53
-- Family Training/Team Meetings	0	0	0	0	0	0	1	0	0	1	0	0	2	17
-- Transition meetings	3	7	7	2	1	0	4	2	7	2	0	3	38	97
													1184	1369
Services and Evaluations Pending & Completed														
Children with Services Pending(Needs List)														
-- Feeding	6	4	4	4	4	3	5	0	2	3	4	3	42	11
-- Nutrition	0	0	0	0	0	0	0	0	0	0	0	0	0	0
-- Occupational Therapy	0	1	3	3	2	2	2	0	2	3	0	0	18	13
-- Physical Therapy	4	2	6	6	5	2	5	7	10	7	4	4	62	11
-- Social Work	0	0	0	0	2	0	0	0	1	1	4	5	13	3
-- Special Education	7	6	11	11	15	13	10	4	6	5	8	10	106	13
-- Speech Therapy	37	39	33	36	47	52	54	38	31	37	41	41	486	144

EARLY INTERVENTION PROGRAM

Early Intervention Discharges	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	2022 Totals	2021 Totals
-- To CPSE	14	1	2	1	0	0	3	29	3	4	1	1	59	42
-- Aged out	1	1	1	2	2	0	0	2	2	1	0	3	15	14
-- Skilled out	4	2	3		4	3	1	1	2	4	3	0	27	36
-- Moved	2	0	0	0	3	10	4	3	1	2	1	1	27	16
-- Not Eligible/DNQ	5	3	9	6	5	7	16	10	5	3	6	4	79	78
-- Child Died	0	0	0	0	0	0	0	0	0	0	1	0	1	0
-- Family Refused/Unable to Locate	3	4	5	4	3	6	8	2	2	3	4	0	44	21
Total Number of Discharges	29	11	20	13	17	26	32	47	15	17	16	9	252	238
Child Find														
Total # of Referrals	4	8	6	5	3	0	9	5	3	2	7	1	53	15
Total # of Children in Child Find	13	20	20	21	25	22	20	21	15	16	19	19		
Total # Transferred to Early Intervention	0	0	1	3	2	1	2	1	2	0	2	0	14	0
Total # of Discharges	0	3	6	1	1	4	0	4	7	1	4	1	32	4

PRESCHOOL SPECIAL EDUCATION PROGRAM

Clients Qualified and Receiving Services	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec		
Children per School District														
-- Ithaca	112	120	131	136	144	145	108	106	85	88	91	97		
-- Dryden	44	47	49	51	54	54	38	40	28	31	32	32		
-- Groton	34	35	38	40	40	40	26	23	26	28	31	32		
-- Homer	0	0	0	0	0	0	0	1	0	1	1	1		
-- Lansing	26	27	27	29	28	27	17	17	11	15	15	15		
-- Newfield	6	8	13	14	15	15	12	12	8	13	14	14		
-- Trumansburg	9	11	10	10	11	11	9	9	8	10	10	10		
-- Spencer VanEtten	0	0	0	0	0	0	0	0	0	0	0	0		
-- Newark Valley	0	0	0	0	0	0	0	0	0	0	0	0		
-- Odessa-Montour	0	0	0	0	0	0	0	0	0	0	0	0		
-- Candor	0	0	0	0	0	0	0	0	0	0	0	0		
-- Moravia	0	0	0	0	0	0	0	0	1	1	1	1		
-- Cortland	0	0	0	0	0	0	0	0	0	0	0	0		
Total # of Qualified and Receiving Services	231	248	268	280	292	292	210	208	167	187	195	202		

Services Provided	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec		
Services /Authorized by Discipline														
-- Speech Therapy (individual)	148	160	172	177	182	182	114	111	102	123	131	130		
-- Speech Therapy (group)	7	11	16	15	19	19	5	5	0	0	0	1		
-- Occupational Therapy (individual)	58	61	62	65	71	71	50	45	29	41	42	45		
-- Occupational Therapy (group)	1	2	3	3	9	6	1	1	0	0	0	0		
-- Physical Therapy (individual)	35	36	38	42	42	43	21	20	19	20	21	21		
-- Physical Therapy (group)	0	0	0	0	0	0	0	0	0	0	0	0		
-- Transportation														
-- Birnie Bus	26	18	16	16	18	17	21	19	9	12	15	16		
-- Dryden Central School District	6	7	7	6	6	6	0	0	7	7	6	6		
-- Ithaca City School District	31	31	35	32	31	31	32	34	19	20	19	24		
-- Parent	6	8	7	7	5	5	3	3	2	3	2	2		
-- Service Coordination	34	36	3	38	44	41	21	20	23	24	22	23		
-- Counseling (individual)	43	51	55	62	70	66	55	52	44	43	50	47		
-- 1:1 (Tuition Program) Aide	4	4	5	5	5	5	5	5	0	0	4	4		
-- Special Education Itinerate Teacher	31	39	41	42	45	43	29	26	17	24	23	31		
-- Parent Counseling	44	51	58	63	66	63	35	37	39	42	41	42		
-- Program Aide	1	1	1	1	1	1	1	1	1	0	1	1		
-- Teaching Assistant	0	0	0	0	0	0	0	0	0	1	0	0		
-- Audiological Services	2	2	2	2	2	2	0	0	1	1	1	1		
-- Teacher of the Deaf	2	2	2	2	3	1	1	1	1	1	1	1		
-- Music Therapy	0	0	0	0	0	0	0	0	0	0	0	0		
-- Nutrition	15	15	16	17	17	16	8	8	10	11	11	11		
-- Skilled Nursing	0	0	0	0	0	0	0	0	0	0	0	0		
-- Interpreter	1	1	1	1	2	2	1	1	0	0	0	0		
Total # of children rcvng. home based related svcs.	162	182	199	215	229	230	153	152	125	146	150	152		

PRESCHOOL SPECIAL EDUCATION PROGRAM

Number of Children Served Per School District Attending Tuition Based Programs	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec		
-- Ithaca	35	31	35	32	31	31	34	34	19	20	19	23		
-- Dryden	14	16	16	15	15	15	8	8	10	10	10	10		
-- Groton	7	7	7	7	7	7	6	5	4	4	4	4		
-- Lansing	9	8	7	7	6	5	6	6	4	5	5	5		
-- Newfield	2	2	2	2	2	2	1	1	0	1	0	2		
-- Trumansburg	2	2	2	2	2	2	2	2	5	6	6	6		
-- Odessa-Montour	0	0	0	0	0	0	0	0	0	0	0	0		
-- Spencer VanEtten	0	0	0	0	0	0	0	0	0	0	0	0		
-- Moravia	0	0	0	0	0	0	0	0	0	0	0	0		
-- # attending Dryden Central School	8	8	8	7	7	7	0	0	7	6	6	6		
-- # attending Franziska Racker Centers	35	35	34	34	33	32	33	32	24	29	28	29		
-- # attending Ithaca City School District	26	23	27	24	23	23	24	24	11	6	11	15		
Total # attending Special Ed Integrated Tuition Progr.	69	66	69	65	63	62	57	56	42	41	45	50		

Municipal Representation Committee on Preschool Special Education														2022 Totals	2021 Totals
-- Ithaca	11	23	35	31	28	12	12	2	15	15	25	10		219	206
-- Candor	0	0	0	0	0	0	0	0	0	1	0	0		1	0
-- Dryden	8	6	13	7	4	7	1	2	4	4	5	3		64	51
-- Groton	3	2	10	14	8	0	3	1	2	2	5	0		50	41
-- Homer	0	0	0	0	1	1	0	0	0	0	0	0		2	0
-- Lansing	1	2	2	4	3	1	0	4	4	0	0	2		23	19
-- Newfield	3	0	1	1	2	6	0	0	0	3	2	1		19	16
-- Trumansburg	3	2	0	3	4	6	0	1	5	1	1	0		26	20
-- Spencer VanEtten	1	0	0	0	0	0	0	0	0	0	0	0		1	1
-- Moravia	0	0	0	0	0	1	0	0	0	0	0	0		1	0
Total CPSE Meetings Attended	30	35	61	60	50	34	16	10	30	26	38	16		390	354

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

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

Date: January 12, 2023
Memo to: Members of the Tompkins County Board of Health
From: C. Elizabeth Cameron, P.E., Director of Environmental Health

Subject: ATUPA Violation Penalty Policy Discussion

The Environmental Health Division (EH) and the Tompkins County Board of Health (BOH) are working toward a common goal: stopping the sale of tobacco products to underage youth and stopping the sale of banned vapor products, especially to underage youth. The question is how best to achieve this goal. The enforcement process is very time and staff intensive, with no clear outcome based on assessing financial penalties. Our experience and that of other NYS counties show that many vaping retailers can and will essentially ignore our enforcement actions, not pay the assessed penalties, and continue operating and selling banned products.

In response to the Board's request, EH has revised the ATUPA Violation Penalty Policy with the intent of incorporating comments from the October BOH meeting. These changes focus on maximizing the penalties that are assessed for violations.

Considering the response we are seeing to our enforcement actions, we have also attached a modified Alternate Draft ATUPA Violation Penalty Policy and are proposing a slightly modified procedure that focuses on streamlining the process for potentially observing 4 violations that would lead to referral to the NYS Department of Tobacco and Finance (DTF) for a one-year license suspension or revocation.

The NYSDOH requires EH to conduct unannounced compliance checks of retail tobacco dealers and vendors. Compliance checks for underage tobacco sales are conducted using individuals under the age of 21. Procedures for conducting these compliance checks are well established internally. The enforcement guidance and financial penalties from NYS are also well established

Compliance checks for the sale of restricted flavored vapor products are more difficult. Vendors are allowed to offer these products online for out-of-state sales, so the presence of these products in a store is not necessarily an ATUPA violation. On the other hand, vendors do not typically have these products on display. The customer, EH inspector, or underage youth must ask to purchase the product to ascertain if the vendor is offering the product for sale in NYS.

Penalties for the sale of these products are established by law and are based on the number of products sold. This typically involves a second visit after a sale is made to try to locate and count the number of products offered for sale. This process requires significantly more staff resources than the process for conducting compliance checks for underage sales. Additionally, as vendors become more knowledgeable about the penalty structure for these sales, they are using locked containers, restricted access areas, and other restricted access storage areas to make it harder to determine how many products are in the store. This is evident in comparing the hundreds of products that EH staff observed at Dream Vape in July with the one banned product observed at Jason's Grocery & Deli in November.

Rather than trying to ascertain how many banned products are present and taking enforcement after each violation, an alternative approach would be to focus on whether a facility repeatedly offers restricted products for sale. With this approach, upon the sale of a restricted product to EH staff, staff would make an additional visit to document repeated sales of these products. The initial draft resolution would be brought to the BOH after the second inspection. If the facility was in compliance on the second visit, a lower penalty than that proposed for repeat offenders would be offered in a Stipulation Agreement, avoiding the lengthy and costly administrative hearing process while achieving compliance. (Note: this approach would not apply in the case of a sale of product to an underage individual.)

Penalties would be assessed based on the sale of the product and any other violations observed during the sale; however, the focus of the enforcement process would be to document four (4) ATUPA violations during a three-year period, so that the facility could be referred to NYS DTF for suspension or possible revocation of their license. All violations must be supported either through a stipulation agreement and/or hearing in order to make a referral to DTF. This approach of conducting two inspections before issuing a draft resolution is also more consistent with enforcement in other EH programs.

