

AGENDA
Tompkins County Board of Health
Rice Conference Room
Tuesday, December 6, 2022
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 the October 25, 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
- 12:30 Environmental Health (50 mins)**
Enforcement Action:
1. Resolution #EH-ENF-22-0033 Trumansburg Main Street Market, V-Trumansburg, Violation of Subpart 14-1 of New York State Sanitary Code (Food) (5 mins.)
 2. Resolution #EH-ENF-22-0035 – Casper’s Kitchen, V-Groton, Violation of Subpart 14-1 of New York State Sanitary Code (Food) (5 mins.)
 3. Resolution #EH-ENF-22-0036 – SPM Empanadas, Throughout Tompkins, Violation of Subpart 14-4 of New York State Sanitary Code (Mobile Food) (5 min)
 4. 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) (5 mins.)

5. 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) (5 mins.)
6. Resolution #EH-ENF-22-0030 – Dollar General – North Lansing #22623, T-Lansing, Violations of Subpart 5-1 of New York State Sanitary Code (Water) (5 mins.)
7. 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.)
8. Resolution #EH-ENF-22-0038 – Benjamin Hill Heights MHP, T-Newfield, Violations of Subpart 5-1 of New York State Sanitary Code (Water) (5 mins.)
9. Resolution #EH-ENF-22-0042 – Newfield Estates MHP, T-Newfield, Violation of Part 17 – Operating without a Permit (Mobile Home Park) (5 mins.)
10. 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) (10 mins.)

1:20 Administration (10 mins.)

Discussion/Action:

1. Review Community Health Assessment and Improvement Plan (10 mins.)

1:30 Adjournment

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MINUTES

Tompkins County Board of Health
October 25, 2022
12:00 Noon
Virtual Meeting via Zoom

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

Staff: Claire Espey, Director of Community Health; William Troy, County Attorney; Holly Mosher, Deputy County Attorney; Frank Kruppa, Public Health Director; Harmony Ayers-Friedlander, Deputy Commissioner; Skip Parr, EH and Ted Schiele, HPP

Excused: David Evelyn, MD; and Ravinder Kingra

Guests: Fernando Aguirre, Owner of Old Mexico; and Gladys Aguirre

Call to Order: Dr. Moylan called the regular meeting of the Board of Health (BOH) to order at 12:00 p.m. Dr. Moylan stated that the BOH agenda was updated to include a Review of the Proposed ATUPA Penalty Policy under Administrative Actions. She reorganized the agenda to first discuss the violations related to food, the proposed ATUPA penalty policy and finally the enforcement action related to Dream Vape for consistency.

Privilege of the Floor: Mr. Fernando Aguirre, Owner of Old Mexico restaurant was present. He addressed the Board about the violations he received. He stated that with a high turnover in staff it was hard to keep on top of everything and has brought his wife Gladys Aguirre on board to help manage. He said they purchased a new refrigeration system which has been switched out and regularly monitors the holding temperatures. He stated that there was difficulty getting parts to make repairs and is hopeful of the newly trained kitchen staff. Mr. requests a reduction in the \$2,800 violation fee.

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

Financial Summary: Ms. Grinnell Crosby was not present. Mr. Kruppa was available to respond to any questions.

Administration Report: Mr. Kruppa shared that in working with Cornell University's MPH program and the various efforts including COVID and to help gather data, the potential for establishing a more formal relationship to create an Academic Health Department (AHD) has been discussed. Discussions with Gen Meredith, Associate Director of the MPH at Cornell have been ongoing for the last five years but were amplified by COVID. It is a model used around the country with three in New York State listed below.

- Monroe County Department of Public Health with University of Rochester
- New York City Department of Health and Mental Hygiene with Columbia University
- New York State Department of Health with SUNY of Albany

AHD partnerships help to strengthen the links between public health practice and academia and to lessen the separation between the education of public health professionals and the practice of public health. AHDs can serve as sites for joint education, faculty, research, and practice. They enable the practice and academic

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communities to work together to develop the current and future public health workforce and build the evidence base for public health to better deliver the Essential Public Health Services.

The MOA would be between the department and the university and would look into opportunities for funding, grants, and other resources.

Mr. Kruppa responded to Ms. Merkel's question about projects with other schools as part of student coursework. He said, "Yes, especially during the pandemic with former and current students as fellows. The hope is to build a mechanism where the university works with us, helps identify projects and builds systems for a quality and successful relationship.

Ms. Black asked that the issues of animal testing, brought forth by Peta against Cornell's veterinary school must be resolved before moving forward into a partnership.

Dr. Moylan believes this partnership will strengthen the community and asked for an exploration of the differences, strengths/weaknesses between the previously used Public Health Institute model and this one being discussed; also coordinate with Ithaca College which has an undergraduate public health degree program; and tie together undergraduate and graduate interest in public health. Mr. Kruppa agreed. Dr. Moylan added that TC3 be included as well.

Health Promotion Program Report: Ms. Hillson welcomed Amber Munlyn, Health Educator for the Healthy Neighborhoods and Tobacco-Free Communities Grant Programs. Ms. Munlyn will meet tomorrow with the Cortland team, who holds the advancing Tobacco-Free Committee Grant. Ms. Hillson welcomed newly hired Emma Abby, Community Health Worker Supervisor for the Perinatal and Infant Community Health (PICH) Grant. Ms. Hillson reported that opioid-related updates have been added to their report.

Medical Director's Report and Discussion: Dr. Klepack was not present.

Division for Community Health (DCH) Report: Ms. Espey had nothing to add to her written report and was available to answer any questions.

Children with Special Care Needs Report: Ms. Thomas was not present.

County Attorney's Report: Mr. Troy had nothing to report. He introduced the new Deputy County Attorney, Holly Mosher.

Community Mental Health Services Board (CSB) Report: Ms. Ayers-Friedlander reported that the CSB met on October 3rd and discussed the 2023 Local Services Plan. The plan focused on areas of workforce recruitment, housing crisis services, and cross-system services as the State is pushing to reduce barriers to care. The plan also focused on non-clinical supports that look at the social determinants of health, better understanding and prioritizing the work of peers, and addressing health equity. With the Local Services Plan moving to a four-year model, the CSB and its subcommittees look to incorporate their work with the TCHD's plan.

Environmental Health Report: Ms. Cameron apologized for the late submission of the proposed penalty policy and felt it appropriate for the Board to discuss it today but to wait on any actions after the Board can review it thoroughly. She said that Grassroots was sent a revised stipulation agreement giving them the opportunity to waive some of their proposed penalties if they met certain milestones and signed off by November 3, 2022.

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Ms. Cameron clarified that an administrative hearing is held if the facility does not sign a stipulation agreement, or if an action might result in their closure or suspension. The usual stipulation process requires no hearing officer reports. The county attorney, deputy county attorney, EH representatives and witnesses are present in an administrative hearing, depending on the enforcement action. Mr. Kruppa added that the administrative hearing is a recommendation to the Board and is not a final decision. The Board does not have to agree with the administrative hearing officer.

Resolution #EH-ENF-22-0022 – Serendipity Mobile Food Truck, T-Ithaca, Violation of Subpart 14-4 of New York State Sanitary Code (Food) Dr. Dhundale moved to accept the resolution as written; seconded by Ms. Merkel.

Ms. Cameron reported that this is a case of not maintaining food at the proper temperatures during hot holding and the stipulation agreement was not signed resulting in an administrative hearing. EH proposes a fine of \$200.

No discussion.

The vote to approve the resolution as written was unanimous.

Resolution #EH-ENF-22-0029 – Ko Ko Restaurant, C-Ithaca, Violations of Subpart 14-1 (Food) Dr. Koppel moved to accept the resolution as written; seconded by Ms. Black.

Ms. Cameron reported that this is a case of not maintaining food at the proper temperatures during cold holding and there are requirements included for other violations observed. EH proposes a fine of \$200.

Discussion: Ms. Merkel questioned the food safety training recommendations. Ms. Cameron explained that the recommendations were based on previous inspections where a number of violations were cited.

The vote to approve the resolution as written was unanimous.

Resolution #EH-ENF-22-0032 – Ithaca Ale House, C-Ithaca, Violations of Subpart 14-1 (Food) Dr. Dhundale moved to accept the resolution as written; seconded by Ms. Black.

Ms. Cameron reported that this is a case of not maintaining food at the proper temperatures during cold holding and requirements are included for other violations observed. EH proposes a fine of \$200.

No discussion.

The vote to approve the resolution as written was unanimous.

Resolution #EH-ENF-22-0034 – Old Mexico, C-Ithaca, Violations of Subpart 14-1, and Violation of BOH Orders # EH-ENF-21-0022 (Food) Dr. Koppel moved to accept the resolution as written; seconded by Ms. Merkel.

Ms. Cameron reported that this is a case of recurring issues with refrigeration storage, not having thermometers and not maintaining temperature logs. EH proposes a fine of \$2,800.

Discussion: Ms. Cameron confirmed that this case follows the Food Enforcement Penalty procedure.

The vote to approve the resolution as written was unanimous.

Administrative Actions:

Review of Proposed ATUPA Penalty Policy – Dr. Moylan referred to draft ATUPA Penalty Policy included in the packet. Dr. Dhundale moved to accept the resolution as written; seconded by Ms. Black.

Discussion: Ms. Cameron said, in light of the increased violations for the sale of flavored vapor products, EH needed to develop ATUPA penalty policies for consideration and seeks recommendations from the BOH.

- The penalties for the sale of tobacco/vapor products to individuals under 21
- A flexible policy with equitable penalties for various situations

Ms. Cameron explained that these ATUPA penalty policies are similar to the food enforcement policies that adhere to the law. The penalties are based on the varying situations currently being addressed and include the consideration of financial gain in Tompkins County.

Mr. Parr explained that a referral to the Department of Taxation and Finance (DTF) for license suspension will be made if a facility gets to three points for underage sales. The facilities license will be suspended by DTF for one year; a facility with four cited violations in a three-year period can also be referred to DTF for suspension. Mr. Parr said EH is evaluating the system and working internally on tracking violations better.

Dr. Moylan referred to the draft and suggested clearer language before Table 2 to state that combined violations are to be assessed similarly to the point assessment to produce similar outcomes.

Ms. Black believes these facilities should be shut down after the second violation, stiffer fines, and stronger enforcement for non-payment of fines. Mr. Parr said EH does not issue or hold the facilities' licenses and has no mechanism to close them down. He said that if penalties are not paid, a referral is made to the county attorney. Deputy County Attorney, Ms. Holly said the county can bring an action against the facility and sue them for unpaid fines and penalties.

Dr. Dhundale agreed with Ms. Black and cited data from a short-term study (2012 to 2013) from the CDC website on flavored vapes. She said that the harm and damage to the children in our community are everlasting and there should be no empathy for the facilities that sell these products to our children.

Dr. Moylan recommends more discussion on the logic of charges with edits to the second part of that paragraph. She clarified with EH on what is law and what flexibility the Board has in regard to the point assessed column. Mr. Parr added that the Board also consider the 60 retail facilities that sell cigarettes or tobacco in terms of operations.

Board Discussion:

- Remove policy referencing a hearing officer's recommendation and edit to be consistent with tables
- TCHD recommended penalties be increased to the maximum for each violation
- First violations based on the penalty by individual packet
- All violation levels at the maximum of \$100 per individual packet of flavored products sold
- Increase second violations for the BOH order violations to \$1,500
- Increase third violations for the BOH order violations to \$2,000

Dr. Moylan said that this discussion will be tabled pending a revision from TCHD.

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Resolution #EH-ENF-22-0025 – Dream Vape, C-Ithaca, Violation of BOH Orders # EH-ENF-22-0008 and Article 13-F of New York State Public Health Law for Sale of Prohibited Flavored Vapor Product and Underage Sale of Tobacco Product (ATUPA) Ms. Merkel moved to accept the resolution as written; seconded by Ms. Black.

Mr. Parr summarized the Dream Vape orders:

1. Owes \$2,500 from a previous resolution that is due November 11th and will be referred to the County Attorney for collections if not paid.
2. Pay \$2,750 for the sale of a vapor product to a person under the age of 21, due December 15th
3. Pay \$27,050 for selling prohibited products and having more than 670 flavored vapor products containing nicotine available, due December 15th
4. Prohibit the sale of tobacco and vapor products to people under the age of 21
5. Prohibit the sale or other provision of flavor vapor products containing nicotine with the exception of tobacco to anyone
6. Prohibit the use of price reduction instruments or other means of charging less than a vapor product's listed price
7. Post and maintain a sign that customers can easily see that reads:
"SALE OF CIGARETTES, CIGARS, CHEWING TOBACCO, POWERED TOBACCO, SHISHA OR OTHER TOACCO PRODUCTS, HERBAL CIGARETTES, LIQUID NICOTINE, ELECTRONIC CIGARETTES, ROLLING PAPERS OR SMOKING PARAPHERNALIA TO PERSON UNDER 21 YEARS OF AGE IS PROHIBITED BY LAW".
8. Comply with all the requirements of New York State Public Health Law, Article 13F

Discussion: BOH recommendation of amendments of above resolves

1. No discussion
2. No discussion
3. The BOH recommends increasing the penalty to \$67,000, plus \$100/packet, plus the \$250 surcharge, plus \$1,500 for violation of BOH orders.
5. No discussion
6. No discussion
7. No discussion
8. No discussion

The vote to approve the amended language was unanimous.

The next meeting is Tuesday, December 6th, 2022 @ Noon.

Adjournment: Adjourned at 1:40 p.m.

Board of Health
December 6, 2022
Financial Report

November 2022 / Month 11 (partial)

This report is a partial November. The county has not posted two payrolls as of 11/28/22. Adjustments to salary and fringe have been posted to cover the retro pay and the 2022 salary schedule. Revenues continue to be lower than budgeted in most program areas. Grant claims and third quarter state aid are in process. The Healthy Neighborhoods grant was recently approved, and the claims filed. Year end adjustments and transfers are currently being evaluated.

Tompkins County Financial Report for Public Health

Year: 22

Month: 11

		Expenditures			Revenues			Local Share		
		Budget	Paid YTD	%	Budget	YTD	%	Budget	YTD	%
4010	PH ADMINISTRATION	4,755,494	2,911,648	61.23%	895,313	81,720	9.13%	3,860,181	2,829,928	73.31%
4012	WOMEN, INFANTS & CHILDREN	544,263	408,569	75.07%	542,823	305,171	56.22%	1,440	103,398	7180.44%
4013	OCCUPATIONAL HLTH.& SFTY.	61,255	56,461	92.17%	0	0		61,255	56,461	92.17%
4014	MEDICAL EXAMINER	0	0		0	0		0	0	
4015	VITAL RECORDS	84,211	70,902	84.20%	108,000	102,193	94.62%	-23,789	-31,291	131.54%
4016	COMMUNITY HEALTH	2,894,807	1,611,744	55.68%	1,647,490	453,002	27.50%	1,247,317	1,158,742	92.90%
4018	HEALTHY NEIGHBORHOOD PROG	181,344	110,647	61.01%	180,939	28,709	15.87%	405	81,938	20231.51%
4047	PLNG. & COORD. OF C.S.N.	1,535,624	1,107,329	72.11%	407,690	242,997	59.60%	1,127,934	864,332	76.63%
4048	PHYS.HANDIC.CHIL.TREATMNT	0	0		0	0		0	0	
4090	ENVIRONMENTAL HEALTH	2,182,325	1,678,317	76.91%	625,195	987,708	157.98%	1,557,130	690,610	44.35%
4092	PUB HLTH COVID SCHOOL GRN	2,000,000	321,472	16.07%	2,000,000	164,837	8.24%	0	156,635	
4095	PUBLIC HEALTH STATE AID				1,568,648	635,403	40.51%	-1,568,648	-635,403	40.51%
Non-Mandate		14,239,323	8,277,090	58.13%	7,976,098	3,001,741	37.63%	6,263,225	5,275,349	84.23%
2960	PRESCHOOL SPECIAL EDUCATI	6,122,407	3,967,094	64.80%	3,992,177	2,173,614	54.45%	2,130,230	1,793,480	84.19%
4017	MEDICAL EXAMINER PROGRAM	329,516	224,105	68.01%	0	0		329,516	224,105	68.01%
4054	EARLY INTERV (BIRTH-3)	578,000	386,497	66.87%	283,220	105,297	37.18%	294,780	281,200	95.39%
Mandate		7,029,923	4,577,696	65.12%	4,275,397	2,278,911	53.30%	2,754,526	2,298,786	83.45%
Total Public Health		21,269,246	12,854,786	60.44%	12,251,495	5,280,652	43.10%	9,017,751	7,574,134	83.99%

BALANCES (Including Encumbrances)

		Available Budget	Revenues Needed			Available Budget	Revenues Needed
Non Mandate				Mandate			
4010	PH ADMINISTRATION	1,761,250	813,593	2960	PRESCHOOL SPECIAL EDUCATI	2,155,313	1,818,563
4012	WOMEN, INFANTS & CHILDREN	132,516	237,652	4017	MEDICAL EXAMINER PROGRAM	74,623	0
4013	OCCUPATIONAL HLTH.& SFTY.	4,794	0	4054	EARLY INTERV (BIRTH-3)	191,503	177,923
4014	MEDICAL EXAMINER	0	0			2,421,439	1,996,486
4015	VITAL RECORDS	13,309	5,807				
4016	COMMUNITY HEALTH	1,247,646	1,194,488				
4018	HEALTHY NEIGHBORHOOD PROG	70,697	152,230				
4047	PLNG. & COORD. OF C.S.N.	427,331	164,693				
4048	PHYS.HANDIC.CHIL.TREATMNT	0	0				
4090	ENVIRONMENTAL HEALTH	489,113	-362,513				
4092	PUB HLTH COVID SCHOOL GRN	1,678,528	1,835,163				
4095	PUBLIC HEALTH STATE AID	0	933,245				
		5,825,184	4,974,357				
				Total Public Health Balances			
				<u>Available Budget</u>	<u>Revenues Needed</u>		
				8,246,622	6,970,843		

HEALTH PROMOTION PROGRAM – October/November 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: all staff fully on-boarded; attended Association of Perinatal Networks' "5th Annual Community Health Worker & Home Visiting VIRTUAL Summit"
- HNP/Tobacco: Health Educator fully on-boarded
- Cornell MPH – Communications Project; focus on development of tool for promotion of CHWs
- Application approved for the NACCHO Health Equity and Overdose Prevention Program.

Monkeypox

- [Webpage](#) developed, ongoing updates
- Second dose monkeypox vaccination clinics held at CHS; all appointments filled.

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.

Training in October 2022:

- Substance use disorder training with Dr. Flavio Casoy, Medical Director of Adult Community Services Case Managed Care in the Office of the Chief Medical Officer
- Tompkins County 28th Annual Mental Health Conference
- Developing Your Inner Ally with Amy Kohut
- Question, Persuade, and Refer: Gatekeeper Training for Suicide Prevention
- Learning modules: variety of webinars about community health work

Outreach events in October 2022:

- October 1, Ithaca Apple Festival tabling
- October 4, Immaculate Conception Food Pantry (downtown Ithaca)
- October 7, “Community Health Connection”, Loaves & Fishes (downtown Ithaca)
- October 11, “Community Health Connection”, West Village (Ithaca)
- October 13, Downtown Ithaca Children’s Center Block Party, tabling
- October 15, Brooktondale Fall Festival tabling
- October 16, Danby Harvest Festival tabling
- October 18, “Community Health Connection”, Art Haus (Ithaca)
- October 19, “Community Health Connection”, Newfield Public Library/Food Pantry
- October 20, “Community Health Connection”, Ulysses Philomathic Library (Trumansburg)
- October 21, “Community Health Connection”, Loaves & Fishes (downtown Ithaca)
- October 22, Ithaca Farmer’s Market tabling
- October 22, YMCA Trunk or Treat

PICHC (Perinatal and Infant Community Health Collaborative)

- In collaboration with Community Health Services, implementing PICHC grant.
- Training, learning, and making community connections.
- 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 a January event to promote MOMs PLUS+ and CHWs.

COVID-19

- 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.
- 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.
- New Social Determinants of Health (SDoH) and CHW initiatives working group convened in October to think more broadly about universal screening and the importance of collecting demographic information.
- Maternal and Child Health/Prenatal working group – now connected with PICHC

Healthy Neighborhoods Program

- HNP staff continues to receive calls requesting information regard indoor air quality, radon, mold and mildew, bed bug infestations, etc.
- HNP staff assisted with Monkeypox and COVID-19 Booster Clinics
- Attended Homeless and Housing Task Force Network Meeting
- Outreach at Various Food Pantries within Tompkins County
- Outreach at Benefits Fair and West Village
- HNP staff are continuing to assist with COVID work.

October 2022

HEALTHY NEIGHBORHOODS PROGRAM	MONTH	YTD 2022	Oct. 2021	TOTAL 2021*
# of Initial Home Visits (including asthma visits)	14	207	8	100
# of Revisits	0	16	0	0
# of Asthma Homes (initial)	1	40	0	19
# of Homes Approached	0	391	0	448

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

Tobacco Free Tompkins

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

Media, Website, Social Media

- [Health](#) and [Mental Health](#) websites updated regularly.
- 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 October 2022:

- [October 3, 2022](#): HEALTH ALERT: Health Department Seeks Information About A Dog To Rule Out Rabies Infection
- [October 4, 2022](#): Health Alert: Flu Season is Here, Vaccination Encouraged and Available
- [October 5, 2022](#): Community Announcement: Breast Cancer Screening & Early Detection Saves Lives
- [October 6, 2022](#): HEALTH ALERT: Health Department Seeks Information About A Dog To Rule Out Rabies Infection
- [October 14, 2022](#): COVID-19 Update: Tompkins County COVID-19 Community Level Moves to Medium
- [October 14, 2022](#): Community Announcement: Tompkins County WIC Celebrates National Enrollment Week
- [October 18, 2022](#): HEALTH ALERT: Health Department Seeks Person Bitten by Skunk on N Plain St Ithaca
- [October 19, 2022](#): HEALTH ALERT: TCHD Thanks Community, Person Bitten by Skunk Located
- [October 21, 2022](#): HEALTH ALERT: TCHD Seeks Information About A Dog in Fall Creek To Rule Out Rabies Infection
- [October 21, 2022](#): HEALTH ALERT: Say “Boo” to the Flu! Vaccination Recommended Before October 31st
- [October 24, 2022](#): Community Announcement: Guidance for Safe Halloween Activities

- [October 27, 2022](#): HEALTH ALERT: Illegal Flavored Vaping Sales on the Rise; Board of Health Enforcement of Fines, Penalties to Retailers
- [October 27, 2022](#): Lead Poisoning Prevention Week: October 24 to October 30, 2022
- [October 28, 2022](#): HEALTH ALERT: TCHD Seeks Information About A Dog in Collegetown To Rule Out Rabies Infection
- [October 31, 2022](#): TCHD Thanks Community, Collegetown Dog Located; Reminds about Dangers of Animal Bites
- [October 31, 2022](#): COVID-19 Update: Adult Moderna Booster Clinic Wednesday November 2

PH-MH Strategic Planning

- Cross-Functional Integration Team: Branding agency Iron Design of Ithaca moving from Branding Discovery to development of logo; HPP staff working through a Communications Plan and planning for integration of the website.
- Integration of Services Team had their first meeting in October.
- 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).
- Region 2 Public Health Training Center Webinar: Monkeypox: Epidemiology, Clinical Features, Challenges and Opportunities
- CDC Foundation Webinar: Keeping Kids Healthy This School Year
- County Health Rankings Webinar: Messaging Equity and Justice for Better Health
- Association of Perinatal Networks: 5th Annual Community Health Worker & Home Visiting VIRTUAL Summit
- Meeting with Herb Alexander, Chief Equity Officer at Cayuga Medical Center, to discuss CMC’s diversity and health equity work, social determinants of health, and other cross-overs

Committee and Partnership Meetings

Group, Organization	Activity/Purpose	Date
Childhood Nutrition Collaborative	Collective Impact, Healthiest Cities and Counties Challenge, Steering Committee and Monthly meeting	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 Women's Service Line	Re-launch of this service line and discussion. Collaboration with community partners	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

<p>LATCH: Lactation Alliance for Tompkins County Health</p>	<p>Monthly meeting of community partners/stakeholders.</p> <p>Mission: To protect, promote, & support breastfeeding/chestfeeding in Tompkins County, and to protect, promote, and support the rights of families to achieve their infant feeding goals.</p>	<p>monthly</p>
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**Medical Director's Report
Board of Health
November/ December 2022**

In general, our covid numbers are fairly stable and a favorable trend is being seen with monkeypox, and RSV is showing some stabilization. Influenza continues to be a cause for concern. As is usual covid variants continue to evolve and raise concerns but there is some data to project that our current vaccines will remain as efficacious as they have been and their severity in the vaccinated will be very similar to the past several months. However, the bivalent booster is not being adopted to the degree that is prudent.

Monkeypox

WHO has officially renamed monkeypox. New name is mpox. webpages and documents will be updated with this new name accordingly over the coming year. Both names will be used in official documents in the interim.

<https://www.npr.org/sections/goatsandsoda/2022/11/28/1139403803/who-renames-monkeypox-as-mpox-citing-racist-stigma>

In General: Cases in upstate NY have tapered down rather quickly.

Current picture *excluding* NYC

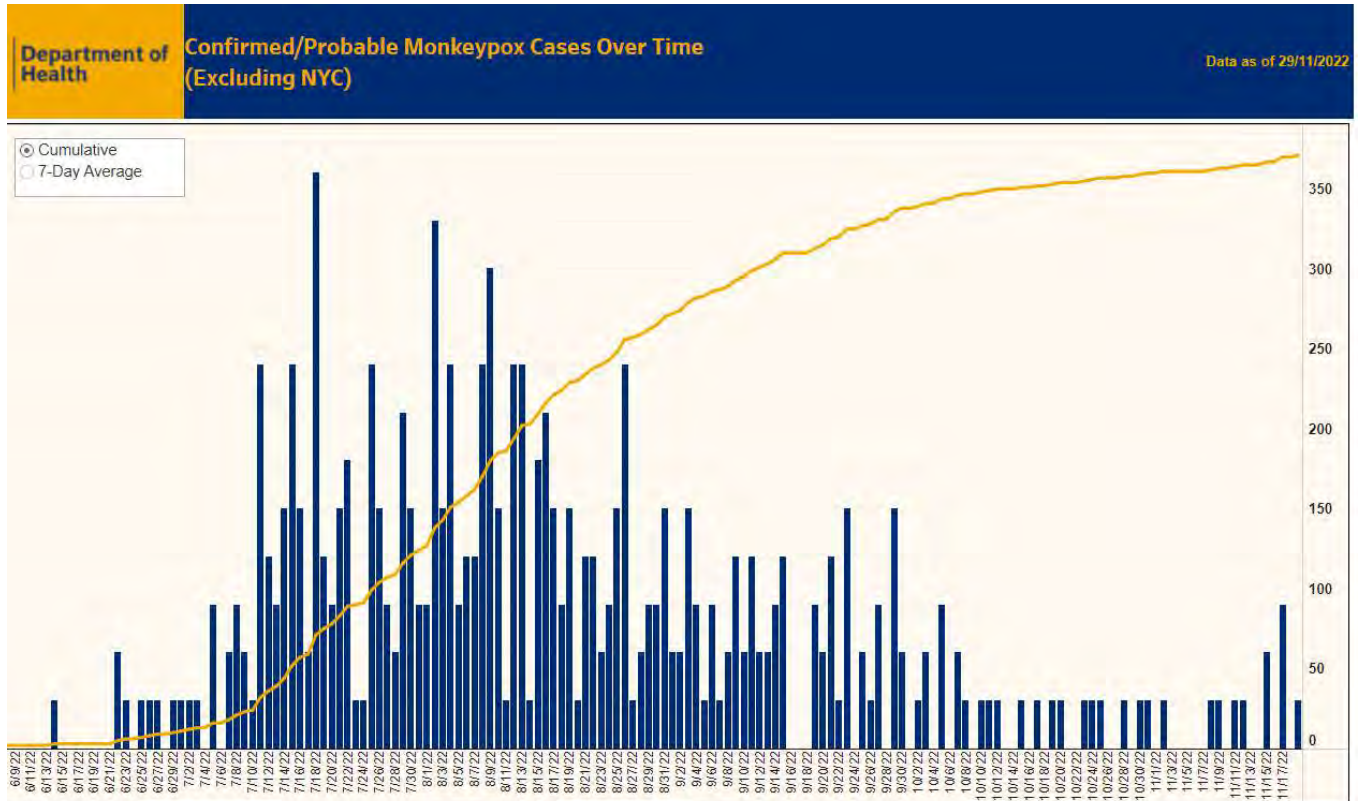
(https://health.ny.gov/diseases/communicable/zoonoses/monkeypox/docs/demographic_data.pdf):