Unlike in most other EH enforcement actions, EH does not issue an operating permit for tobacco retailers. Thus, EH has little recourse in the (expected) event that a retailer fails to pay a significant fine. The facility would be referred to the County Attorney's office who would determine whether to sue the facility for the unpaid penalties.

We believe the proposed Alternative ATUPA Violation Penalty Policy will result in faster referrals to DTF, who can suspend or revoke the retailer's license and where DTF can take further enforcement for operation without a tobacco license if needed.

Attachments: Draft ATUPA Violation Penalty Policy and Alternate Draft ATUPA Violation Penalty Policy

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ATUPA VIOLATION PENALTY POLICY - *Drafted: 1/12/23*

1. Background Information

The Environmental Health Division is responsible for enforcing the New York State Public Health Law Article 13-F also known as the Adolescent Tobacco Use Prevention Act (ATUPA). Certain violations of the law require the assessment of a penalty depending on the type of violation observed. Penalty ranges are established in the law for the following:

- a) sale to individuals of tobacco products under the age of 21,
- b) sale of restricted flavored vapor products, and
- c) sale of bidis and gutka for a non-tobacco business.

Each ATUPA violation carries a \$250 New York State surcharge in addition to any penalty.

The New York State Department of Taxation and Finance (NYSDTF) issues licenses to retailers to sell tobacco and vapor products (not including cannabis vapor products). In addition to penalties, ATUPA establishes thresholds for local health departments to refer tobacco and vapor product retailers to NYSDTF for suspension or revocation of a license.

One or two points are assigned to a retailer's tobacco license when a sale of tobacco or vapor products to an individual under the age of 21 occurs. Points are not assigned for any other violation of ATUPA including offering restricted flavored vapor products for sale.

The Environmental Health Division makes a referral to NYSDTF for license suspension or revocation when: 1) a retailer has accumulated three (3) or more points in a 3-year period; or 2) a retailer is cited for any four violations of the ATUPA law in a 3-year period.

2. Policy

It is the policy of the Environmental Health Division to recommend the assessment of penalties to the Tompkins County Board of Health in a consistent and equitable manner in accordance with Article 13-F of New York State Public Health Law and Tables 1 and 2 below. Tompkins County has a zero-tolerance policy for the sale of tobacco and vapor products to minors and for the sale of prohibited flavored vapor products to anyone.

In cases where a retailer's license will be referred to NYSDTF for suspension or revocation, no stipulation agreement will be offered, and a hearing will be conducted.

**Table 1 - Recommended Penalty for the Sale of Tobacco Products
 to Individual Under 21**

NOTE: Sale of tobacco (including vapor products) to an individual under the age of 21, results in the assessment of points (1 or 2). If a facility accumulates 3 or more points in a 3-year period, then a referral will be made for license suspension.

Violation Frequency (Within a 36-month period)	Penalty Required by Law	TCHD Recommended Penalty	Points Assessed (Proof of clerk training needed to be assessed 1 point)
First Violation	\$300 to \$1,500 +\$250 surcharge	\$1,500 + \$250 surcharge	1 or 2 points
2 nd Violation	\$1,000 to \$2,500 + \$250 surcharge	\$2,500 + \$250 surcharge + \$1,500 when BOH Order is violated	1 or 2 points - <i>Possible Referral for Suspension</i>
3 rd Violation	\$1,000 to \$2,500 + \$250 surcharge	\$2,500 + \$250 surcharge + \$2,000 when BOH Order is violated	1 or 2 points - <i>Referral for Suspension</i>
During Suspension or Revocation	\$2,500	\$2,500	<i>Referral for permanent revocation</i>

Table 2 - Recommended Penalty for the Sale (or Offering the Sale) of Restricted Flavored Vapor Products

NOTE: There is no assessment of points for the sale of prohibited flavored vapor products with nicotine. If a facility accumulates 4 or more of any type of violation in a 3-year period, then a referral will be made for license suspension.

Violation Frequency (Within a 36-month period)	Penalty Required by Law	TCHD Recommended Penalty
1 st Violation of Flavored Vapor Product	Up to \$100 per individual package of flavored product sold or offered for sale + \$250 surcharge	\$100/ individual package + \$250 surcharge
2 nd Violation of Flavored Vapor Product	Up to \$100 per individual package of flavored product sold or offered for sale + \$250 surcharge	\$100/ individual package + \$250 surcharge + \$1,500 when BOH Order is violated
3 rd Violation of Flavored Vapor Product	Up to \$100 per individual package of flavored product sold or offered for sale + \$250 surcharge	\$100/ individual package + \$250 surcharge + \$2,000 when BOH Order is violated unless referred to NYSDTF for suspension
4 th Violation of Flavored Vapor Product	Up to \$100 per individual package of flavored product sold or offered for sale + \$250 surcharge	\$100/ individual package + \$250 surcharge – Referral to NYSDTF for suspension

Penalties for the sale of bidis and gutka for a non-tobacco business are uncommon and will be addressed on a case-by-case basis if they occur.

3. New York State or Other Guidance

- ATUPA Overview Tobacco Enforcement Program Presentation (5/23/22)

4. References

- New York State Public Health Law 13-F
- NYS DOH website:
https://www.health.ny.gov/prevention/tobacco_control/retail_tobacco_dealers_guide.html

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ALTERNATE ATUPA VIOLATION PENALTY POLICY - *Drafted: 1/12/23*

1. Background Information

The Environmental Health Division is responsible for enforcing the New York State Public Health Law Article 13-F also known as the Adolescent Tobacco Use Prevention Act (ATUPA). Certain violations of the law require the assessment of a penalty depending on the type of violation observed. Penalty ranges are established in the law for the following:

- a) sale of tobacco products to individuals under the age of 21,
- b) sale of restricted flavored vapor products, and
- c) sale of bidis and gutka for a non-tobacco business.

Each ATUPA violation carries a \$250 New York State surcharge in addition to any penalty.

The New York State Department of Taxation and Finance (NYSDTF) issues licenses to retailers to sell tobacco and vapor products (not including cannabis vapor products). In addition to penalties, ATUPA establishes thresholds for local health departments to refer tobacco and vapor product retailers to NYSDTF for suspension or revocation of a license.

One or two points are assigned to a retailer's tobacco license when a sale of tobacco or vapor products to an individual under the age of 21 occurs. Points are not assigned for any other violation of ATUPA including offering restricted flavored vapor products for sale.

The Environmental Health Division makes a referral to NYSDTF for license suspension or revocation when: 1) a retailer has accumulated three (3) or more points in a 3-year period; or 2) a retailer is cited for any four violations of the ATUPA law in a 3-year period.

2. Policy

It is the policy of the Environmental Health Division to recommend the assessment of penalties to the Tompkins County Board of Health in a consistent and equitable manner in accordance with Article 13-F of New York State Public Health Law and Tables 1 and 2 below. Tompkins County has a zero-tolerance policy for the sale of tobacco and vapor products to minors and for the sale of prohibited flavored vapor products to anyone.

It is the policy of the Environmental Health Division to conduct ATUPA enforcements in a manner that results in the fastest referral to NYSDTF for retailers with repeat violations.

In cases where a retailer’s license will be referred to NYSDTF for suspension or revocation, no stipulation agreement will be offered, and a hearing will be conducted.

Table 1 - Recommended Penalty for the Sale of Tobacco/Vapor Products to Individual Under 21

NOTE: Sale of tobacco (including vapor products) to an individual under the age of 21, results in the assessment of points (1 or 2). If a facility accumulates 3 or more points in a 3-year period, then a referral will be made for license suspension.

Violation Frequency (Within a 36-month period)	Penalty Required by Law	TCHD Recommended Penalty	Points Assessed (Proof of clerk training needed to be assessed 1 point)
First Violation	\$300 to \$1,500 + \$250 surcharge	\$1,500 + \$250 surcharge	1 or 2 points
2 nd Violation	\$1,000 to \$2,500 + \$250 surcharge	\$2,500 + \$250 surcharge + \$1,500 when BOH Order is violated	1 or 2 points - <i>Possible Referral for Suspension</i>
3 rd Violation	\$1,000 to \$2,500 + \$250 surcharge	\$2,500 + \$250 surcharge + \$2,000 when BOH Order is violated	1 or 2 points - <i>Referral for Suspension</i>
During Suspension or Revocation	\$2,500	\$2,500	<i>Referral for permanent revocation</i>

Table 2 - Recommended Penalty for the Sale (or Offering the Sale) of Restricted Flavored Vapor Products

NOTE: There is no assessment of points for the sale of prohibited flavored vapor products with nicotine. If a facility accumulates 4 or more of any type of violation in a 3-year period, then a referral will be made for license suspension.

Violation Frequency (Within a 36-month period)	Penalty Required by Law	TCHD Recommended Penalty
1 st Violation of Flavored Vapor Product	Up to \$100 per individual package of flavored product sold or offered for sale + \$250 surcharge	\$100/ individual package + \$250 surcharge <i>Note: Facilities that demonstrate compliance during a re-inspection may be offered a lesser penalty when a stipulation agreement is made.</i>
2 nd Violation of Flavored Vapor Product	Up to \$100 per individual package of flavored product sold or offered for sale + \$250 surcharge	\$100/ individual package + \$250 surcharge + \$1,500 when BOH Order is violated
3 rd Violation of Flavored Vapor Product	Up to \$100 per individual package of flavored product sold or offered for sale + \$250 surcharge	\$100/ individual package + \$250 surcharge + \$2,000 when BOH Order is violated unless referred to NYSDTF for suspension
4 th Violation of Flavored Vapor Product	Up to \$100 per individual package of flavored product sold or offered for sale + \$250 surcharge	\$100/ individual package + \$250 surcharge – Referral to NYSDTF for suspension

Penalties for the sale of bidis and gutka for a non-tobacco business are uncommon and will be addressed on a case-by-case basis if they occur.

3. New York State or Other Guidance

- ATUPA Overview Tobacco Enforcement Program Presentation (5/23/22)

4. References

- New York State Public Health Law 13-F
- NYS DOH website:
https://www.health.ny.gov/prevention/tobacco_control/retail_tobacco_dealers_guide.html

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ENVIRONMENTAL HEALTH DIVISION
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Ph: (607) 274-6688
Fx: (607) 274-6695

Date: January 13, 2023
Memo to: Members of the Tompkins County Board of Health
From: Elizabeth Cameron, Director of Environmental Health

Subject: Administrative Changes to BOH Resolutions – December 2022

When reviewing the resolutions adopted at the December 6, 2022, Board of Health meeting, Environmental Health staff realized that administrative changes were needed to several of the resolutions. These changes are noted below.

• **Resolution #EH-ENF-22-0044 – Taste of Thai Express**

The BOH approved the deadline for submitting the plan of operation in order #2 to February 15, 2023, instead of January 13, 2023, to allow sufficient time to prepare a quality report after BOH action. This change impacted the permit extension. The permit to operate was extended to February 23, 2023 instead of January 31, 2023. This change was made in the final resolution that was sent to the facility.

• **Resolution #EH-ENF-22-0038 – Benjamin Hill Heights MHP**

The BOH approved an extension for completing the work to modify the water system required in Order #2. The penalty due date in Order #1 is connected to the deadline in Order #2. We changed the penalty due date from January 15, 2023, to February 15, 2023. This change was made in the final resolution that was sent to the facility.

• **Resolution #EH-ENF-22-0027 – Finger Lakes GrassRoots Festival of Music and Dance**

The draft resolution included with the Board of Health meeting materials was an older version that did not precisely reflect the requirements agreed to in the Stipulation Agreement. The following corrections were made to the final resolution.