Total cases to date:

Region	County	Total Cases
Capital Region	Albany	7
	Columbia	2
	Greene	2
	Schenectady	1
	Rensselaer	1
Central New York	Onondaga	6
Finger Lakes	Monroe	20
	Seneca	1
	Ontario	1
Hudson Valley	Dutchess	10
	Orange	23
	Putnam	5
	Rockland	19
	Sullivan	4
	Ulster	2
	Westchester	93
Long Island	Nassau	62
	Suffolk	80
Mohawk Valley	Oneida	1
North Country	St. Lawrence	1
Southern Tier	Broome	2
	Chemung	1
	Delaware	1
	Tioga	1
	Tompkins	4
Western	Erie	19
	Niagara	2
Total		371

Tompkins at 4 cases stands out in upstate – though none of these were acquired locally.

Daily new Monkeypox cases (excluding NYC)



Cases by age and gender and sexual orientation and race and ethnicity

2022 Weekly Summary of Monkeypox Cases in New York State (Excluding NYC) Residents

The data include probable and confirmed monkeypox cases in New York State, not including NYC residents. The data are inclusive of case reports received by the NYSDOH through 11/23/2022 at 7:00 AM, eastern time, and is subject to change as follow up activities are ongoing.

Additional information on daily case counts in New York State can be found at:
<https://health.ny.gov/diseases/communicable/zoonoses/monkeypox/data/>

Confirmed/Probable Monkeypox Cases, in NYS (Excluding NYC)

	N	(%)
Total	370	100%
Age Group		
Under 18 years	3	1%
18-24 years	49	13%
25-29 years	76	21%
30-34 years	90	24%
35-39 years	45	12%
40-44 years	39	11%
45-49 years	24	6%
50-54 years	23	6%
55 years and above	21	6%
Gender^{1, 2}		
Male	350	95%
Female	13	4%
TGNCNB	3	1%
Unknown	4	1%
Sexual Orientation¹		
Straight	43	12%
Lesbian or gay	161	44%
Bisexual	33	9%
Other	3	1%
Unknown	130	35%
Race and Ethnicity¹		
Hispanic/Latino	117	32%
White, non-Hispanic	104	28%
Black/African American, non-Hispanic	67	18%
American Indian or Alaskan Native	1	0%
Asian or Pacific Islander	8	2%
Other	16	4%
Unknown	57	15%

¹ Unknown due to pending investigation or non-disclosure during investigation.

² Includes the following gender categories: male, female, transgender, gender nonconforming and nonbinary (TGNCNB). People whose current gender identity differs from their sex assigned at birth are considered TGNCNB. Sex and gender information are collected from self-reports, diagnosing provider or electronic lab reporting. This information may or may not accurately reflect self-identification.

https://health.ny.gov/diseases/communicable/zoonoses/monkeypox/docs/vaccination_demographic_data.pdf

The following data raises the question whether Hispanics and blacks are using vaccination at a proportionately lower rate and if so why....

New York State - Weekly JYNNEOS Vaccination Demographic Report

Vaccinations reported to the New York State Immunization Information System (NYSIIS), as of 11/20/22

Under the [7/29/22 Executive Order](#), providers were required to report all JYNNEOS vaccinations administered into NYSIIS. With the expiration of that order vaccination reporting is now voluntary, and records will not reflect all JYNNEOS vaccines administered. The numbers presented below reflect all administered first doses reported. Totals do not include vaccines administered in New York City.

Table 1: Vaccinations by Race / Ethnicity

	First Doses	
	N	%
American Indian / Alaskan Native	50	0.3%
Asian / Pacific Islander	731	4.4%
Black, Non-Hispanic	1,413	8.6%
Hispanic	2,319	14.1%
White, Non-Hispanic	10,284	62.6%
Other	580	3.5%
Missing	718	4.4%
Unknown	344	2.1%
Total	16,439	100%

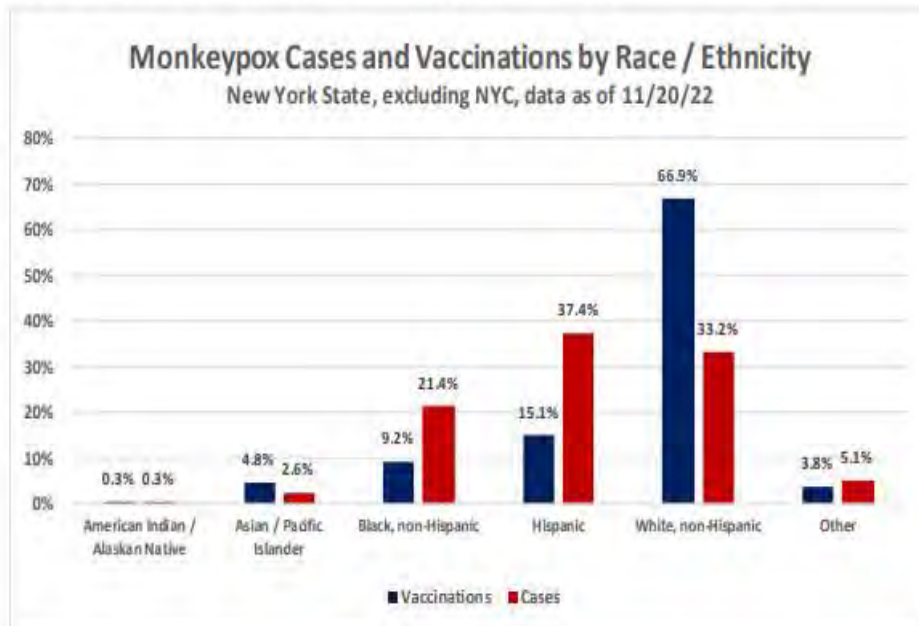
Table 2: Vaccinations by Age

	First Doses	
	N	%
Under 18	18	0.1%
18 - 25	1,850	11.3%
26 - 34	4,165	25.3%
35 - 44	3,883	23.6%
45 - 54	2,553	15.5%
55 - 64	2,652	16.1%
65+	1,318	8.0%
Total	16,439	100%

Table 3: Vaccinations by Gender

	First Doses	
	N	%
Male	14,758	89.8%
Female	1,324	8.1%
Other/Unknown	357	2.2%
Total	16,439	100%

Figure 1: Cases and First Dose Vaccinations by Race/Ethnicity*



*Note: Individuals with a race/ethnicity categorized as “unknown” or “missing” were not included in the above data. These categories include 57 cases and 1,062 first dose vaccinations- 15.4% of cases and 6.5% of first dose vaccinations to date.

Influenza is continuing to rise earlier this year than in the past 14 years

Increased by over 60% over last week in healthcare facilities. Additional guidance will come out in the coming couple weeks for adult care facilities.

Compared to prior seasons we are seeing the numbers we are 4- 6 weeks earlier than we typically do. Is this due to increased testing? But the percentage of tests that are positive for flu is higher (about 13%) than is typical (about 3-5%). So, it may not be all just increased testing. CDC webinar recently (https://emergency.cdc.gov/coca/calls/2022/callinfo_111522.asp) gave update on flu – one optimistic hope is that early flu seasons tend to end early – will this be true this year? – no guarantees are out there.

For the week ending the 26th -Flu is widespread for the 9th consecutive week and in all counties.

Increasing every week. Still predominantly A by far. 95% A, 1% B, 4% unspecified. No pediatric deaths in NYS but 12 have occurred in the US.

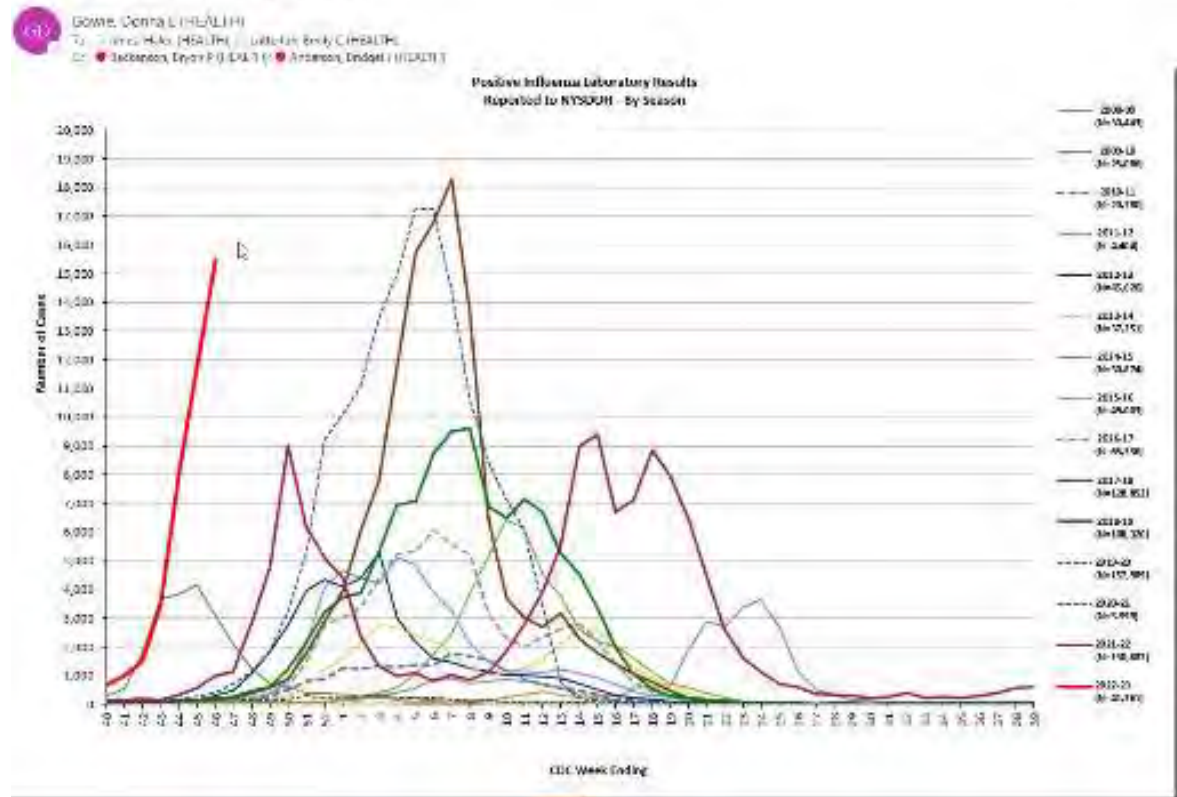
National influenza vaccination week is the week of Dec. 6. All the data to date indicates that this year’s vaccine remains a very good match to the strains circulating.

Clearly this year is very different from prior years.

This graph depicts the prior 12 years – the pandemic H1N1 years were 2008/ 2009, and 2009/2010.

The red line on the left ascending earlier, and higher for the date than any prior year is this year's:

RE: Flu Report for Week Ending 11/12/2022



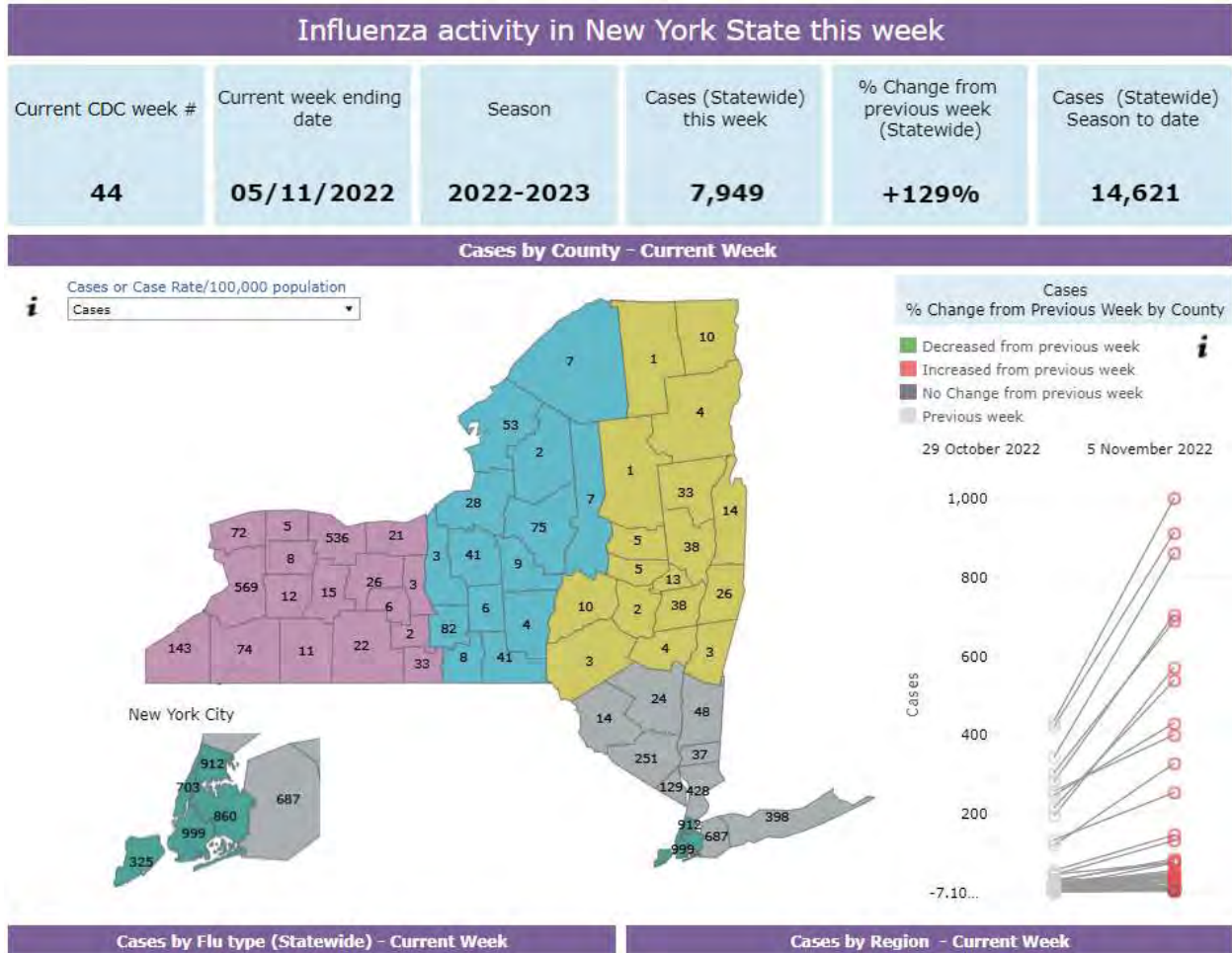
As you know, urging influenza vaccination is important. This vaccination is most effective in younger people, is safe, does not cause flu, and protects highly vulnerable people including elderly relatives and friends and children with chronic disease. *It is not too late to be vaccinated.*
<https://www.tompkinscountyny.gov/health/health-alert-say-boo-flu-vaccination-recommended-october-31st> Vaccination of the older age group may not prevent influenza as well, but it does help keep them out of the hospital.

We have plenty of flu vaccine in our inventory at TCHD. Our Friday clinics are pretty full but if there is a child needing a flu vaccine and they don't have a primary MD or don't have insurance, they can get a free flu vaccine here. We also have flu vaccine for those who do have insurance.

To date we haven't been able to devote a clinic at TCHD just to flu—we have been so busy with our mobile flu/Covid booster, monkeypox, and homebound vaccination clinics. We still have an open nurse position that hasn't been filled so we are down a staff member.

Of course, besides offices, pharmacies remain an option for vaccination.

Here are reports from the most recent influenza report (<https://nyshc.health.ny.gov/web/nyapd/new-york-state-flu-tracker>)



And further data (https://www.health.ny.gov/diseases/communicable/influenza/surveillance/2022-2023/flu_report_current_week.pdf)

Laboratory Reports of Influenza (Including NYC)

Laboratories that perform testing on residents of NYS report all positive influenza test results to NYSDOH.

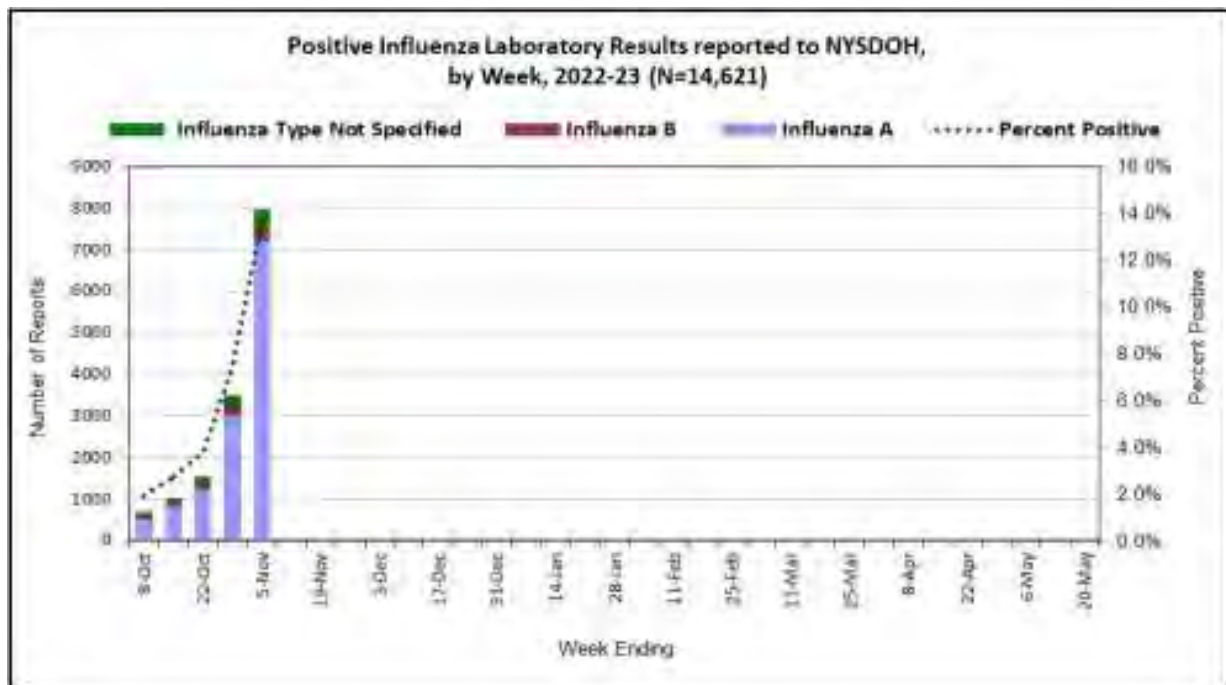
- All 62 counties reported cases this week.
- Incidence ranged from 10.21-267.13 cases/100,000 population.

Note: Counties with smaller populations are likely to have an incidence rate greater than 10 cases/100,000 population when fewer (less than 10) lab-confirmed cases have been reported.

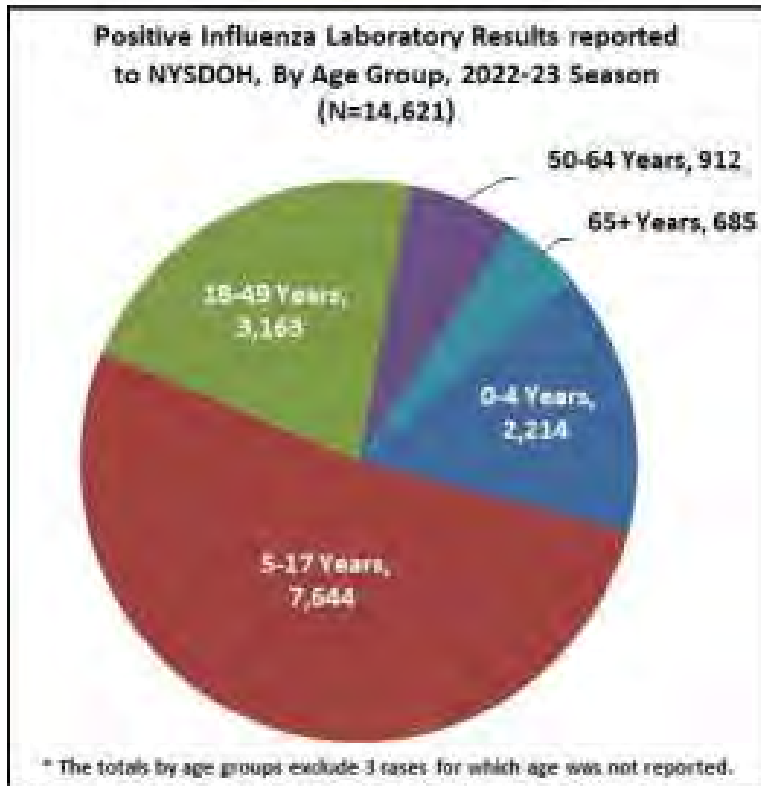
Influenza activity for the week ending November 19, 2022. Calculated based on reports of lab-confirmed influenza cases per 100,000 population to the NYSDOH.



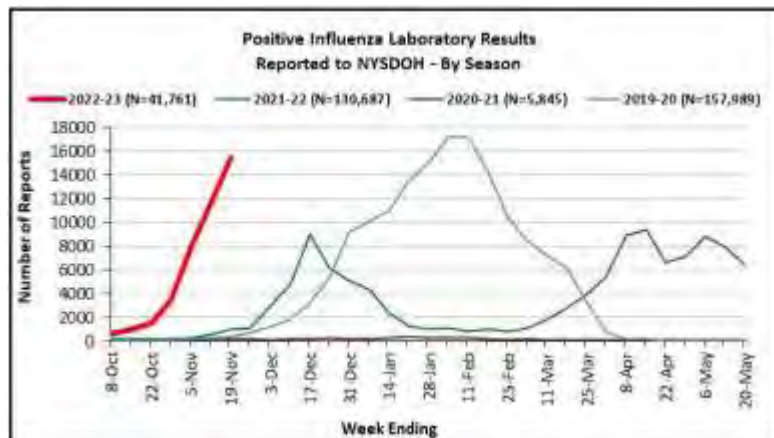
Influenza A is dominant



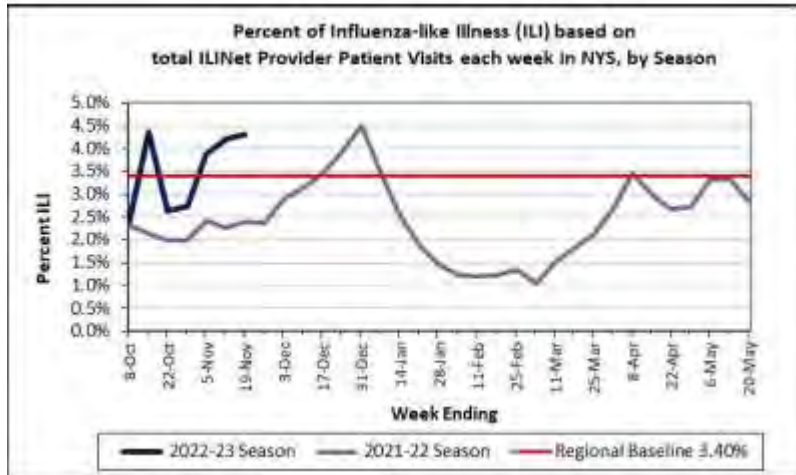
Children predominate and are major spreaders of disease:



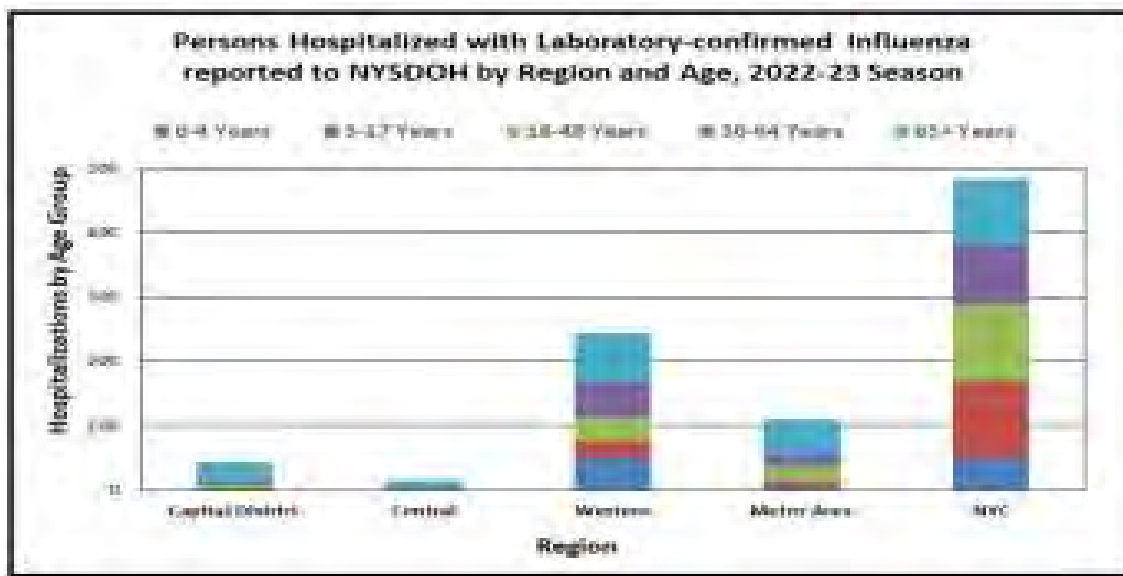
The year has gotten off to a disturbingly early start:



Practitioners in offices are seeing an early level of cases approaching and exceeding regional baseline activity (but you are probably aware of this):