1. Order #7 in the draft Resolution included with the agenda materials was not in the Stipulation Agreement and has been deleted:

If GrassRoots is not in compliance with Orders #5 and 6, Grassroots shall cancel the festival and notify attendees, staff, performers and vendors of such within 48 hours

2. Order #9 was included in the Stipulation Agreement but was not in the draft resolution and has been included in the enclosed final Resolution.

If GrassRoots is not in compliance with Order #8, Grassroots shall cancel the festival and notify attendees, staff, performers and vendors of such within 48 hours

We apologize for the errors.

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

ENVIRONMENTAL HEALTH DIVISION
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CERTIFIED, REGULAR, & ELECTRONIC MAIL

January 11, 2023

Joseph Giordano
Applegate Park
119 North Applegate Road, Lot #3
Ithaca, NY 14850

**Re: Tompkins County Board of Health REVISED Draft Resolution # EH-ENF-22-0037
Applegate Park, T-Enfield**

Dear Joseph Giordano:

The draft resolution sent to you on November 23, 2022, was taken off the agenda for the December 6, 2022, meeting. After reviewing the letter that you submitted to the Health Department on December 5, 2022, the draft resolution was revised.

Enclosed is a copy of the revised Draft Resolution that the Tompkins County Board of Health will consider at its meeting on **Tuesday, January 24, 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

Enclosure (s) – Draft Resolution, Stipulation Agreement and Orders and Letter to BOH dated 12/5/22

pc: F:\EH\MOBILE HOME PARKS (MHP)\Facilities (MHP-4)\Applegate Park\Enforcement\2022\Revised Draft Res 22-0037.docx
ec: Tompkins County Board of Health (via; Karan Palazzo, TCHD)
CEO T-Enfield; Supervisor T-Enfield; Anne Koreman, TC Legislature; John Strepelis, P.E., NYSDOH; TCHD: Elizabeth Cameron, P.E., Director of Environmental Health; Frank Kruppa, Public Health Director; Tom Palmer; Adriel Shea; Skip Parr; Brenda Coyle
scan: Signed copy to Accela

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

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

REVISED DRAFT RESOLUTION # EH-ENF-22-0037 FOR

**Applegate Park Mobile Home Park
Joseph Giordano Owner/Operator
119 North Applegate Road, T-Enfield
Ithaca, NY 14850**

Whereas, owners and operators of mobile home parks are required to comply with Part 17 of the New York State Sanitary Code (NYSSC); **and**

Whereas, Part 17 of the NYSSC states no person shall operate any mobile home park without a permit to do so from the permit-issuing official; **and**

Whereas, Applegate Park did not submit a renewal permit application until November 14, 2022, and did not submit the renewal fee of \$296 (included late fee) until December 5, 2022; **and**

Whereas, Applegate Park has not submitted the 2022 Annual Water System Operating fee of \$275 (includes late fee); **and**

Whereas, owners and operators of a public water supply are required to comply with Subpart 5-1 of the NYSSC; **and**

Whereas, Subpart 5-1.51(b) of NYSSC requires the submission of quarterly total coliform sample results; **and**

Whereas, the required total coliform sampling results for the first, second, and third quarters of 2022; were not received by the Health Department; **and**

Whereas, Subpart 5-1.72(c)1 of NYSSC requires the submission of monthly reports of daily chlorine residual readings; **and**

Whereas, the required 2022 monthly reports have not been received by the TCHD; **and**

Whereas, Applegate Park operated a mobile home park without a valid permit issued by the Tompkins County Health Department from November 1, 2022, through December 4, 2022; **and**

Whereas, the Tompkins County Health Department issued a temporary permit with conditions to operate Applegate Park after the operating permit fee and associated late fee were paid on December 5, 2022; **and**

Whereas, Applegate Park has been notified that failure to comply with the Orders below may result in the assessment of penalties of up to \$2,000 per violation per day including a daily penalty for the operation of a mobile home park without a valid permit; **and**

Whereas, Joseph Giordano, Owner, signed a Stipulation Agreement with Public Health Director's Orders on November 14, 2022, agreeing that Applegate Park violated these provisions of the New York State Sanitary Code; **now therefore be it**

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

1. Pay a penalty of \$475 for these violations, due in installments specified in Order #5 (**Do Not** submit penalty payment until notified by the Tompkins County Health Department.); **and**
2. Pay an additional penalty of \$600, if Order #6 is not met. Payment is due by March 30, 2023, for failing to meet this requirement; **and**
3. Pay an additional penalty of \$600, if Order #7 and #8 are not met which require all 2023 coliform sample results, annual nitrate result, monthly operating reports being received within the required timeframe. Payment is due within 30 days of failing to meet any of these requirements; **and**
4. Submit the 2022 outstanding water fee for Applegate Park in the amount of \$275 (2022 Water Operating Fee of \$200, and late fee of \$75) due in installments specified in Order #5; **and**
5. Pay installments of \$250 for the amounts owed as listed in Orders #1 and #4, **due no later than:**
 - a. **March 15, 2023**
 - b. **May 15, 2023**
 - c. **July 15, 2023**
6. Submit all quarterly 2022 total coliform sample results collected and the annual nitrate sample collected for Applegate Mobile Home Park **by January 30, 2023; and**
7. Submit total coliform sample test results quarterly and the annual nitrate sample for the Applegate Park Water Treatment System **by the 10th day of the following month; and**
8. Submit completed monthly operation reports of daily free chlorine residual readings for the Applegate Park Treatment System **by the 10th day of the following month** for every month; **and**
9. Maintain a current Permit to Operate Applegate Park at all times; **and**
10. Comply with all the requirements of Part 17 and Subpart 5-1 of the New York State Code.



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
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STIPULATION AGREEMENT AND ORDERS # EH-ENF-22-0037

**Applegate Mobile Home Park
Joseph Giordano Owner/Operator
119 North Applegate Road, T-Enfield
Ithaca, NY 14850**

I, Joseph Giordano, as a representative for Applegate Park, agree I am in violation of:

Part 17 of the New York State Sanitary Code for operating a mobile home park without a valid permit.

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.

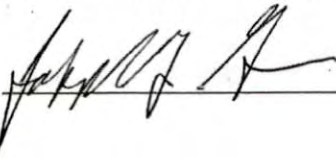
I understand that failure to comply with the Orders below may result in the assessment of penalties of up to \$2,000 per violation per day including a daily penalty for the operation of a mobile home park without a valid permit.

I agree to pay a penalty not to exceed \$1,700 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:

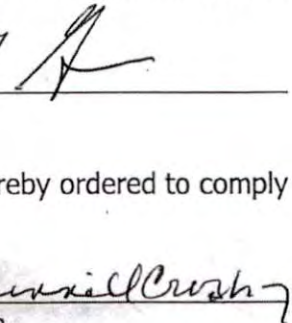
1. Submit a complete renewal application including the fee of \$296 (Annual Permit Renewal Fee of \$171, late fee of \$75, and expedited fee of \$50) to obtain the Permit to Operate Applegate Park by **November 15, 2022; and**
2. Submit the 2022 outstanding water fee for Applegate Park in the amount of \$275 (2022 Water Operating Fee of \$200, and late fee of \$75) by **November 15, 2022; and**
3. Submit the fourth quarter 2022 total coliform sample result for Applegate Mobile Home Park by **December 2, 2022; and**
4. Submit total coliform sample test results quarterly and a nitrate test result annually for the Applegate Park Water Treatment System **by the 10th day of the following month; and**
5. Submit completed monthly operation reports of daily free chlorine residual readings for the Applegate Park Treatment System **by the 10th day of the following month** for every month; **and**
6. 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; **and**
7. Comply with all the requirements of Part 17 and Subpart 5-1 of the New York State Code.

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: 11/19/22

Joseph Giordano is hereby ordered to comply with these Orders of the Public Health Director.

Signed: 
for Frank Kruppa
Public Health Director

Date: 11/15/2022

Joseph Giordano
Applegate Park
119 N. Applegate Rd Lot 3
Ithaca, NY 14850

December 5, 2022

Elizabeth Cameron
Tompkins County Environmental Health
55 Brown Rd
Ithaca, NY 14850

Dear Ms. Cameron,

When I met with Adriel Shea and Skip Parr, I signed the Stipulation Agreement dated 11/14/2022. I expected to be able to comply with it but I was unable to pay for the testing by 12/2/22. I will be submitting the testing by 12/10/22 because I now have the funds. The last two years have been very difficult for me both financially and mentally. But there is no legitimate excuse, I am required by law to comply with the law, I just could not afford to do so. It was a matter of paying my mortgages, car payments, insurance and putting food on the table or paying for testing. I am an owner occupant of the park and have operated it safely because I am drinking the water which is tested for Chlorine residuals daily.

I am hand delivering this letter with \$296 and will pay whatever else I can as soon as I can. That the best I can do as far as payment is concerned as of today. I am paying for the bacterial and Nitrates and nitrites testing by 12/10/22 and will be submitting them with my other testing from the past year by that date. I haven't submitted the testing from this last year because my check to the Lab bounced and I haven't been able to pay them.

Your Board must do what they think is right to enforce the law but please understand that if I can't afford to keep up with the simple fees, a \$1700 penalty by 1/13/23 isn't possible either. I request you reconsider this amount and I will begin making payments of \$50 to \$75 per month via electronic automatic payments to the Health Department to make an effort to pay my outstanding fees, When my financial situation improves I will pay any deficiencies in full. To promise anything else would be a lie.

I have had poor communication with the Department on this simply out of embarrassment and that I was depressed about my lot in life to say the least.

My sincere Apologies to your hard working staff, they have worked hard to deal with my neglect and I have been difficult to work with. Do as you may decide to do but you won't get blood from a stone.

Sincerely,



Joseph Giordano
Owner



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

January 12, 2023

Taylor Brown
Homewood Suites
36 Cinema Drive
Ithaca, NY 14850

**Re: Tompkins County Board of Health Draft Resolution # EH-ENF-22-0039
Homewood Suites Temporary Residence, V-Lansing**

Dear Taylor Brown:

Thank you for signing the Stipulation Agreement on November 30, 2022, for Homewood Suites. Enclosed is a copy of the Draft Resolution that the Tompkins County Board of Health will consider at its meeting on **Tuesday, January 24, 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, Stipulation Agreement and Orders, and Case Summary

pc: F:\EH\TEMPORARY RESIDENCE (TR)\Facilities (TR-4)\Homewood Suites\Enforcement-Legal\2022\Draft Res 22-0039.docx
ec: Tompkins County Board of Health (via; Karan Palazzo, TCHD)
Steven Auletta, Rivkin Radler; Lisa Johnson, Waterford Hotel Group; Village of Lansing CEO; Village of Lansing Fire Inspector; Deborah Dawson, TC Legislature; TCHD: Elizabeth Cameron, P.E., Director of Environmental Health; Frank Kruppa, Public Health Director; Kristee Morgan; Cynthia Mosher; Skip Parr; Brenda Coyle
scan: Signed copy to Accela

DRAFT RESOLUTION # EH-ENF-22-0039 FOR

**Homewood Suites
Waterford Hotel Group, LLC/Taylor Brown, Owner/Operator
36 Cinema Drive, V-Lansing
Ithaca, NY 14850**

Whereas, an owner/operator of a Temporary Residence must comply with the regulations established under Subpart 7-1 of the New York State Sanitary Code (NYSSC); **and**

Whereas, it is a critical violation of Part 7-1 of the NYSSC to fail to maintain the fire alarm system as required; **and**

Whereas, on October 10, 2021, June 1, 2022, and October 4, 2022, the Tompkins County Health Department (TCHD) observed that the fire alarm panel at Homewood Suites was not properly maintained; **and**

Whereas, a representative for Homewood Suites, signed a Stipulation Agreement with Public Health Director's Orders on November 30, 2022, agreeing that Homewood Suites 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 Waterford Group, LLC., Owner, is ordered to:**

1. Pay a penalty of \$400 for these violations, due by **March 15, 2023 (Do Not** submit penalty payment until notified by the Tompkins County Health Department.); **and**
2. Immediately and until Order #4 has been met, comply with the conditions of the fire watch issued by the Village of Lansing Fire Inspector; **and**
3. Provide written notification to the Tompkins County Health Department when Homewood Suites is granted access to rooms 130 and 132. The notification must be provided within three business days of Homewood Suites receiving authorization for access; **and**
4. Address all active fire panel monitoring lights, including those in rooms 130 and 132, so that the system is in proper working order and provide a satisfactory fire inspection report to the Tompkins County Health Department within five business days of obtaining access to rooms 130 and 132; **and**
5. Comply with all the requirements of Subpart 7-1 of the New York State Code for Temporary Residences.