Hospitalizations vary by age and region

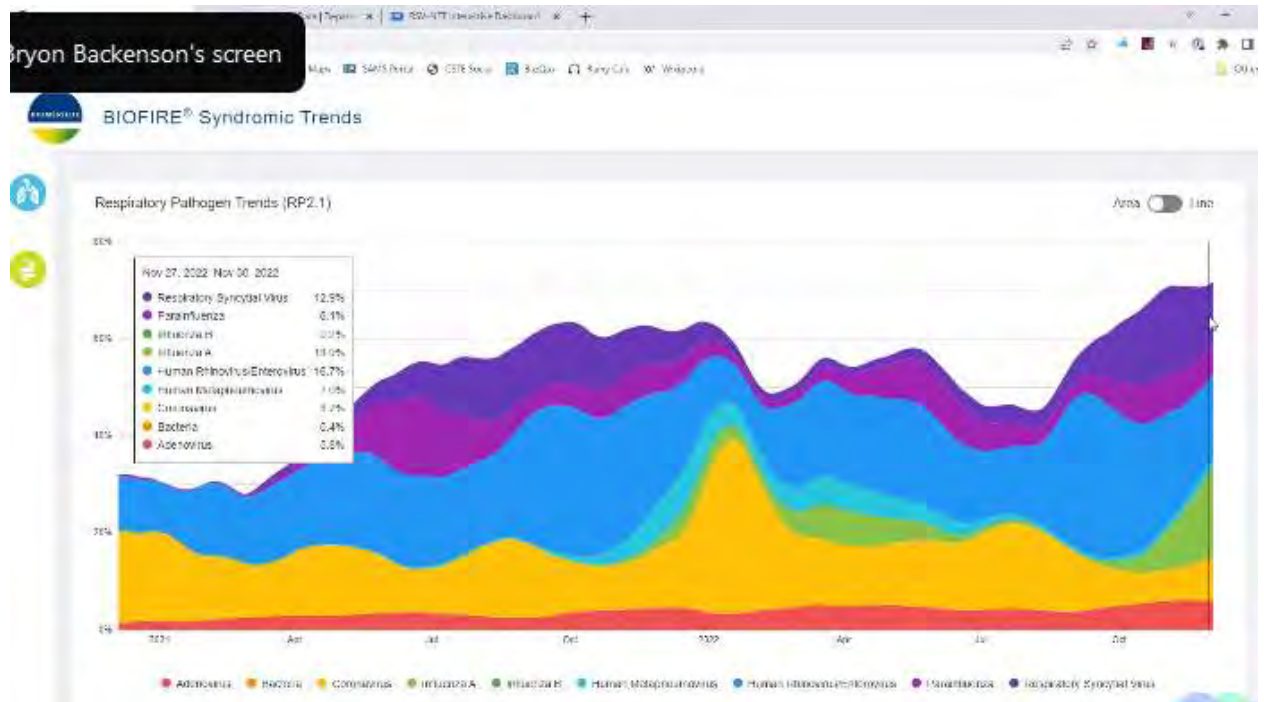


For the Public in these trying times:

“Do your part by getting vaccinated, staying at home while you’re sick, and other measures like making prudent judgements about who and where to get together with others, washing hands, wearing a mask, disinfecting surfaces, and getting that airflow moving.”

The “Triple Threat” pathogens – Covid, Influenza and RSV

this graphic comes from Biofire (<https://www.biofire.com/>) which markets a syndromic lab test device. Practitioners who set the device to report back to the company contribute the data in the graphic. For what it is worth one can see the rise in frequency over this year and the contribution of various pathogens to the overall situation. *[The inclusion of this data in this bulletin is for illustration only and not an endorsement of any product]*



The infectious windows for the “triple threat” viruses are as follows:

- **Flu:** Contagious for [5-7 days](#) after start of symptoms.
- **RSV:** Contagious for [3-8 days](#) after start of symptoms. Some infants and people with weakened immune systems can spread the virus even after they stop showing symptoms, for as long as 4 weeks.
- **COVID-19:** We see strong evidence ([here](#), [here](#)) that an Omicron infection lasts, on average, 8-10 days. Some people will be infectious for less, and some will be infectious for more. You won't know unless you test.
<https://yourlocalepidemiologist.substack.com/p/thanksgiving-week-friendly-reminder>

What to do about the holidays...

This advice (*written by Dr. Katelyn Jetelina, MPH PhD—an epidemiologist*) was given for Thanksgiving and should apply as well to our holidays coming up— just change the specific days recommended for testing – this was put out on Monday of Thanksgiving week <https://yourlocalepidemiologist.substack.com/p/thanksgiving-week-friendly-reminder>

Change the specific days mentioned below to those appropriate for the holiday for which you are concerned.

Cadence testing (COVID-19) *Cadence testing will help catch false negatives for COVID-19. Antigen tests are not perfect, especially among asymptomatic people, but they can help. (You can expect the average antigen test to catch 44% to 70% of asymptomatic cases).*

For cadence testing, it's best to test tomorrow morning and again on Thursday morning before getting together.

- **Both negative:** *You're good to go, especially if you have other measures in place.*
- **Positive tomorrow:** *Bummer. But you could be at the end of your viral journey. Test again on Thursday but be prepared to cancel.*
- **Positive Thursday:** *Stay at home. Sorry.*

Mask before event

Mask everywhere in public for the next four days leading up to the event. Masks work against all respiratory viruses. Be sure to wear a good one (like N95).

Ventilation

On Thursday, get that air moving. Buy a CO2 monitor if you want to ensure good ventilation.

Newborns at event

If you have a newborn (under 6 months), I would be a little more cautious this Thanksgiving. For example, wear your baby in a carrier so that people won't ask to hold the baby. If you do let people hold them, don't let them kiss the baby or ask them to wear a mask.

Sick after event?

*If you're over age 65 or high risk, get tested and get an antiviral as soon as possible. We have them for the flu and COVID-19. For children under 2, sometimes it's hard to know when and where to get care, and pediatric hospitals are under incredible stress right now. As a mom, I [found this interview](#) helpful on what signs to look for. When in doubt, call the [child's practitioner]. **end***

RSV vaccines are coming. – hopefully

<https://www.vox.com/science-and-health/23424379/rsv-cold-virus-vaccines-monoclonal-antibodies-flu-covid-maternal-babies-infants-older-adults>

*“After decades of failed efforts to produce an RSV vaccine, several highly effective ones are finally on the verge of approval. On Tuesday, Pfizer **announced** that in a trial, its vaccine — which is given to pregnant people so infants are protected at birth (more on that later) — prevented 69 percent of severe RSV cases among infants 6 months and younger. Also on the horizon are vaccines for older adults, and new monoclonal antibodies (i.e., human-made proteins that function like antibodies in our immune systems) to help prevent infections.*

All told, experts say these products are effective enough to prevent more than three-quarters of severe disease in both age groups.

In a talk at a conference of the Infectious Diseases Society of America in late October, Chu compared the impacts of RSV and influenza on Americans over 65, noting that RSV causes as many as 12,700 deaths in seniors each year — not too far shy of the 21,000 deaths caused annually by the flu.

*However bad RSV is in the United States, it’s worse globally. Every year, it causes an estimated **120,000 infant deaths** worldwide and as many as **55,000 adult deaths**, most of them concentrated among people living in poverty and breathing polluted air.*

Chu presented data from [vaccine] phase 3 trials — advanced vaccine studies that test a product’s safety and effectiveness. Overall, these products are knocking it out of the park, preventing more severe RSV cases at a range of 70 to 86 percent effectiveness. Writ large, that means they have enormous potential to prevent hospitalization in many of the people most vulnerable to the worst effects of RSV.

Vaccinating mothers during pregnancy will protect their infants

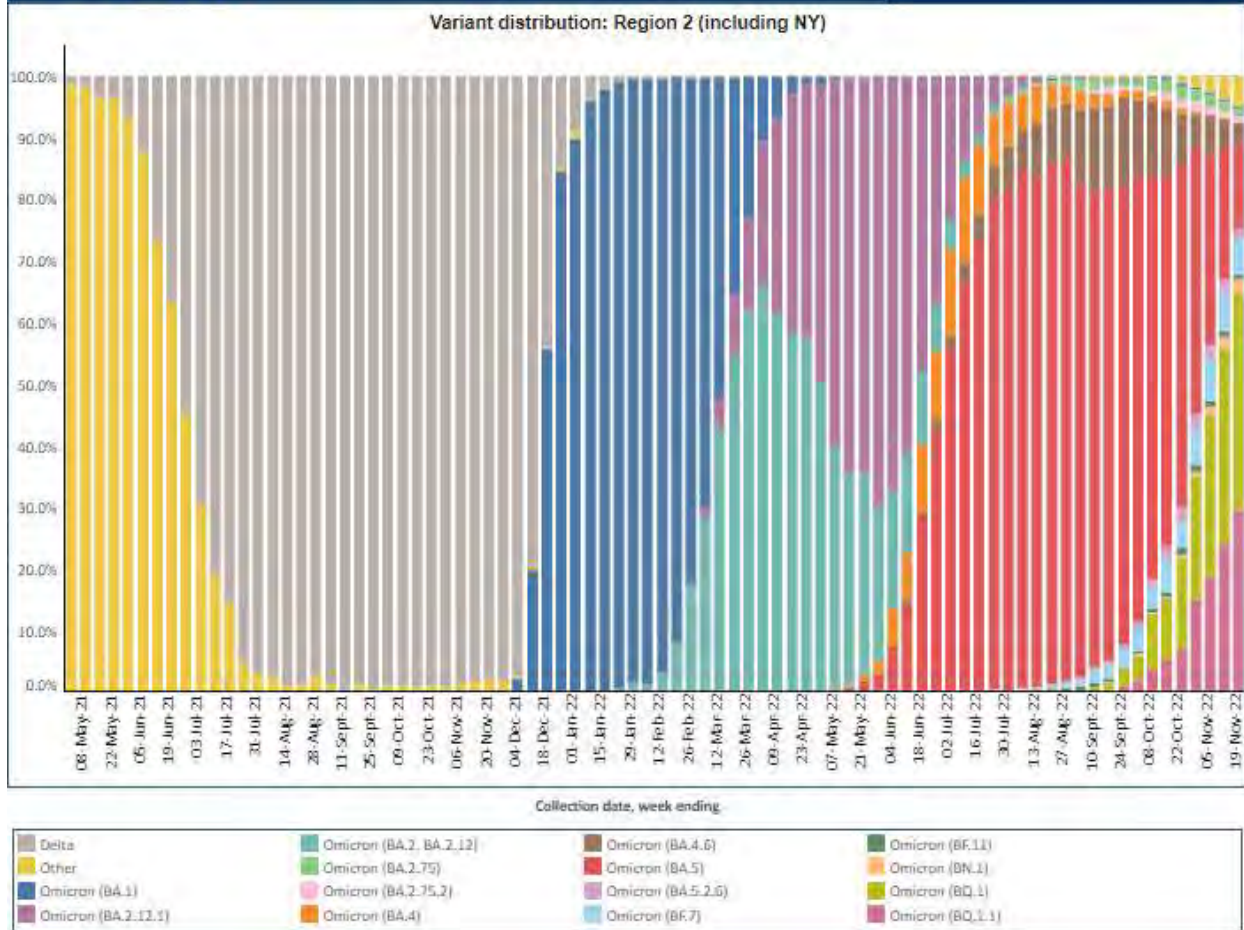
Of the many options currently under development to protect babies from severe RSV infection, the one that will likely get the most use is a vaccine that would be given not to babies themselves, but to the people who carry them before they’re born, said Edwards.

*Meanwhile, three vaccines for adults are in **phase 3 trials**, and at least two more candidates are at earlier stages of development. The three closest to the finish line prevent 80 to 86 percent of severe RSV infections in people over 60.”*

The Covid variant picture

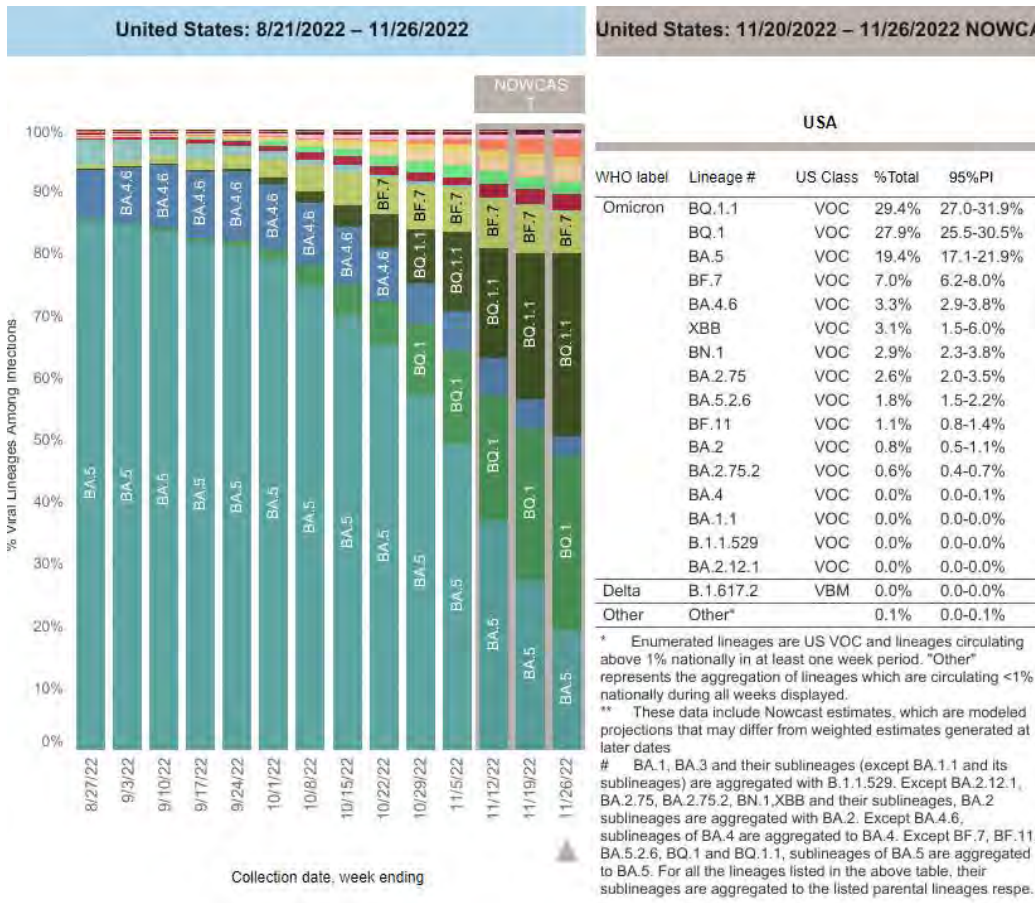
We have seen the *eclipse of Ba.5 and 4* and are now *fully into the BQ.1* series. More so here in NYS than nationally as seen in these two charts.