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

REVISED STIPULATION AGREEMENT AND ORDERS # EH-ENF-22-0039

**Homewood Suites
Waterford Hotel Group, LLC/Marcus Peeples, Owner/Operator
36 Cinema Drive, V-Lansing
Ithaca, NY 14850**


I, Marcus Peeples, as a representative for Homewood Suites, agree that on October 10, 2021, June 1, 2022, and October 4, 2022, Homewood Suites was in violation of Subpart 7-1 of the New York State Sanitary Code for failure to properly operate and maintain the fire alarm system.

I agree to pay a penalty not to exceed \$400 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.)*

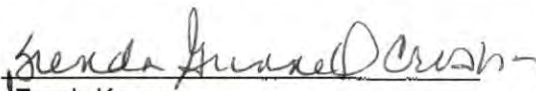
I also agree to comply with the following Orders when signed by the Tompkins County Public Health Director:

1. Immediately and until Order #3 has been met, comply with the conditions of the fire watch issued by the Village of Lansing Fire Inspector; **and**
2. Provide written notification to the Tompkins County Health Department when Homewood Suites is granted access to rooms 130 and 132. The notification must be provided within three business of Homewood Suites receiving authorization for access; **and**
3. Address all active fire panel monitoring lights, including those in rooms 130 and 132, so that the system is in proper working order and provide a satisfactory fire inspection report to the Tompkins County Health Department within five business days of obtaining access to rooms 130 and 132; **and**
4. Comply with all the requirements of Subpart 7-1 of the New York State Code for Temporary Residences.

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: 11/30/2022

Waterford Hotel Group, LLC is hereby ordered to comply with these Orders of the Public Health Director.

Signed:  Date: 12/2/2022
Frank Kruppa
Public Health Director

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

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

CASE SUMMARY – FOR RESOLUTION # EH-ENF-22-0039

**Homewood Suites
Taylor Brown, Operator
36 Cinema Drive
Ithaca, NY 14850**

January 2023

Date	Action
12/1/2022	Signed stipulation agreement received by TCHD.
11/22/2022	Revised stipulation sent to Homewood Suites by TCHD.
11/22/2022	Firewatch issued to Homewood Suites by the Village of Lansing
11/15/2022	TCHD and Village of Lansing held coordination meeting to discuss issuance of a fire watch for the area of the hotel impacted by the fire panel.
11/8/2022	Email received by TCHD from attorney representing Homewood Suites requesting adjournment of office conference.
10/24/2022	Stipulation agreement sent by TCHD.
10/04/2022	Inspection by TCHD. Violation for maintenance and operation of fire alarm system observed. See attached inspection report.
09/06/2022	Inspection by Fire Safety Company ADT Commercial. Fire panel observed to be indicating end of life for components in Room 130 and 132, admittance was denied by occupants.
07/26/2022	Complaint Investigation by TCHD for Clean Indoor Air Act (CIAA) complaint. No CIAA violations observed. Fire and alarm system not checked at time of complaint investigation.
06/01/2022	Field Visit by TCHD. Violation for maintenance and operation of fire alarm system observed.
10/06/2021	Inspection by TCHD. Violation for maintenance and operation of fire alarm system observed.
12/11/2020	Inspection by Fire Safety Company ADT Commercial. Fire panel observed to be indicating end of life for components in Room 130 and 132, admittance was denied by occupants.
2020	TCHD Inspection waived, inspection report by Village of Lansing Code Enforcement received for 2020.
10/10/2019	Inspection by TCHD. No critical violations were observed.
09/25/2018	Inspection by TCHD. No critical violations were observed.
10/24/2017	Inspection by TCHD. No critical violations were observed.
2007	Permit to operate Homewood Suites Temporary Residence issued.

TOMPKINS COUNTY HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH DIVISION
55 BROWN ROAD
Ithaca, NY 14850-0000
(607) 274-6688
TCEH@tom-pkins-co.org

Temporary Residence Inspection Summary Report

Operation: HOMEWOOD SUITES (ID: 554223)
Facility Name: HOMEWOOD SUITES
Facility Code: 54-2629 Facility Email: mabdelrehim@waterfordhotelgroup.com
Facility Address: 36 Cinema Drive, Ithaca, NY 14850

To the Attention of:

Mohamed Abdelrehim
WATERFORD HOTEL GROUP, LLC
36 Cinema Drive
Ithaca, NY 14850
Email: Mohamed.abdelrehim@hilton.com

Inspection

Date: October 4, 2022 12:45 PM
Inspector: Cynthia Mosher (cmosher@tom-pkins-co.org)
Responsible Person: Marcus Peeples
Additional Email(s): marcus.peeples2@hilton.com

Summary

Number of Public Health Hazards Found: 3
Number of Public Health Hazards NOT Corrected: 3
Number of Other Violations Found: 3

Reinspection is Required

Each item found in violation is reported below along with the code requirement.

PUBLIC HEALTH HAZARDS

ITEM # 1 WAS FOUND IN VIOLATION 2 TIME(S). PUBLIC HEALTH HAZARD

All or parts of the item are violations.

Code Requirements: Electrical service, wiring, components free from imminent fire or shock hazard {7-1.4b(1)}

Inspector Findings: Second floor electrical room inside storage room filled from wall to wall with mattresses and cots. Picture taken. Mattresses in contact with panel boxes and no ready access to panel boxes if needed. A 3 foot minimum clearance is required for electrical panels and combustible materials. Mattresses must be redistributed so that all electrical rooms have a separation distance of at least 3 feet.
Third floor panel room with large transformer has single cot approximately 6" away from transformer unit. Noticeable heat emanates from transformer. A 3 foot minimum clearance is required for electrical equipment. Mattress must be moved away from electrical equipment.

PUBLIC HEALTH HAZARDS

ITEM # 9 WAS FOUND IN VIOLATION 1 TIME(S). PUBLIC HEALTH HAZARD

All or parts of the item are violations.

Code Requirements: Adequate operation and maintenance of fire alarm and fire suppression systems {7-1.4b(9)}

Inspector Findings: Fire panel at entrance of building, in between automatic doors, showing end of life for smoke detectors in rooms 130 and 132. Repeat violation from 2021. Manager has stated that tenants refuse access to rooms for any repairmen to replace the detectors, or any other repairs. Sign on room 130 asking "Privacy Please." Emails from tenant to Health Department, Hotel, and Code Enforcement have significant demands for access, and demands change when offered to accommodate. While rooms belong to long term residents, all parts of fire detection system must be functioning for the Temporary Residence Code.

FIRE SAFETY

ITEM #25 WAS FOUND IN VIOLATION 1 TIME(S).

All or parts of the item are violations.

Code Requirements: Fire suppression system: operated/maintained - maintenance documentation available on-site {7-1.8(b)}

Inspector Findings: Cover of retractable sprinkler head missing and sprinkler head appears to be lowered on drop down ceiling next to room 305. Repair or replace head as needed for proper functioning.

FIRE SAFETY

ITEM #27 WAS FOUND IN VIOLATION 1 TIME(S).

All or parts of the item are violations.

Code Requirements: Exit signs/emergency lighting readily visible, operational, safe path of travel identified {7-1.8(d)}

Inspector Findings: Multiple exit lights in hallways fail to light on test or have flashing alert lights needing correction but light on test. First floor has largest number of lights failing to light on test, including one exit light in the pool area. No hallway without clear path of exit due to failure to light. All emergency lights fully functional. Check and repair/replace any improperly functioning exit light.

FACILITY MISCELLANEOUS

ITEM #37 WAS FOUND IN VIOLATION 1 TIME(S).

All or parts of the item are violations.

Code Requirements: Electrical services, wiring/fixtures - maintained {7-1.14}

Inspector Findings: GFI outlets in room 133 by the microwave, 219 by sink near bathroom, by stove, and room 302 improperly function. All GFI outlets should be checked on a regular basis to ensure safe use.

Additional Information Collected During Inspection

Permitted Capacity: 91 Rooms / Units

Comments: Two Part 1 Critical Violations, One repeat violation
Three Part 2 Noncritical Violations

Reinspection needed.

Rooms 230 and 232 occupied by staff members. No odor of cigarette or marijuana smoke detected in hallway or adjacent rooms.

Back entrance/exit only area without handicapped parking or curb cut out. Closest handicapped room to back exit equidistant to handicapped accessible door that leads to handicapped parking. Door freely swings for egress. Manager states primary use for room is for hearing impaired.

Have sprinkler inspection for 1/2022 and fire detection system from 9/2022. Sprinkler inspection shows no faults. Fire detection shows faults for rooms 130 and 132.



Inspector: Cynthia Mosher (cmosher@tompkins-co.org)



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

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CERTIFIED AND REGULAR MAIL

January 12, 2023

Ithaca Convenience, LLC
Attention: Yasser Hassan
155 Dryden Road
Ithaca, NY 14850

**Re: Tompkins County Board of Health Draft Resolution # EH-ENF-22-0045
Ithaca Convenience, LLC, C-Ithaca – Violation of Board of Health Orders**

Dear Yasser Hassan:

On June 28, 2022, the Tompkins County Board of Health adopted Resolution #EH-ENF-22-0014 requiring Ithaca Convenience, LLC to prohibit the sale or other provision of flavored vapor products containing nicotine, with the exception of tobacco flavor, to anyone.

On November 9, 2022, The Tompkins County Health Department performed an ATUPA compliance check at Ithaca Convenience at 155 Dryden Rd in Ithaca, NY. At that time, TCHD staff purchased a lush ice flavored nicotine vapor product and observed 45 additional flavored vapor products containing nicotine available for sale. This is a violation Article 13-F of New York State Public Health Law and Board of Health Orders.