As of 11/19 - <https://coronavirus.health.ny.gov/covid-19-variant-data>



For NYS the numbers are BQ.1 + 1.1 = 35.4+29.4 = 68.4%

Higher than the US total:



Bivalent boosters –

Prevalence of being boosted – only about 12% nationally have gotten their bivalent booster –

One must think about why. The following categories probably play into peoples’ thinking:

Convenience those who are interested but haven’t done it – *vaccine is available in many venues (practioners’ offices, pharmacies, health departments).*

Questioning Risk – *The boosters are mRNA vaccines, and their safety is well established*

Questioning Benefit – with the new variants can a booster really help? *Indications so far are that the vaccines have impact on the current variants and the levels of antibodies achieved are far better than with the monovalent vaccines (for details go to <https://www.fda.gov/media/163290/download>)*

Am I Eligible? – *5 years of age and older.* <https://www.fda.gov/news-events/press-announcements/coronavirus-covid-19-update-fda-authorizes-moderna-and-pfizer-biontech-bivalent-covid-19-vaccines>

In the future I forecast that we will see even better vaccines in the future. But foregoing the bivalent booster now anticipating a future vaccine is not wise. Future developments may take longer than one thinks and in the meantime, one is now as well protected.

Covid Wastewater Surveillance

Detection level category	Number of sites	Percent of sites	Category change in the last 15 days
No data	0	0%	NA
Low	0	0%	NA
Moderate	3	3%	NA
Substantial to High	112	97%	-3%

Total sites with current data: 115
Total number of wastewater sampling sites: 128



Facility: ITHACA AREA WASTEWATER TREATMENT FAC

Estimated population served: 56,967

SARS-CoV-2 detection level: Substantial to High

Current trend: Increasing

3 percent increase in intensity over two weeks

Last sample Nov 16, 2022



Media Coverage of the rise of the new variants from <https://www.npr.org/sections/health-shots/2022/11/11/1136039817/new-omicron-subvariants-now-dominant-in-the-u-s-raising-fears-of-a-winter-surge> is as follows:

"BQ.1 and BQ.1.1, had been quickly gaining ground in the U.S. in recent weeks. On Friday, they officially overtook BA.5, accounting for an estimated 44% of all new infections nationwide and nearly 60% in some parts of the country, such as New York and New Jersey, according to the CDC's [estimates](#). BA.5 now accounts for an estimated 30% of all new infections nationwide.

Recent [laboratory studies](#) indicate that new mutations in the virus's spike protein appear to make BQ.1 and BQ.1.1 as much as seven times more "immune-evasive" than BA.5.

"We are hoping that the amount of immunity that has been induced either by prior infection or by vaccination" will protect most people from getting severely ill or dying, Dr. [Anthony Fauci](#), the White House medical advisor, told NPR.

That said, a [new study](#) suggests that getting reinfected with the virus still can pose significant risks, both for short term and long-term complications, including an increased risk of hospitalization, symptoms of long COVID and even death.

"The risk of reinfection is definitely not trivial," says [Ziyad Al-Aly](#), an assistant professor of medicine at Washington University School of Medicine in St. Louis and an author of the new study. "So going into the winter surge now people should do their best to try to prevent getting reinfected."

Because the newly dominant variants appear to be highly immune-evasive, many people may get reinfected.

"The bad news is that it's likely that people who've been vaccinated and/or infected will still get infected" with these new subvariants, says Dr. [Daniel Barouch](#), a virologist at Beth Deaconess Hospital in Boston who's been studying the new strains.

One promising sign is that recent surges in other countries suggest that if the subvariants are involved in a new U.S. wave, any uptick could be short-lived. For example, while France experienced a surge involving the new subvariants, the increase in cases quickly receded.

Another concern is that these new subvariants [are likely to render the last monoclonal antibody drugs useless](#), including one that people with compromised immune systems use to protect themselves.

"The winter is going to be especially worrying for people who are immunocompromised," Harvard's Hanage says."

And on [Policy](#)

US Will Keep COVID-19 Public Health Emergency in Place, Biden Administration Officials Say

[Reuters](#) (11/11, Aboulenein, Mason) reported the US "will keep in place the public health emergency status of the COVID-19 pandemic, allowing millions of Americans to still receive free tests, vaccines and treatments, two Biden administration officials said on Friday." The potential for "a winter surge in COVID cases and the need for more

time to transition out of the public health emergency to a private market were two factors that contributed to the decision not to end the emergency status in January, one of the officials said.”

Healthcare Workers

Return to Work guidance – COVID

https://commerce.health.state.ny.us/hpn/ctrldocs/alrtview/postings/HCW_RTW_Advisory_11_30_22_16_69764614733_0.pdf , and

<https://www.cdc.gov/coronavirus/2019-ncov/hcp/guidance-risk-assesment-hcp.html>

Key Points

- *In general, asymptomatic HCP who have had a higher-risk exposure do not require work restriction, regardless of vaccination status, if they do not develop symptoms or test positive for SARS-CoV-2.*

Ebola

it looks like things are slowing down in Uganda. NYSDOH has talked to an official from Uganda, and they say (unofficially) that they are only tracking six active cases and haven’t had a new case in about 10 days. It requires two incubation periods of no new cases to declare an outbreak over.

Travelers into the US are being screened and monitored as necessary – no cases in NYS so far

end

Division for Community Health

December 6th, 2022 Board of Health meeting

October 2022 monthly report

By Rachel Buckwalter and Celeste Rakovich, Senior Community Health Nurses and Michelle Hall, WIC director

Communicable Disease:

- **COVID-19:** Tompkins County moved from a low CDC community level to a medium CDC community level on October 13th. The level moved back to low the following week. TCHD issued a press release on October 14th recommending masking in indoor public areas. Hospitalizations at CMC briefly rose above 10 in mid-October and then dropped down to single digits again. There were two Covid deaths reported in October. After assessing the local availability of Moderna bivalent booster, TCHD plans to host Moderna booster clinics in November to address the community need. A press release was issued Oct 31st alerting the public to a clinic planned for Nov 2nd.
- **Monkeypox:** No new cases of monkeypox in Tompkins County in October—our case total remains at 3. See immunization section for report on Jynneos vaccine clinics in October.
- **Salmonella:** The salmonella outbreak that occurred in Western and Central NY appeared to mainly occur in September of 2022. Cases have decreased. CDC and NYSDOH are working together to identify a source for this outbreak.
- **Ebola:** Due to the Ebola outbreak in Uganda, CDC and NYSDOH are requiring monitoring of travelers from Uganda for a 21 day period after their arrival in the US. During the month of October, Tompkins County was notified of 3 travelers from Uganda. All were low risk, and monitoring was completed with no concerns.
- **Flu:** The flu season got an early start this year and was declared widespread in New York State in early October. Numbers are high and flu related hospitalizations have also increased. The flu vaccine appears to be a good match this year so we are continuing to

encourage vaccination as a strategy to reduce severe illness. TCHD issued press releases October 4th and October 21st encouraging flu vaccination. Weekly influenza surveillance reports from NYSDOH can be found here:

<https://www.health.ny.gov/diseases/communicable/influenza/surveillance/>

SafeCare Program:

- Three families are currently receiving SafeCare services.
- TCHD was accredited by the National SafeCare Resource and Training Center for 2022-2023. This is a recognition that we are implementing the program to the highest standards.

Maternal Child Health:

- Moms PLUS+ had average of 35 clients for the month of October. 19 were referred to the program and there were 11 new admissions. Collaboration continues with Mental Health on referrals to both the Moms PLUS+ program and Survivor Moms Companion.
- Since moving from a Medicaid eligible program to a service opened to any TC residents, CHS has queried the state to update policy for the program and home visits. CHS is using the Medicaid Standards for Maternal Child Health, to support our services and practice. Completed updates to be submitted by year end for review.
- Billboards advertising the Moms PLUS+ program were designed and installed in October. Locations of billboards aimed at clients in rural areas.
- CHS is working with community members and partners to market our services and plan community events to build relationships with stakeholders that serve high risk populations. A Moms PLUS + nurse will be on site at STAP downtown Ithaca to assist with the Anonymous HIV testing as well as provide support and enrollment to any pregnant persons encountered at STAP.

Immunization Clinics:

- Our on-site immunization clinic continued to be busy in October. Due to high demand, we added an extra clinic on Tuesday Oct 11th to facilitate getting more kids vaccinated who were in danger of being excluded from school due to not having school required vaccinations.
- Second dose Jynneos clinics were held at TCHD on Oct 6th and Oct 20th. We vaccinated a total of 107 people at these clinics.
- Our homebound program continues—six homebound Tompkins County residents received Covid booster vaccination in the month of October. We are also offering homebound flu vaccination to those who register for a homebound Covid booster.
- October was a very busy month for mobile vaccination clinics. TCHD staff provided Covid booster and flu clinics at McGraw House, Lifelong, Tompkins County Mental Health, and Ellis Hollow Apartments. Our biggest mobile clinic was at McGraw House—83 people were vaccinated there during an all-day clinic on October 18th. Kudos to the nurses and support staff who made these clinics possible!

Rabies:

- There were 6 new rabies clients who received Rabies Post Exposure treatment in October. CHS and EH are finalizing a joint program policy on the rabies program. CHS is updating internal vaccine administration policy per the new ACIP updates this year. All updates to go to the BOH for approval by year end.

Lead:

- There were 2 new referrals to the Child Lead Poisoning Prevention Program and one new admission for the month of Oct. One elevated blood lead level referral transferred out of county.

HIV:

- CHS Moms PLUS+ nurses will be on location at STAP to administer Anonymous HIV testing. TCHD is still open for testing by appointment.

Staffing:

- CHS is still recruiting for a full-time communicable disease nurse. See job posting here: <https://www.tompkinscountyny.gov/health/jobs#chs>

WIC

BOH Report- Tompkins County WIC Program November 2022

Caseload Data:

September final caseload data:

Enrollment: 1162

Participation: 1054

Participation/Enrollment %: 90.57

Participation/Caseload %: 70.27

Total participants seen in September: 469

Appointment show rate: 95%

Preliminary October

Enrollment: 1173

Participation: 1071

Participation/Enrollment %: 91.30

Participation/Caseload %: 71.40

Total participants seen in October: 480

Appointment show rate: 95%

The program continues to serve 48% of the eligible population in Tompkins County.

Program Highlights

- Caseload has increased slightly.
- Program delivery of services continue to be remote and not in person. All WIC appointment are completed by phone and benefits are issued electronically to the families eWIC card. (Since The Secretary of the U.S. Department of Health and Human Services (HHS), Xavier Becerra, [extended](#) the national public health emergency (PHE) through January 11, 2023, all active WIC waivers granted under the Families First Coronavirus Response Act (FFCRA) should not expire prior to **April 11, 2023** (90 days following the anticipated end of the PHE if the HHS provides a 60 day notice of expiration); these waivers will be extended in tandem with any future renewals of the PHE. For New York State WIC, this applies to our physical presence and remote issuance waivers. Previously, the Biden Administration indicated that they will provide 60 days' notice prior to the end of the PHE declaration. WIC's waivers are in place for an additional 90 days after expiration of the PHE. WIC providers will therefore have 5 months' notice between the announcement that a PHE will expire and the end of COVID-related waiver authorities.)
- The USDA's Food and Nutrition Service (FNS) announced [proposed changes](#) to the foods prescribed to participants in the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) to align the food packages with the latest nutrition science and support equitable access to nutritious foods during critical life stages. The changes will

increase the current level of assistance while providing WIC state agencies with more flexibility to tailor the packages to accommodate personal and cultural food preferences and special dietary needs and increase variety and choice for WIC participants, making the program more appealing for current and potential participants.

For more information, please review the resources listed below.

Resources:

- [Press Release](#)
- [Text of proposed rule – WIC Food Package](#) - to be published in the Federal Register for Public Inspection on Friday, 11/18
- [Stakeholder briefing - 11/18 at 2 pm ET](#)
- [WIC Food Package Toolkit](#)
- [Q&A WIC Food Package](#)
- [Infographic - WIC Building Healthy Foundations](#)
- [Infographic - Proposed Updates to WIC Food Packages](#)

National Academies of Science, Engineering, and Medicine (NASEM) Final Report
[“Review of the WIC Food Packages: Improving Balance and Choice](#)

Chart Reviews for CHS QI meeting 9-13-22

Immunizations Chart reviews

12 charts were reviewed for clinic dates June 1 through Aug 5th

Restarting immunizations clinic after a 2 year long break and learning how to use/document in ECR—it's a lot! QI is a learning tool to help us improve. We expect at the beginning that there will be more errors to fix.

Noted that the field for "immunizations offered/response" was often not completed in ECR—we should be offering all vaccines the client is eligible for. Please take time to review the client's immunizations records the day before clinic and determine what they can receive. 5 out of the 12 charts did not have documentation to say if other vaccines were offered and what the client's response was. If a client is up to date with all vaccines that should be noted in the "notes" area before signing the superbill.