Enclosed is a copy of the Draft Resolution that the Tompkins County Board of Health will consider at its meeting on **Tuesday, January 24, 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, Resolution #EH-ENF-22-0014, and Inspection Report

pc: F:\EH\TOBACCO\ATUPA\Facilities\Ithaca Convenience\Enforcement\November 2022\Draft Res 22-0045.docx
ec: Tompkins County Board of Health (via; Karan Palazzo, TCHD)
Tim Wiant, NYSDOH; Mayor Laura Lewis; Richard John, TC Legislature; Shawna Black, TC Legislature; TCHD: Elizabeth Cameron, P.E., Director of Environmental Health; Frank Kruppa, Public Health Director; Becky Sims; Skip Parr; Adriel Shea; Brenda Coyle
scan: Signed copy to Accela

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

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

DRAFT RESOLUTION # EH-ENF-22-0045 FOR

**Ithaca Convenience, LLC
Ithaca Convenience, LLC/Yasser Hassan, Owner/Operator
155 Dryden Road
Ithaca, NY 14850**

Whereas, the representative of a business that sells retail tobacco products must comply with the regulations of Article 13-F, Section 1399-MM-1 of the New York State Public Health Law (NYSPL) that prohibits the offer for sale and sale of flavored vapor products, other than tobacco flavored vapor products, that contain nicotine; **and**

Whereas, on June 28, 2022, the Tompkins County Board of Health Resolution EH-ENF-22-0014 ordered Ithaca Convenience to prohibit the sale or other provision of flavored vapor products containing nicotine, with the exception of tobacco flavor, to anyone; **and**

Whereas, on November 9, 2022, Tompkins County Health Department staff purchased a lush ice flavored nicotine vapor product and observed 45 additional flavored vapor products containing nicotine available for sale; **and**

Whereas, Ithaca Convenience LLC has been notified that when any four violations of the Adolescent Tobacco Use Prevention Act (ATUPA) are found within a three-year period, a referral will be made to New York State Department of Taxation and Finance to revoke the registration to sell tobacco and/or vapor products, and of your lottery license, if you have one, for one year; **and**

Whereas, on November 9, 2022, Ithaca Convenience violated Article 13-F of the New York State Public Health Law and the provisions of Board of Health Resolution #EH-ENF-22-0014; **now therefore be it**

**Resolved, on recommendation of the Tompkins County Board of Health,
That Ithaca Convenience LLC, Owner, is ordered to:**

1. Pay a penalty of \$6,250 (\$4,500 for flavored nicotine vapor products + \$1,500 for violation of BOH order + \$250 NYS surcharge) for these violations, due by March 15, 2023. (**Do Not** submit penalty payment until notified by the Tompkins County Health Department.); **and**
2. Prohibit the sale or offer for sale at retail, of flavored vapor products containing nicotine, with the exception of tobacco flavor, to anyone; **and**
3. Comply with all the requirements of New York State Public Health Law, Article 13F.

RESOLUTION # EH-ENF-22-0014 FOR

**Ithaca Convenience, LLC
Ithaca Convenience, LLC/Yasser Hassan, Owner/Operator
155 Dryden Road
Ithaca, NY 14850**

Whereas, the representative of a business that sells retail tobacco products must comply with the regulations of Article 13-F, Section 1399-MM-1 of the New York State Public Health Law (NYSPHL) that prohibits the offer for sale and sale of flavored vapor products, other than tobacco flavored vapor products, that contain nicotine; **and**

Whereas, on March 17, 2022, Tompkins County Health Department (TCHD) staff purchased a watermelon flavored nicotine vapor product and observed more than 600 individual flavored vapor products containing nicotine at the Ithaca Convenience LLC; **and**

Whereas, on March 17, 2022, TCHD staff observed more than 50 boxes of hookah tobacco on non-secured shelves accessible to customers; **and**

Whereas, on March 17, 2022, TCHD staff observed price tag signs offering discounts when two or more vapor products are purchased; **and**

Whereas, Ithaca Convenience LLC has been notified that future violations where flavored vapor products, other than tobacco flavored, containing nicotine, are sold or offered for sale will result in the Tompkins County Health Department seeking a fine amount of up to \$100 for each individual package sold or offered for sale; **and**

Whereas, Yasser Hassan, Operator, signed a Stipulation Agreement with Public Health Director's Orders on April 7, 2022, agreeing that Ithaca Convenience LLC violated Article 13-F, Section 1399-MM-1 of the NYSPHL; **now therefore be it**

**Resolved, on recommendation of the Tompkins County Board of Health,
That Ithaca Convenience LLC, Owner, is ordered to:**

1. Pay a penalty of \$600 for these violations, due by **August 15, 2022**; **and**
2. To prohibit the sale or other provision of flavored vapor products containing nicotine, with the exception of tobacco flavor, to anyone; **and**
3. To store all tobacco products, herbal cigarettes, shisha, electronic cigarettes, and liquid nicotine, and other vapor products behind a counter in an area accessible only to employees or in a locked container; **and**

Retail Tobacco and Vapor Product Inspection Summary Report

Operation: Ithaca Convenience, LLC (ID: 1079771)
 Facility Name: Ithaca Convenience, LLC
 Facility Code: ATUPA
 Facility Address: 155 Dryden Road, Ithaca, NY 14850
 Facility Type: Convenience Store

To the Attention of:
 ITHACA CONVENIENCE, LLC
 155 Dryden Road
 Ithaca, NY 14850

Adult Compliance Check - Purchase Attempt

Date: November 9, 2022 03:40 PM
 Inspector: Rebecca Sims (rsims@tomppkins-co.org)
 Person in Charge of Establishment: Zakaria Hasan

Registration Information

Products available for sale: Tobacco and Vapor Products

Tobacco Products	Was DTF Certificate of Registration Information Verified for Tobacco Products? Registered ID Type: Certificate of Registration Certificate Displayed? Certificate Displayed ID Number: 87-3065245 Year of Registration Expiration: 2023
Vapor Products	Was DTF Certificate of Registration Information Verified for Vapor Products? Registered ID Type: Certificate of Registration Certificate Displayed? Certificate Displayed ID Number: 87-3065245 Year of Registration Expiration: 2023

Sales Compliance

Was tobacco or vapor products, electronic or herbal cigarettes or other restricted product purchased? Yes
 Bidis/Gutka offered for sale? No
 Location/Access of tobacco and vapor products, electronic or herbal cigarettes, and shisha acceptable? Yes
 Type of product for which purchase was attempted: Other: Flavored nicotine vapor product
 Out of package sale and minimum package size requirements met? Yes

Description of Person Who Sold the Product

Name (Last, First): Hasan, Zakaria	Gender: Male
Race: Asian	Age: Age: 36 - 50 Yrs.
Height: 5'6" - 6'0"	Build: Slim Build
Hair Color: black	Hair Length: short

Signs and Posting

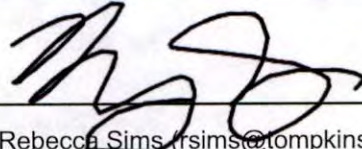
Is sign displayed prohibiting the sale of tobacco and other restricted products to persons less than 21 years-of-age? Yes

When bidis or gutka are sold in a tobacco business, is the required sign displayed? N/A

Additional Information Collected During Inspection

Comments: TCHD staff requested to purchase a flavored vapor product containing nicotine. A Flair Plus Lush Ice flavored vapor product was sold to TCHD staff over age 21 for \$10 cash. ID was verified at time of purchase. Immediately following purchase, an adult inspection was completed. 45 flavored vapor products were observed to be offered for sale in a box behind the cashier under a binder/book.

Cashier requested clarification regarding allowable products, education was provided: that tobacco flavored nicotine vapor products and other flavored vapor products that are nicotine-free can be sold to individuals over age 21. Previous violations of price reduction instruments and unacceptable access to hookah tobacco have been corrected. Enforcement to follow.



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

Photo	Caption
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flavored vapor products with nicotine available for sale



flavored vapor products with nicotine available for sale



Flair plus Lush ice flavored vape with 5% nicotine sold to TCHD staff



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 AND REGULAR MAIL

January 12, 2023

Cayuga Smoke Shop Inc.
Attention: Ali Hassan
207 North Aurora Street
Ithaca, NY 14850

**Re: Tompkins County Board of Health Draft Resolution # EH-ENF-22-0046
Cayuga Smoke Shop, C-Ithaca - Violation of Board of Health Orders**

Dear Ali Hassan:

On June 28, 2022, the Tompkins County Board of Health adopted Resolution #EH-ENF-22-0007 requiring Cayuga Smoke Shop to prohibit the sale or other provision of flavored vapor products containing nicotine, with the exception of tobacco flavor, to anyone.

On September 28, 2022, Tompkins County Health Department (TCHD) staff observed at least 75 flavored Hyde vapor products containing nicotine available for sale and purchased one Hyde sour apple ice flavored vapor product that contains 5% nicotine. This is a violation Article 13-F of New York State Public Health Law and Board of Health Orders.

Enclosed is a copy of the Draft Resolution that the Tompkins County Board of Health will consider at its meeting on **Tuesday, January 24, 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, Resolution #EH-ENF-22-0007, and Inspection Report

pc: F:\EH\TOBACCO\ATUPA\Facilities\Cayuga Smoke Shop\22-0046\Draft Res 22-0046.docx
ec: Tompkins County Board of Health (via; Karan Palazzo, TCHD)
Tim Wiant, NYSDOH; Mayor Laura Lewis; Richard John, TC Legislature; Shawna Black, TC Legislature; TCHD: Elizabeth Cameron, P.E., Director of Environmental Health; Frank Kruppa, Public Health Director; Becky Sims; Skip Parr; Brenda Coyle
scan: Signed copy to Accela

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

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

DRAFT RESOLUTION # 22-0046 FOR

**Cayuga Smoke Shop
Cayuga Smoke Shop Inc/Ali Hassan, Owner/Operator
207 North Aurora Street
Ithaca, NY 14850**

Whereas, the representative of a business that sells retail tobacco products must comply with the regulations of Article 13-F, Section 1399-MM-1 of the New York State Public Health Law (NYSPHL) that prohibits the offer for sale and sale of flavored vapor products, other than tobacco flavored vapor products, that contain nicotine; **and**

Whereas, on June 28, 2022, the Tompkins County Board of Health Resolution EH-ENF-22-0007 ordered Cayuga Smoke Shop to prohibit the sale or other provision of flavored vapor products containing nicotine, with the exception of tobacco flavor, to anyone; **and**

Whereas, on September 28, 2022, Tompkins County Health Department staff purchased a sour apple ice flavored nicotine vapor product and observed more than 75 additional flavored vapor products containing nicotine available for sale at Cayuga Smoke Shop; **and**

Whereas, Cayuga Smoke Shop Inc. is hereby notified that when any four violations of the Adolescent Tobacco Use Prevention Act (ATUPA) are found within a three-year period, a referral will be made to New York State Department of Taxation and Finance to revoke the registration to sell tobacco and/or vapor products, and of your lottery license, if you have one, for one year; **and**

Whereas, on September 28, 2022, Cayuga Smoke Shop violated these provisions of Article 13-F of the New York State Public Health Law and the provisions of Board of Health Resolutions #ENF-22-0007 were not met; **now therefore be it**

**Resolved, on recommendation of the Tompkins County Board of Health,
That Cayuga Smoke Shop Inc, Owner, is ordered to:**

1. Pay a penalty of \$9,250 (\$7,500 for flavored nicotine vapor products + \$1,500 for violation of BOH order + \$250 NYS surcharge) for these violations, due by March 15, 2023. (**Do Not** submit penalty payment until notified by the Tompkins County Health Department.); **and**
2. Prohibit the sale or offer for sale at retail, of flavored vapor products containing nicotine, with the exception of tobacco flavor, to anyone; **and**
3. Comply with all the requirements of New York State Public Health Law, Article 13F.



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

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Ph: (607) 274-6688
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RESOLUTION # EH-ENF-22-0007 FOR

**Cayuga Smoke Shop
Cayuga Smoke Shop Inc/Ali Hassan, Owner/Operator
207 North Aurora Street
Ithaca, NY 14850**

Whereas, the representative of a business that sells retail tobacco products must comply with the regulations of Article 13-F, Section 1399-MM-1 of the New York State Public Health Law (NYSPHL) that prohibits the offer for sale and sale of flavored vapor products, other than tobacco flavored vapor products, that contain nicotine; **and**

Whereas, on February 25, 2022, Tompkins County Health Department (TCHD) staff observed more than 400 individual flavored vapor products containing nicotine offered for sale at Cayuga Smoke Shop; **and**

Whereas, Cayuga Smoke Shop Inc has been notified that future violations where flavored vapor products, other than tobacco flavored, containing nicotine, are sold or offered for sale will result in the Tompkins County Health Department seeking a fine amount of up to \$100 for each individual package sold or offered for sale; **and**

Whereas, a representative for Cayuga Smoke Shop Inc, Owner, signed a Stipulation Agreement with Public Health Director's Orders on April 7, 2022, agreeing that Cayuga Smoke Shop violated Article 13-F, Section 1399-MM-1 of the NYSPHL; **now therefore be it**

**Resolved, on recommendation of the Tompkins County Board of Health,
That Cayuga Smoke Shop Inc, Owner, is ordered to:**

1. Pay a penalty of \$600 for these violations, due by **August 15, 2022; and**
2. To prohibit the sale or other provision of flavored vapor products containing nicotine, with the exception of tobacco flavor, to anyone; **and**
3. To comply with all the requirements of New York State Public Health Law, Article 13F.

This action was adopted by the Tompkins County Board of Health at its regular meeting on June 28, 2022.



Frank Kruppa
Public Health Director



Date

Retail Tobacco and Vapor Product Inspection Summary Report

Operation: Cayuga Smoke Shop (ID: 1077709)
Facility Name: Cayuga Smoke Shop
Facility Code: ATUPA
Facility Address: 207 North Aurora Street, Ithaca, NY 14850
Facility Type: Tobacco Business

To the Attention of:

Cayuga Smoke Shop Inc
207 N Aurora
Ithaca, NY 14850

Adult Compliance Check - Purchase Attempt

Date: September 28, 2022 03:45 PM
Inspector: Rebecca Sims (rsims@tompkins-co.org)

Registration Information

Products available for sale: Tobacco and Vapor Products

Tobacco Products	Was DTF Certificate of Registration Information Verified for Tobacco Products? Registered
	ID Type: Certificate of Registration
	Certificate Displayed? Certificate Not Available
	ID Number: na Year of Registration Expiration: 2022
Vapor Products	Was DTF Certificate of Registration Information Verified for Vapor Products? Registered
	ID Type: Certificate of Registration
	Certificate Displayed? Certificate Not Available
	ID Number: na Year of Registration Expiration: 2022

Sales Compliance

Was tobacco or vapor products, electronic or herbal cigarettes or other restricted product purchased? Yes
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: Flavored nicotine vapor product
Out of package sale and minimum package size requirements met? Not Verified (Not evaluated)

Description of Person Who Sold the Product

Race: Asian Gender: Male
Height: 5'6" - 6'0" Age: Age: 36 - 50 Yrs.
Build: Medium Build

Signs and Posting

Is sign displayed prohibiting the sale of tobacco and other restricted products to persons less than 21 years-of-age? Yes
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: TCHD staff entered this facility and requested to purchase Hyde vapes. The cashier presented a plastic bin containing at least 75 flavored Hyde vapor products containing nicotine. The cashier went in a back room to look for the requested flavor and returned with one additional product. The cashier stated that the disposable vapes were \$15 or 2 for \$20. One hyde sour apple ice flavored vape containing 5% nicotine was purchased for \$15 cash. Enforcement to follow.



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



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

ELECTRONIC, CERTIFIED AND REGULAR MAIL

January 12, 2023

Ayra Convenience Inc
Attention: Vijay Kumar Patel
428 Eddy Street
Ithaca, NY 14850
grabandgoithaca@gmail.com

**Re: Tompkins County Board of Health Draft Resolution # EH-ENF-22-0047
Ayra Convenience Inc, C-Ithaca – Violation of Board of Health Orders**

Dear Vijay Kumar Patel:

On June 28, 2022, the Tompkins County Board of Health adopted Resolution #EH-ENF-22-0013 requiring Ayra Convenience to prohibit the sale or other provision of flavored vapor products containing nicotine, with the exception of tobacco flavor, to anyone.

On November 9, 2022, The Tompkins County Health Department performed an ATUPA compliance check at Ayra Convenience at 428 Eddy St in Ithaca, NY. At that time, TCHD staff purchased a raspberry-watermelon flavored nicotine vapor product and observed 40 additional flavored vapor products containing nicotine available for sale. This is a violation Article 13-F of New York State Public Health Law and Board of Health Orders.

Enclosed is a copy of the Draft Resolution that the Tompkins County Board of Health will consider at its meeting on **Tuesday, January 24, 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

Enclosure (s) – Draft Resolution, Resolution #EH-ENF-22-0013, and Inspection Report

pc: F:\EH\TOBACCO\ATUPA\Facilities\Ayra Convenience\Enforcement\November 2022\Draft Res 22-0047.docx
ec: Tompkins County Board of Health (via; Karan Palazzo, TCHD)
Tim Wiant, NYSDOH; Mayor Laura Lewis; Richard John, TC Legislature; Shawna Black, TC Legislature; TCHD: Elizabeth Cameron, P.E., Director of Environmental Health; Frank Kruppa, Public Health Director; Becky Sims; Skip Parr; Brenda Coyle
scan: Signed copy to Accela

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

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

DRAFT RESOLUTION # EH-ENF-22-0047 FOR

Ayra Convenience Inc
Ayra Convenience Inc./Vijay Kumar Patel, Owner/Operator
428 Eddy Street
Ithaca, NY 14850

Whereas, the representative of a business that sells retail tobacco products must comply with the regulations of Article 13-F, Section 1399-MM-1 of the New York State Public Health Law (NYSPHL), that prohibits the offer for sale and sale of flavored vapor products, other than tobacco flavored vapor products, that contain nicotine; **and**

Whereas, on June 28, 2022, the Tompkins County Board of Health Resolution EH-ENF-22-0013 ordered Ayra Convenience to prohibit the sale or other provision of flavored vapor products containing nicotine, with the exception of tobacco flavor, to anyone; **and**

Whereas, on November 9, 2022, Tompkins County Health Department staff purchased a raspberry-watermelon flavored nicotine vapor product and observed 40 additional flavored vapor products containing nicotine available for sale at Ayra Convenience; **and**

Whereas, Ayra Convenience is hereby notified that when any four violations of the Adolescent Tobacco Use Prevention Act (ATUPA) are found within a three-year period, a referral will be made to New York State Department of Taxation and Finance to revoke the registration to sell tobacco and/or vapor products, and of your lottery license, if you have one, for one year; **and**

Whereas, on November 9, 2022, Ayra Convenience violated Article 13-F of the New York State Public Health Law and the provisions of Board of Health Resolutions #ENF-22-0013 were not met; **now therefore be it**

Resolved, on recommendation of the Tompkins County Board of Health,
That Ayra Convenience Inc., Owner, is ordered to:

1. Pay a penalty of \$5,750 (\$4,000 for flavored nicotine vapor products + \$1,500 for violation of BOH order + \$250 NYS surcharge) for these violations, due by March 15, 2023. (**Do Not** submit penalty payment until notified by the Tompkins County Health Department.); **and**
2. Prohibit the sale or offer for sale at retail, of flavored vapor products containing nicotine, with the exception of tobacco flavor, to anyone; **and**
3. Comply with all the requirements of New York State Public Health Law, Article 13F.



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

RESOLUTION # EH-ENF-22-0013 FOR

**Ayra Convenience Inc
Ayra Convenience Inc./Vijay Krumar Patel, Owner/Operator
428 Eddy Street
Ithaca, NY 14850**

Whereas, the representative of a business that sells retail tobacco products must comply with the regulations of Article 13-F, Section 1399-MM-1 of the New York State Public Health Law (NYSPHL) that prohibits the offer for sale and sale of flavored vapor products, other than tobacco flavored vapor products, that contain nicotine; **and**

Whereas, on March 17, 2022, Tompkins County Health Department (TCHD) staff purchased a menthol flavored nicotine vapor product and observed more than 85 individual flavored vapor products containing nicotine at the Ayra Convenience; **and**

Whereas, Ayra Convenience Inc. has been notified that future violations where flavored vapor products, other than tobacco flavored, containing nicotine, are sold or offered for sale will result in the Tompkins County Health Department seeking a fine amount of up to \$100 for each individual package sold or offered for sale; **and**

Whereas, a representative for Ayra Convenience Inc., Owner, signed a Stipulation Agreement with Public Health Director's Orders on April 5, 2022, agreeing that Ayra violated Article 13-F, Section 1399-MM-1 of the NYSPHL; **now therefore be it**

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

1. Pay a penalty of \$600 for these violations, due by **August 15, 2022; and**
2. To prohibit the sale or other provision of flavored vapor products containing nicotine, with the exception of tobacco flavor, to anyone; **and**
3. To comply with all the requirements of New York State Public Health Law, Article 13F.

This action was adopted by the Tompkins County Board of Health at its regular meeting on June 28, 2022.



Frank Kruppa
Public Health Director



Date

Signs and Posting

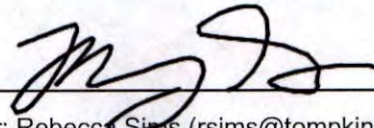
Is sign displayed prohibiting the sale of tobacco and other restricted products to persons less than 21 years-of-age? Yes

When bidis or gutka are sold in a tobacco business, is the required sign displayed? N/A



Additional Information Collected During Inspection

Comments: TCHD staff requested to purchase a Hyde flavored nicotine vapor product from the cashier for \$20 cash. A Hyde raspberry-watermelon flavored vape containing 5% nicotine was sold to TCHD staff over age 21. ID was verified at time of purchase. Adult inspection was completed immediately following the sale. 40 flavored vapor products containing nicotine were observed for sale in a empty lotto cash register. Cashier stated that there were not additional flavored products stored elsewhere in the facility. Enforcement to follow.

Owner: Vijay Kumar Patel grabandgoithaca@gmail.com



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

Photo	Caption
	<p>Raspberry watermelon flavored nicotine vape purchased by TCHD staff</p>
	<p>cash register drawer of flavored nicotine vapes for sale</p>



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 AND REGULAR MAIL

January 12, 2023

Commons Market
Attention: James Wells
122 North Aurora Street
Ithaca, NY 14850

**Re: Tompkins County Board of Health Draft Resolution # EH-ENF-22-0048
Commons Market, C-Ithaca - Violation of Board of Health Orders**

Dear James Wells:

On June 28, 2022, the Tompkins County Board of Health adopted Resolution #EH-ENF-22-0009 requiring Common's Market to prohibit the sale or other provision of flavored vapor products containing nicotine, with the exception of tobacco flavor, to anyone.

On September 28, 2022, Tompkins County Health Department (TCHD) staff observed at least 25 flavored Hyde vapor products containing nicotine and purchased one Hyde peach mango watermelon flavored vape that contains 5% nicotine. This is a violation Article 13-F of New York State Public Health Law and Board of Health Orders.