2 records the appt was not "linked" to the superbill—this was corrected

1 chart for an adult coming in for a Covid booster—NYSIIS record did not show Tdap or Hep B—these should have been offered

1 record did not have entry into NYSIIS. The first dose of Covid was entered incorrectly into NYSIIS (5/25/22 instead of 6/25/22)—this was fixed and then second dose which was given at TCHD was entered

1 record had two superbills for the same vaccine/date of service—one was deleted

1 record was for a patient who had a primary series of Covid vaccine in NYSIIS plus two boosters. She received a third booster at TCHD for a total of 5 Covid vaccinations. Vaccine series: 3/18/21, 4/12/21, 8/22/21, 2/4/22. She was seen at TCHD on 7/29/22 and got a third booster. NYSIIS report says "maximum doses met or exceeded for this age group." Screening questions were not completed. She did answer "yes" to the question—I have cancer, leukemia, AIDS or other immune problem."

1 record used the "college MMR" superbill instead of the general superbill that should be used. The manufacturer/lot #/dose/route/VIS section was not completed. This was fixed.

1 chart for 16-year-old who got Menactra—NYSIIS shows he did not have HPV, there was no documentation to show if HPV was recommended and what the response was

1 Rabies chart reviewed – insurance information was missing.

Home visiting program chart review.

2 Maternal Child Admission charts reviewed – One had no deficits, the other was missing the depression scale. When this was brought to the attention of the nurse, she explained that the client refused the screening and that she would make a note of it in the chart.

2 Maternal Child discharge charts reviewed – One had no deficits, the other had paper consents that had the fields and questions filled out but were not signed. Primary nurse notified and will follow up with client.

Next QI will have more chart reviews from Moms PLUS+, Lead and Survivor Mom's Companion. Aside from regulatory requirements and medical orders we will note demographic data for ongoing collection.

Community Health Quality Improvement Committee

Meeting Minutes

Sept 13, 2022

10:00AM – 11:30AM

Rice Room (1st floor) or Virtual via Zoom

Committee members present: Lyndsay Ward LCSW, Social Worker Maternal Child Unit, CMC, Jess Clark Manderville RN, CHN, CHS/TCHD, Gail Birnbaum RN, CHN, CHS/TCHD, Deb Axtell, RN, CHN, CHS/TCHD, Brenda Lange RN, Interim Director of Maternal Child Health, CMC Celeste Rakovich RN, Senior CHN, CHS/TCHD, Rachel Buckwalter RN, Senior CHN, CHS/TCHD, William Klepack, MD/TCHD Sue Ellen Stuart RN, Executive Director of VNS, Christina Vann RN, Maternal Child Health, CMC Caryl Silberman RN, CHN, CHS/TCHD, Claire Espey, MPH, Director of Community Health/TCHD, Deb Thomas, RN Director of CSCN/TCHD, Samantha Stevenson, Director of Operations REACH Medical, Malinda Rees, Family Services Director, Child Development Council, Karen Bishop RN, community member; Serena Ward, community member; Matt Phillips Systems Administrator/ Billing Coordinator CHS/TCHD, Deidre Gallow Administrative assistant HP/TCHD

Excused: Michelle Hall WIC Director

Welcome: Claire Espey welcomed all and introductions were made

Approval of prior minutes:

MOTION– Celeste Rakovich moved to approve the minutes as written, seconded by Deb Thomas and motion carried unanimously.

Policy review: No policies to review or approve at this time. Claire Espey indicated that program teams are revising the Moms PLUS+ and Rabies policies and expects they will be shared at the next meeting.

LHCSA/MOMS Record Review – Celeste Rakovich reported findings per the attached written report on four maternal child health records (2 active, 2 discharged).

Committee recommendations: None.

Diagnostic & Treatment Center (D&TC) Record Review – Rachel Buckwalter reported findings per the attached written report on 12 immunization records. Rachel then suggested some options for nurses to ensure that TCHD offers all the immunizations that a client is eligible for when they come to the clinic, and Rachel reviewed the process and purpose of documentation of that discussion in the comment field. Committee recommendations: None, the committee validated suggestions provided by Rachel.

Lead Poisoning Case Review - Gail Birnbaum presented an overview of the current lead case load, as there are 19 children with elevated blood lead levels that TCHD is following. 10 of these children have had one blood lead level under 5 mcg/dL. Since September, 2019 guidelines have been that children with elevated blood lead levels 5 mcg/dL or above be tested each 1-3 months until BLLs are confirmed to be

<5 mcg/dL based on TWO tests at lead 3 months apart, then is eligible for medical discharge and follow up by TCHD. Providers in the community were contacted and are reluctant to bring the child in for another blood lead level. Dr. Klepak will include this guidance in one of his practitioner bulletins. Gail also discussed an on-going case of the child living in substandard housing on a dairy farm. Parents are non-English speaking and are illiterate. One of our members of Environmental Health is a native Spanish speaker and has been very involved in assisting with remediation of lead hazards at this home. The child's provider donated paint and assisted with the repainting of the home. The provider also donated a crib. Elevation went down from a high of 28 mcg/dL in Sept of 2021 to a low of 13.9 mcg/dL in March 2022. In May, however the level increased to 24.7 mcg/dL. The home was reinspected and was found that the child had changed his sleeping quarters to another room in the home that was used for storage and had not been repainted. After the child was moved out this room, his BLL decreased to 15.8 in July. The child will be retested October.

Maternal Child Case Presentation – Caryl Silberman presented on a case referred to TCHD in February 2022 from Crouse Hospital in Syracuse to provide home visits for a two-month-old infant. This infant was born with multiple medical issues including shunt placement due to head malformations, the wounds had become infected at least twice before TCHD got this referral and was one of the reasons for the referral. Caryl visited the mother and infant on March 24th together with Gail Birnbaum. The mother was involved with DSS, had her own developmental delays, and was also experiencing housing instability. At that time the mother had moved in with a friend of hers into a small apartment in a small village in Tompkins County. At the time of the visit, the mother was distressed and upset; Gail and Caryl found it very difficult to engage with the mother, and they were not able to establish any rapport at the time. After trying to make appointments to return which were initially rebuffed, Caryl was finally able to go on her own to visit the infant and mother a few weeks later. Caryl made a few more visits into April when TCHD received an order from the local provider to do only 2 weeks of weekly weights and wound checks. The visits ended April 11th as the provider felt the infant had stabilized. In early June Caryl received another order from the local pediatrician to resume weekly checks for measuring head circumference and general health checks, which would include weight, growth and development, assessing feeding, etc. Caryl did visit the infant and mother at the same location until mid-August, and these visits seemed to go better each time; the mother was more open, friendly, more comfortable with Caryl, and more engaged with the infant and even began to text messages and videos of the infant to Caryl to demonstrate progress. Over the course of several weeks, Caryl met with other service providers supporting the mother to help coordinate her care. Caryl spoke with WIC about the mother's struggle to obtain formula and/ or jars of baby food from the local Dollar Store because she had no transportation to go elsewhere, with the DSS provider over the unstable housing issue and her food benefits, and with the Early Intervention Coordinator about trying to get the infant started on much needed services. Caryl was also in touch with the local pediatrician's office every week to phone in the weight and head circumference. Caryl also supported the mother to secure transportation via Medicaid taxicab to reach the pediatrician's office for an overdue six month well check visit, and after a few days the provider discontinued the weekly health checks' order, and Caryl stopped seeing them in mid-August. The mother has since temporarily moved in with her grandmother, and her last communication with Caryl via text was on 8.24.22.

The committee discussed options for additional referrals in the future (for example to Family Support Services at CDC, or to a Community Health Worker at TCHD for transportation support, and to Survivor Moms Companion at TCHD, among others).

Monitoring and & Evaluation – N/A. Deidre Gallow has identified specific performance indicators to track for the Moms PLUS + program and expects to share them at the next meeting.

Client/Family Satisfaction Reports for CHS Home Visit Services (Moms PLUS+, TB/Lead) and CHS Clinic Services. – Claire Espey provided a progress update, that while services were on hold due to

CHS prioritization of COVID work this form was not implemented. The team is in the process of revising the forms to include questions related to cultural humility as well as developing the online survey through survey monkey with our new HIPPA compliant account. Claire shared the form with the group, no comments or suggestions were made. Revised form and process for online and paper form dissemination will be presented at the next meeting.

Committee recommendations: None

Complaint Report: 0 in CHS this quarter

Incident Report: 0 in CHS this quarter

WIC Report/Update: N/A a report for next quarter will be provided next meeting

Member Updates or suggestions for new members - Claire Espey, Director of Community Health (5 min) – Claire Espey provided an overview of the committee purpose and role of members, and gave an update that the TCHD Board of Health will approve and officially appoint the newest members of the Committee who have joined in 2022 at their next meeting on 9.27.22. Claire also proposed to circulate the draft Code of Ethics for the members with these meeting minutes.

2022 meeting dates: June 14, September 13, December 13

Meeting time & location: 10:00 – 11:30 AM in **Rice Conference Room or Virtual on Zoom**

Please RSVP to Claire Espey at cespey@tompkins-co.org or 274-6614 if unable to attend.

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

Children with Special Care Needs Highlights
October 2022

Staff Activities

Staff Group Trainings-

- CPR for 3 of the nurses

Committees/Meetings

- CSCN Staff meeting-10/18/22
- Early Childhood Collaborative meetings once a month with community partners.
- Collaborative Solutions Network meeting regarding the new Systems of Core initiative.
- 3 CSCN staff participating in Strategic Planning Cross Functional Team meetings.

Program Work:

Early Intervention

- Early Intervention experiencing wait lists for speech services, Special Instruction Teachers, PT and OT.
- NYSDOH BEI notified monthly of current needs.
- New Community Health Nurse interviews and hired- Tim Andersen, RN will start 11/14/22
- Hiring for Sr Community Health Nurse. Position currently posted
- Working on development of a family survey.
- EI software company starting development of a digital Child Find program.
- In process of exploring purchase options for Ages and Stages Questionnaire online program for Child Find.
- Increased referrals of babies with complex needs and prematurity. (6 sets of twins referred this past month)
- Currently serving 176 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 weekly to map our new processes and trouble shoot any issues.
- Meetings with Birnie Bus for contract and rate negotiations finalized. Amendment to the current contract in process.
- Currently serving 187 children in Preschool Special Education with 41 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.

- In process of development of a Winter Share the Warmth program which includes information for families for Salvation Army holiday dinners, Cops, Kids and Toys, Share the warmth winter clothing and other holiday programs to be distributed to EI, CYSHCN families and MCH families. This is done annually.

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.
- Resolution written for the Legislature for support for rate increases by the state of 11% for EI therapists to address provider capacity issues. See attached resolution. Approved by the Legislature on 10/18/22.
- Attended Virtual EI state conference on 10/19/22 and 10/20/22.
- Completed CYSHCN new grant
- EI grant justification in process
- Started participation in the Cross Functional Team to Integrate Children's and other services.

RESOLUTION NO. – URGING THE STATE OF NEW YORK TO SUPPORT AN INCREASE IN EARLY INTERVENTION PROVIDER RATES TO ALL DISCIPLINES BY 11% TO ADDRESS THE URGENT PROVIDER CAPACITY IN THE EARLY INTERVENTION PROGRAM

WHEREAS, decreased provider capacity in the Early Intervention Program poses barriers to infants and toddlers with special needs and developmental delays causing delay and often absence of needed therapy services and causing lack of improvement in developmental delays, and

WHEREAS, birth to age 3 is the most critical point of brain development and therapy provided during this time period is critical for maximizing the child’s development and future outcomes, lack of therapy during this critical time can cause permanent delays in development, and

WHEREAS, infants and toddlers waiting for Early Intervention services across New York State during the Spring of 2022 reached critical levels, and

WHEREAS, Tompkins County has 60-70 children often waiting for services for months and some never received the service they were eligible for during their time in the Early Intervention Program due to lack of providers, and

WHEREAS, a therapy and agency survey done in the Spring of 2022 by NYSACHO found the most common reason for therapists leaving the Early Intervention Program is lack of pay increases, with providers earning salaries lower than they were in the 1990’s, and