Enclosed is a copy of the Draft Resolution that the Tompkins County Board of Health will consider at its meeting on **Tuesday, January 24, 2022**. 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

Enclosure (s) – Draft Resolution, Resolution #EH-ENF-22-0009, and Inspection Report

pc: F:\EH\TOBACCO\ATUPA\Facilities\Common's Market\2022 Enforcement\November\Draft Res 22-0048.docx
ec: Tompkins County Board of Health (via; Karan Palazzo, TCHD)
Tim Wiant, NYSDOH; Mayor Laura Lewis; Richard John, TC Legislature; Shawna Black, TC Legislature; TCHD: Elizabeth Cameron, P.E., Director of Environmental Health; Frank Kruppa, Public Health Director; Becky Sims; Skip Parr; Brenda Coyle
scan: Signed copy to Accela

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

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

DRAFT RESOLUTION # 22-0048 FOR

**Common's Market
J & C Wells, Inc. /James Wells, Owner/Operator
122 North Aurora Street
Ithaca, NY 14850**

Whereas, the representative of a business that sells retail tobacco products must comply with the regulations of Article 13-F, Section 1399-MM-1 of the New York State Public Health Law (NYSPHL) that prohibits the offer for sale and sale of flavored vapor products, other than tobacco flavored vapor products, that contain nicotine; **and**

Whereas, on June 28, 2022, the Tompkins County Board of Health Resolution EH-ENF-22-0009 ordered J & C Wells, 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 September 28, 2022, Tompkins County Health Department staff purchased a peach mango watermelon flavored nicotine vapor product and observed at least 25 additional flavored vapor products containing nicotine available for sale at Common's Market; **and**

Whereas, J & C Wells, Inc. is hereby notified that when any four violations of the Adolescent Tobacco Use Prevention Act (ATUPA) are found within a three-year period, a referral will be made to New York State Department of Taxation and Finance to revoke the registration to sell tobacco and/or vapor products, and of your lottery license, if you have one, for one year; **and**

Whereas, on September 28, 2022, Common's Market violated this provision of Article 13-F of the New York State Public Health Law and the provisions of Board of Health Resolutions #ENF-22-0009 were not met; **now therefore be it**

**Resolved, on recommendation of the Tompkins County Board of Health,
That J & C Wells Inc, Owner, is ordered to:**

1. Pay a penalty of \$4,250 (\$2,500 for flavored nicotine vapor products + \$1,500 for violating Board of Health Orders + \$250 NYS surcharge) for these violations, due by March 15, 2023. (**Do Not** submit penalty payment until notified by the Tompkins County Health Department.); **and**
2. Prohibit the sale or offer for sale at retail, of flavored vapor products containing nicotine, with the exception of tobacco flavor, to anyone; **and**
3. Comply with all the requirements of New York State Public Health Law, Article 13F.



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

RESOLUTION # EH-ENF-22-0009 FOR

**Common's Market
J & C Wells, Inc. /James Wells, Owner/Operator
122 North Aurora Street
Ithaca, NY 14850**

Whereas, the representative of a business that sells retail tobacco products must comply with the regulations of Article 13-F, Section 1399-MM-1 of the New York State Public Health Law (NYSPHL) that prohibits the offer for sale and sale of flavored vapor products, other than tobacco flavored vapor products, that contain nicotine; **and**

Whereas, on March 4, 2022, Tompkins County Health Department (TCHD) staff purchased a watermelon flavored nicotine vapor product and observed more than 400 individual flavored vapor products containing nicotine offered for sale at Common's Market; **and**

Whereas, on March 4, 2022, TCHD staff observed 17 boxes of hookah tobacco stored on an open ground-level shelf accessible to customers; **and**

Whereas, Common's Market has been notified that future violations where flavored vapor products, other than tobacco flavored, containing nicotine, are sold or offered for sale will result in the Tompkins County Health Department seeking a fine amount of up to \$100 for each individual package sold or offered for sale; **and**

Whereas, a representative for J & C Wells, Inc., Owner, signed a Stipulation Agreement with Public Health Director's Orders on March 23, 2022, agreeing that Common's Market violated Article 13-F, Section 1399-MM-1 of the NYSPHL; **now therefore be it**

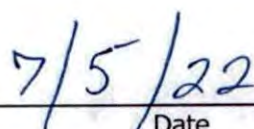
**Resolved, on recommendation of the Tompkins County Board of Health,
That J & C Wells, Inc., Owner, is ordered to:**

1. Pay a penalty of \$600 for these violations, due by **August 15, 2022**; **and**
2. To prohibit the sale or other provision of flavored vapor products containing nicotine, with the exception of tobacco flavor, to anyone; **and**
3. To store all tobacco products, herbal cigarettes, shisha, electronic cigarettes, and liquid nicotine, and other vapor products behind a counter in an area accessible only to employees or in a locked container; **and**
4. To comply with all the requirements of New York State Public Health Law, Article 13F.

This action was adopted by the Tompkins County Board of Health at its regular meeting on June 28, 2022.



Frank Kruppa
Public Health Director



Date

Retail Tobacco and Vapor Product Inspection Summary Report

Operation: COMMON'S MARKET (ID: 313588)
Facility Name: COMMONS MARKET
Facility Code: ATUPA
Facility Address: 122 North Aurora Street, Ithaca, NY 14850
Facility Type: Convenience Store

To the Attention of:

James Wells
J & C WELLS, INC.
122 N Aurora St
Ithaca, NY 14850

Adult Compliance Check - Purchase Attempt

Date: September 28, 2022 03:30 PM
Inspector: Rebecca Sims (rsims@tompkins-co.org)

Registration Information

Products available for sale: Tobacco and Vapor Products

Tobacco Products	Was DTF Certificate of Registration Information Verified for Tobacco Products? Registered
	ID Type: Certificate of Registration
	Certificate Displayed? Certificate Not Available
	ID Number: na Year of Registration Expiration: 2022
Vapor Products	Was DTF Certificate of Registration Information Verified for Vapor Products? Registered
	ID Type: Certificate of Registration
	Certificate Displayed? Certificate Not Available
	ID Number: na Year of Registration Expiration: 2022

Sales Compliance

Was tobacco or vapor products, electronic or herbal cigarettes or other restricted product purchased? Yes
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: flavored nicotine vapor product
Out of package sale and minimum package size requirements met? Not Verified (Not evaluated)

Description of Person Who Sold the Product

Race: White Gender: Male
Height: 5'6" - 6'0" Age: Age: 21 - 35 Yrs.
Build: Slim Build

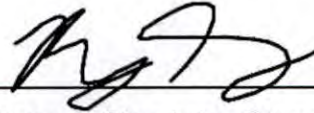
Signs and Posting

Is sign displayed prohibiting the sale of tobacco and other restricted products to persons less than 21 years-of-age? Yes

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: TCHD staff over age 21 observed an individual that requested to purchase a Hyde flavored vapor product containing nicotine from this location. Cashier removed a black cloth on the counter to reveal available flavored vapor products for sale and sold a product to the customer. TCHD staff then requested to purchase a Hyde disposable vape. The same area of the counter was exposed under the black cloth and at least 25 different flavored vapor products containing nicotine were offered for sale. A Hyde peach mango watermelon flavored vapor product containing 5% nicotine was purchased for \$15 cash. Enforcement to follow.



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



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 AND REGULAR MAIL

January 12, 2023

Jason's Grocery & Deli
Attention: Jason Burnham
301 College Avenue
Ithaca, NY 14850

**Re: Tompkins County Board of Health Draft Resolution # EH-ENF-22-0056
Jason's Grocery & Deli, C-Ithaca - Violation of Board of Health Orders**

Dear Jason Burnham:

On June 28, 2022, the Tompkins County Board of Health adopted Resolution #EH-ENF-22-0012 requiring Jason's Grocery & Deli to prohibit the sale or other provision of flavored vapor products containing nicotine, with the exception of tobacco flavor, to anyone.

On November 16, 2022, the Tompkins County Health Department (TCHD) performed an ATUPA compliance check at Jason's Grocery & Deli at 301 College Ave. in Ithaca, NY. At that time, TCHD staff purchased a peach mango watermelon flavored nicotine vapor product and observed one additional flavored vapor product containing nicotine available for sale. This is a violation Article 13-F of New York State Public Health Law and Board of Health Orders.

Enclosed is a copy of the Draft Resolution that the Tompkins County Board of Health will consider at its meeting on **Tuesday, January 24, 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

Enclosure (s) – Draft Resolution, Resolution #EH-ENF-22-0012, and Inspection Reports

pc: F:\EH\TOBACCO\ATUPA\Facilities\Jason's Deli and Grocery\Enforcement\November 2022\Draft Res 22-0056.docx
ec: Tompkins County Board of Health (via; Karan Palazzo, TCHD)
Tim Wiant, NYSDOH; Mayor Laura Lewis; Richard John, TC Legislature; Shawna Black, TC Legislature; TCHD: Elizabeth Cameron, P.E., Director of Environmental Health; Frank Kruppa, Public Health Director; Becky Sims; Skip Parr; Brenda Coyle
scan: Signed copy to Accela

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

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

DRAFT RESOLUTION # 22-0056 FOR

Jason's Grocery & Deli
Jason Burnham Owner/Operator
301 College Avenue
Ithaca, NY 14850

Whereas, the representative of a business that sells retail tobacco products must comply with the regulations of Article 13-F, Section 1399-MM-1 of the New York State Public Health Law (NYSPL) that prohibits the offer for sale and sale of flavored vapor products, other than tobacco flavored vapor products, that contain nicotine; **and**

Whereas, on June 28, 2022, the Tompkins County Board of Health Resolution EH-ENF-22-0012 ordered Jason's Grocery & Deli to prohibit the sale or other provision of flavored vapor products containing nicotine, with the exception of tobacco flavor, to anyone; **and**

Whereas, on November 16, 2022, Tompkins County Health Department staff purchased a peach mango watermelon flavored vapor product containing 5% nicotine and observed one additional flavored vapor product offered for sale at Jason's Grocery & Deli; **and**

Whereas, Jason's Grocery & Deli is hereby notified that when any four violations of the Adolescent Tobacco Use Prevention Act (ATUPA) are found within a three-year period, a referral will be made to New York State Department of Taxation and Finance to revoke the registration to sell tobacco and/or vapor products, and of your lottery license, if you have one, for one year; **and**

Whereas, on November 16, 2022, Jason's Grocery & Deli violated this provision of Article 13-F of the New York State Public Health Law and the provisions of Board of Health Resolutions #ENF-22-0012 were not met; **now therefore be it**

Resolved, on recommendation of the Tompkins County Board of Health,
That Jason Burnham, Owner, is ordered to:

1. Pay a penalty of \$1,950 (\$200 for flavored nicotine vapor products + \$1,500 for violating Board of Health Orders + \$250 NYS surcharge) for these violations, **due by March 15, 2023. (Do Not submit penalty payment until notified by the Tompkins County Health Department.); and**
2. Prohibit the sale or offer for sale at retail, of flavored vapor products containing nicotine, with the exception of tobacco flavor, to anyone; **and**
3. Comply with all the requirements of New York State Public Health Law, Article 13F.



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

RESOLUTION # EH-ENF-22-0012 FOR

**Jason's Grocery & Deli
Jason Burnham Owner/Operator
301 College Avenue
Ithaca, NY 14850**

Whereas, the representative of a business that sells retail tobacco products must comply with the regulations of Article 13-F, Section 1399-MM-1 of the New York State Public Health Law (NYSPHL) that prohibits the offer for sale and sale of flavored vapor products, other than tobacco flavored vapor products, that contain nicotine; **and**

Whereas, on March 17, 2022, Tompkins County Health Department (TCHD) staff member over the age of 21 purchased a blue raspberry flavored nicotine vapor product and observed more than 340 individual flavored vapor products containing nicotine at Jason's Grocery & Deli; **and**

Whereas, Jason's Grocery & Deli. has been notified that future violations where flavored vapor products, other than tobacco flavored, containing nicotine, are sold or offered for sale will result in the Tompkins County Health Department seeking a fine amount of up to \$100 for each individual package sold or offered for sale; **and**

Whereas, Jason Burnham, Owner, signed a Stipulation Agreement with Public Health Director's Orders on April 9, 2022, agreeing that Jason's Grocery & Deli violated Article 13-F, Section 1399-MM-1 of the NYSPHL; **now therefore be it**

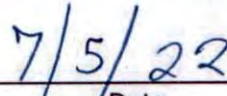
**Resolved, on recommendation of the Tompkins County Board of Health,
That Jason Burnham, Owner, is ordered to:**

1. Pay a penalty of \$600 for these violations, due by **August 15, 2022; and**
2. To prohibit the sale or other provision of flavored vapor products containing nicotine, with the exception of tobacco flavor, to anyone; **and**
3. To comply with all the requirements of New York State Public Health Law, Article 13F.

This action was adopted by the Tompkins County Board of Health at its regular meeting on June 28, 2022.



Frank Kruppa
Public Health Director



Date

TOMPKINS COUNTY HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH DIVISION
55 BROWN ROAD
Ithaca, NY 14850-0000
(607) 274-6688
TCEH@tompkins-co.org

Retail Tobacco and Vapor Product Inspection Summary Report

Operation: JASON'S GROCERY & DELI (ID: 313559)
Facility Name: JASON'S GROCERY & DELI
Facility Code: ATUPA
Facility Address: 301 College Avenue, Ithaca, NY 14850
Facility Type: Convenience Store

To the Attention of:

Jason Burnham
301 College Ave
Ithaca, NY 14850

Adult Compliance Check - Purchase Attempt

Date: November 16, 2022 06:05 PM
Inspector: Katherine Walker (kwalker@tompkins-co.org)

Registration Information

Products available for sale: Tobacco and Vapor Products

Tobacco Products	Was DTF Certificate of Registration Information Verified for Tobacco Products? Registered
	ID Type: Certificate of Registration
	Certificate Displayed? Certificate Not Available
	ID Number: 161423897 Year of Registration Expiration: 2022
Vapor Products	Was DTF Certificate of Registration Information Verified for Vapor Products? Registered
	ID Type: Certificate of Registration
	Certificate Displayed? Certificate Not Available
	ID Number: 161423897 Year of Registration Expiration: 2022

Sales Compliance

Was tobacco or vapor products, electronic or herbal cigarettes or other restricted product purchased? Yes
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: Flavored nicotine vapor product
Out of package sale and minimum package size requirements met? Not Verified (Not evaluated)

Description of Person Who Sold the Product

Gender: Male

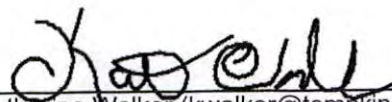
Race: Other

Signs and Posting

Is sign displayed prohibiting the sale of tobacco and other restricted products to persons less than 21 years-of-age? Yes
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: TCHD staff over age 21 requested to purchase peach flavored Hyde vape product containing 5% nicotine. Cashier produced two peach flavored Hyde disposable vapes of different styles. Inspector selected one and purchased it for \$24.38. Enforcement to follow.



Inspector: Katherine Walker (kwalker@tompkins-co.org)

TOMPKINS COUNTY HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH DIVISION
55 BROWN ROAD
Ithaca, NY 14850-0000
(607) 274-6688
TCEH@tom-pkins-co.org

Retail Tobacco and Vapor Product Inspection Summary Report

Operation: JASON'S GROCERY & DELI (ID: 313559)
Facility Name: JASON'S GROCERY & DELI
Facility Code: ATUPA
Facility Address: 301 College Avenue, Ithaca, NY 14850
Facility Type: Convenience Store

To the Attention of:

Jason Burnham
301 College Ave
Ithaca, NY 14850

Adult Compliance Check - Purchase Attempt

Date: November 9, 2022 03:45 PM
Inspector: Rebecca Sims (rsims@tom-pkins-co.org)

Registration Information

Products available for sale: Not Evaluated

Sales Compliance

Was tobacco or vapor products, electronic or herbal cigarettes or other restricted product purchased? 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: Flavored vapor product with nicotine
Out of package sale and minimum package size requirements met? Not Verified (Not evaluated)

Description of Person Who Sold the Product

Signs and Posting

Is sign displayed prohibiting the sale of tobacco and other restricted products to persons less than 21 years-of-age? Yes

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: TCHD inspector over age 21 entered facility and requested a flavored Hyde vapor product from the cashier. The cashier instructed the TCHD inspector to return after 5 PM when flavored vapor products would be available for sale.


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

COMMUNITY HEALTH SERVICES

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Policy: Narcan Use in Home Visit Settings

Policy:

Due to the prevalence of overdoses in our region and nationally it is prudent for healthcare personnel doing home visits to carry Narcan.

Narcan nasal spray (brand name Narcan, generic name naloxone) reverses opioid overdose by blocking opioid receptors in the brain. Home visiting nurses and community health workers will carry Narcan and will be trained in its use in case someone needs this life-saving intervention during a home visit. Home visitors for SafeCare®, Moms PLUS +, Tuberculosis Directly Observed Therapy, Survivor Mom's Companion, Lead Poisoning Prevention, homebound vaccination and Perinatal Infant Community Health Collaborative are covered by this policy.

Procedure:

Nurses and community health workers will be provided initial training on Narcan use by the Alcohol and Drug Council. Narcan kits will be provided by the Alcohol and Drug Council. Home visitors should carry these kits with them when out in the field doing home visits. Please check the expiration date of the kit to ensure it is not expired. Narcan should be stored at room temperature and kept away from light. Avoid temperature extremes.

During a home visit, if a client or someone in the home is found to be unresponsive and drug overdose is suspected, the home visitor can administer Narcan. Signs or symptoms of a drug overdose include:

- Unconsciousness
- very small pupils
- slow or shallow breathing
- vomiting
- an inability to speak
- faint heartbeat
- limp arms and legs
- pale skin
- purple lips and fingernails

1. If you suspect an overdose, try to rouse the person by shaking them and shouting. If no response, grind your knuckles into their chest bone for 5-10 seconds. If unable to rouse, call 911 and then administer Narcan. See photos in Appendix A for further guidance.

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2. Take the Narcan out of the box. Peel back tab with the circle to open the Narcan nasal spray. Do not take the Narcan out of the box until ready to use and do not test the device.
3. Hold the Narcan nasal spray with your thumb on the bottom of the plunger and your first and middle fingers on either side of the nozzle. Tilt the person's head back and provide support under the neck with your hand.
4. Gently insert the tip of the nozzle into one nostril, until your fingers on either side of the nozzle are against the bottom of the person's nose. Press the plunger firmly to give the dose of Narcan nasal spray. Remove the Narcan nasal spray from the nostril after giving the dose.
5. Wait and watch the person closely. If the person does not respond in 2 minutes, repeat the steps and give the second dose of Narcan nasal spray in box.
6. If the person responds after the first dose or after a second (if a second is needed) then roll the person on their side and place them in the recovery position.
7. Stay with the person until EMS arrives. Inform EMS of what happened and how much Narcan was given. Strongly insist that the person go to the hospital. (see "important considerations" below)
8. Dispose of your PPE and the nasal injector and wash your hands. Report the use of Narcan to your supervisor and the Alcohol and Drug Council. Complete an incident report and submit to your supervisor. Get a new Narcan kit from your supervisor.

Important considerations:

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- Narcan will work for about 30-90 minutes. After that, the opioid's effects may return putting the person's life back in danger. A person who has received Narcan needs to be observed closely so do not leave the person until EMS arrives and ensure they are going to the hospital for monitoring and follow up care.
- Narcan use will cause the person to experience withdrawal symptoms during the 30-90 minute time period.
- Narcan has no other effects and cannot be used to get high.
- Narcan will cause no harm if it is administered to someone who is not overdosing or who is having an overdose from something else. Narcan does not work for: non-opioid sedating drugs (alcohol, benzodiazepines such as Xanax or Valium, Clonidine, Ketamine, Elavil, GHB). Narcan also does not work for stimulants such as cocaine, Ecstasy and methamphetamines.

William Klepack, MD
TCHD Medical Director
NYS license# 126544-1

Date

References

- <https://nida.nih.gov/publications/naloxone-opioid-overdose-life-saving-science>
- <https://nida.nih.gov/publications/drugfacts/naloxone>

Appendix A:

- Photo diagram of Narcan nasal spray administration from Alcohol and Drug Council.

Original:

June 23, 2022—RB, revised 12/6/22 RB

Approvals:

CHS QI committee: 12/13/22

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Board of Health:

Appendix A: Additional photos/information from Alcohol and Drug Council



KNOW THE SIGNS OF OVERDOSE

- Person is passed out and you cannot wake them up.
- Breathing very slow, making gurgling sounds, or not breathing at all.
- Lips are blue or grayish color.



CHECK FOR A RESPONSE

- Shake them and shout to wake them up.
- If no response, grind your knuckles into their chest bone for 5-10 seconds.
- If the person still does not respond, call 911.



CALL 911

- Tell the 911 dispatcher, *"I think someone has overdosed!"*
- If you report an overdose, you and the overdosed person have significant protections under the New York State Law from being charged with drug possession, even if you shared drugs.

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How to give Narcan® Nasal Spray



- Take Narcan® Nasal Spray out of box.
 - Peel back tab with the circle to open the Narcan® Nasal Spray.
- IMPORTANT:** Do not remove Narcan® until ready to use and do NOT test the device.



- Hold the Narcan® Nasal Spray with your thumb on the bottom of the plunger and your first and middle fingers on either side of the nozzle.



- Tilt the person's head back and provide support under the neck with your hand.



- Gently insert the tip of the nozzle into one nostril, until your fingers on either side of the nozzle are against the bottom of the person's nose.
- Press the plunger firmly to give the dose of Narcan® Nasal Spray. Remove the Narcan® Nasal Spray from the nostril after giving the dose.



- Wait and watch the person closely.
- If the person does not respond in 2-mins, repeat the steps and give the second dose of Narcan® Nasal Spray in box.



- Call 911 right away, if you have not done so already.
- Roll the person on their side and place them in the 'recovery position'.

If the person is not breathing, do rescue breathing (or CPR if you know it) ➔

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In Short: 5 Steps

- **1.)** Evaluate for signs of an overdose
- **2.)** Call 911 for help
- **3.)** Administer Narcan
- **4.)** Support person's breathing
 - Do CPR or rescue breathing if you know how
 - Put the person into the recovery position
- **5.)** Monitor person's response to Narcan.
 - Do they start breathing?
 - Do they awaken?
 - Showing signs of withdrawal?
- **IMPORTANT:** This is an emergency situation. Do not get caught up in doing all the steps or having to do them in order. Skip steps if you need to. Steps out of order are better than nothing.