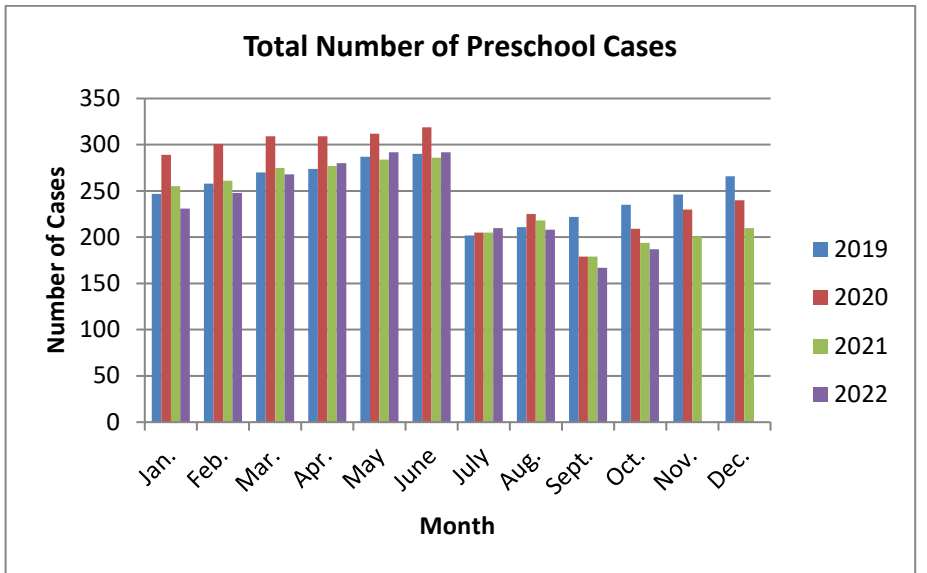
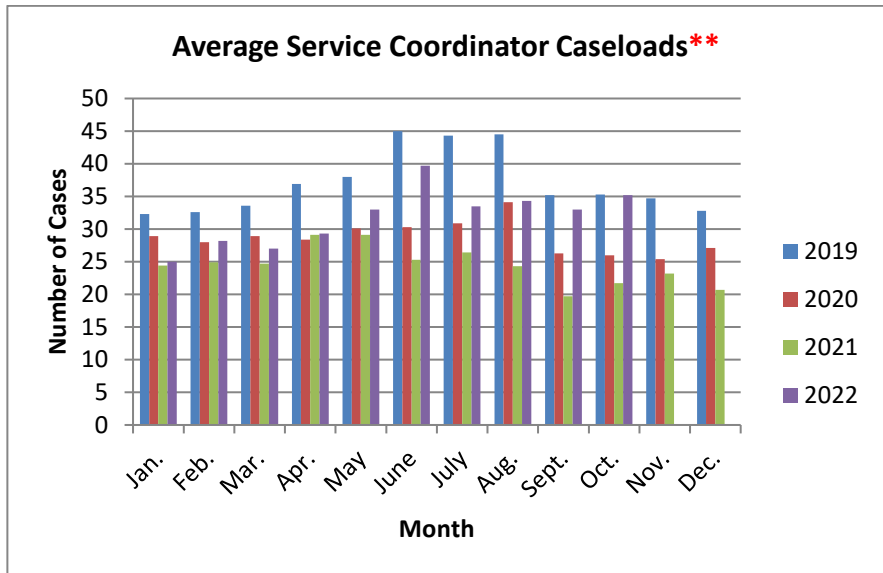
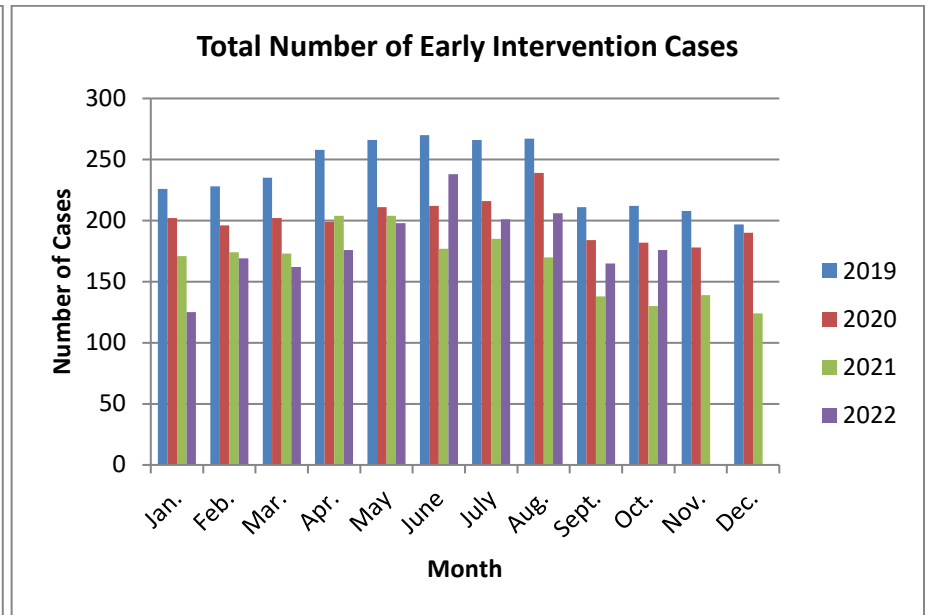
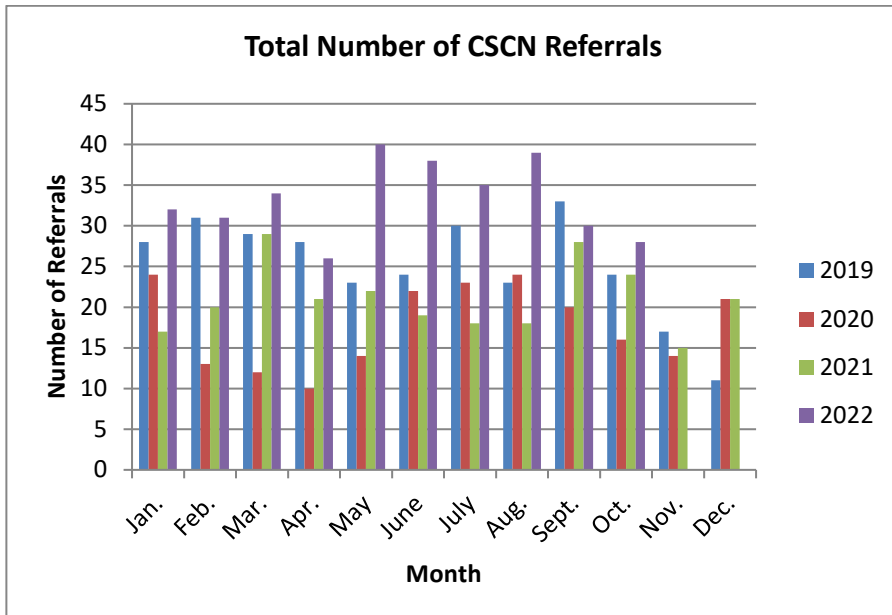
WHEREAS, New York State Department of Health Bureau of Early Intervention is in the process of re-assessment of the provider pay structure, now therefore be it

RESOLVED, on recommendation of the Health and Human Services Committee, That the Tompkins County Legislature calls upon the New York State Governor and Legislature to support an immediate 11% pay raise to all disciplines of therapy in the Early Intervention Program, and

RESOLVED, further, That the NYS Department of Health Bureau of Early Intervention address other reasons identified in the survey that are causing providers to leave the Early Intervention Program such as: lack of pay for required meetings, lack of pay for “no show” visits, lack of travel reimbursement, higher reimbursement rates for visits in areas of underserved populations, and lack of COLA increases in pay, and

RESOLVED, further, That the Tompkins County Legislature shall forward copies of this resolution to the Governor of the State of New York, The New York State Legislature, New York State Department of Health Bureau of Early Intervention and all others deemed necessary and proper.

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
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					6
-- Gestational Age/Gross Motor									2					0
-- Global Delays				1										0
-- Hearing						1								0
-- Physical														
-- Feeding	4	1	2		1	3			3	2				14
-- Feeding & Gross Motor	1				1	2	1	2	1					0
-- Feeding & Social Emotional							1	1		2				0
-- Gross Motor	3		3		7	6		8	6	2				37
-- Gross Motor & Fine Motor							7	1						2
-- Gross Motor, Speech & Social Emotional					1			2						2
-- Fine Motor									1					0
-- Social Emotional			1			1								8
-- Social Emotional & Adaptive					1									0
-- Speech	13	13	13	12	14	13	10	10	8	6				147
-- Speech & Cognitive														1
-- Speech & Feeding		1	1						1					1
-- Speech & Fine Motor			1						1					0
-- Speech & Gross Motor	1	4	1		1	1			1					15
-- Speech & Hearing	2		1		1									0
-- Speech & Sensory														0
-- Speech & Social Emotional	1		2	1		1	1	3	1					4
-- Speech, Feeding & Gross Motor														2
-- Adaptive														0
-- Adaptive/Sensory										1				1
-- Adaptive/Fine Motor														0
-- Qualifying Congenital / Medical Diagnosis				1						2				6
-- Other -- Birth Trauma														0
-- Maternal Drug Use														4
Total # of CYSHCN Referrals	0	1	1	5	5	0	4	0	0	2				
Total # of Information and Referrals (I&R)	3	2	0	0	5	10	2	6	1	9				
Total # of Child Find Referrals	4	8	7	5	3	0	9	5	3	2				15
Total Number of CSCN Program Referrals	32	31	34	26	40	38	35	39	30	28				252
Caseloads														
Total # of clients worked with during this month	125	169	162	176	198	238	201	206	165	176				
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				

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			204	245
-- IFSP Meetings	18	19	35	31	28	26	25	15	21	15			233	301
-- Core Evaluations	13	19	19	17	17	19	22	20	22	20			188	207
-- Supplemental Evaluations	5	4	5	5	4	6	1	10	2	2			44	57
-- Observation Visits	12	39	44	19	39	28	26	17	29	11			264	392
-- CPSE meetings	5	2	7	2	5	10	6	5	3	4			49	53
-- Family Training/Team Meetings	0	0	0	0	0	0	1	0	0	1			2	17
-- Transition meetings	3	7	7	2	1	0	4	2	7	2			35	97
													1019	1369
Services and Evaluations Pending & Completed														
Children with Services Pending(Needs List)														
-- Feeding	6	4	4	4	4	3	5	0	2	3				11
-- Nutrition	0	0	0	0	0	0	0	0	0	0				0
-- Occupational Therapy	0	1	3	3	2	2	2	0	2	3				13
-- Physical Therapy	4	2	6	6	5	2	5	7	10	7				11
-- Social Work	0	0	0	0	2	0	0	0	1	1				3
-- Special Education	7	6	11	11	15	13	10	4	6	5				13
-- Speech Therapy	37	39	33	36	47	52	54	38	31	37				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				42
-- Aged out	1	1	1	2	2	0	0	2	2	1				14
-- Skilled out	4	2	3		4	3	1	1	2	4				36
-- Moved	2	0	0	0	3	10	4	3	1	2				16
-- Not Eligible/DNQ	5	3	9	6	5	7	16	10	5	3				78
-- Family Refused/Unable to Locate	3	4	5	4	3	6	8	2	2	3				21
Total Number of Discharges	29	11	20	13	17	26	32	47	15	17				238
Child Find														
Total # of Referrals	4	8	6	5	3	0	9	5	3	2				15
Total # of Children in Child Find	13	20	20	21	25	22	20	21	15	16				
Total # Transferred to Early Intervention	0	0	1	3	2	1	2	1	2	0				0
Total # of Discharges	0	3	6	1	1	4	0	4	7	1				4

PRESCHOOL SPECIAL EDUCATION PROGRAM

Clients Qualified and Receiving Services	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec	2022 Totals	2021 Totals
Children per School District														
-- Ithaca	112	120	131	136	144	145	108	106	85	88				
-- Dryden	44	47	49	51	54	54	38	40	28	31				
-- Groton	34	35	38	40	40	40	26	23	26	28				
-- Homer	0	0	0	0	0	0	0	1	0	1				
-- Lansing	26	27	27	29	28	27	17	17	11	15				
-- Newfield	6	8	13	14	15	15	12	12	8	13				
-- Trumansburg	9	11	10	10	11	11	9	9	8	10				
-- Spencer VanEtten	0	0	0	0	0	0	0	0	0	0				
-- Newark Valley	0	0	0	0	0	0	0	0	0	0				
-- Odessa-Montour	0	0	0	0	0	0	0	0	0	0				
-- Candor	0	0	0	0	0	0	0	0	0	0				
-- Moravia	0	0	0	0	0	0	0	0	1	1				
-- Cortland	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				

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				
-- Speech Therapy (group)	7	11	16	15	19	19	5	5	0	0				
-- Occupational Therapy (individual)	58	61	62	65	71	71	50	45	29	41				
-- Occupational Therapy (group)	1	2	3	3	9	6	1	1	0	0				
-- Physical Therapy (individual)	35	36	38	42	42	43	21	20	19	20				
-- Physical Therapy (group)	0	0	0	0	0	0	0	0	0	0				
-- Transportation														
-- Birnie Bus	26	18	16	16	18	17	21	19	9	12				
-- Dryden Central School District	6	7	7	6	6	6	0	0	7	7				
-- Ithaca City School District	31	31	35	32	31	31	32	34	19	20				
-- Parent	6	8	7	7	5	5	3	3	2	3				
-- Service Coordination	34	36	3	38	44	41	21	20	23	24				
-- Counseling (individual)	43	51	55	62	70	66	55	52	44	43				
-- 1:1 (Tuition Program) Aide	4	4	5	5	5	5	5	5	0	0				
-- Special Education Itinerate Teacher	31	39	41	42	45	43	29	26	17	24				
-- Parent Counseling	44	51	58	63	66	63	35	37	39	42				
-- Program Aide	1	1	1	1	1	1	1	1	1	0				
-- Teaching Assistant	0	0	0	0	0	0	0	0	0	1				
-- Audiological Services	2	2	2	2	2	2	0	0	1	1				
-- Teacher of the Deaf	2	2	2	2	3	1	1	1	1	1				
-- Music Therapy	0	0	0	0	0	0	0	0	0	0				
-- Nutrition	15	15	16	17	17	16	8	8	10	11				
-- Skilled Nursing	0	0	0	0	0	0	0	0	0	0				
-- Interpreter	1	1	1	1	2	2	1	1	0	0				
Total # of children rcvng. home based related svcs.	162	182	199	215	229	230	153	152	125	146				

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	2022 Totals	2021 Totals
-- Ithaca	35	31	35	32	31	31	34	34	19	20				
-- Dryden	14	16	16	15	15	15	8	8	10	10				
-- Groton	7	7	7	7	7	7	6	5	4	4				
-- Lansing	9	8	7	7	6	5	6	6	4	5				
-- Newfield	2	2	2	2	2	2	1	1	0	1				
-- Trumansburg	2	2	2	2	2	2	2	2	5	6				
-- Odessa-Montour	0	0	0	0	0	0	0	0	0	0				
-- Spencer VanEtten	0	0	0	0	0	0	0	0	0	0				
-- Moravia	0	0	0	0	0	0	0	0	0	0				
-- # attending Dryden Central School	8	8	8	7	7	7	0	0	7	6				
-- # attending Franziska Racker Centers	35	35	34	34	33	32	33	32	24	29				
-- # attending Ithaca City School District	26	23	27	24	23	23	24	24	11	6				
Total # attending Special Ed Integrated Tuition Progr.	69	66	69	65	63	62	57	56	42	41				

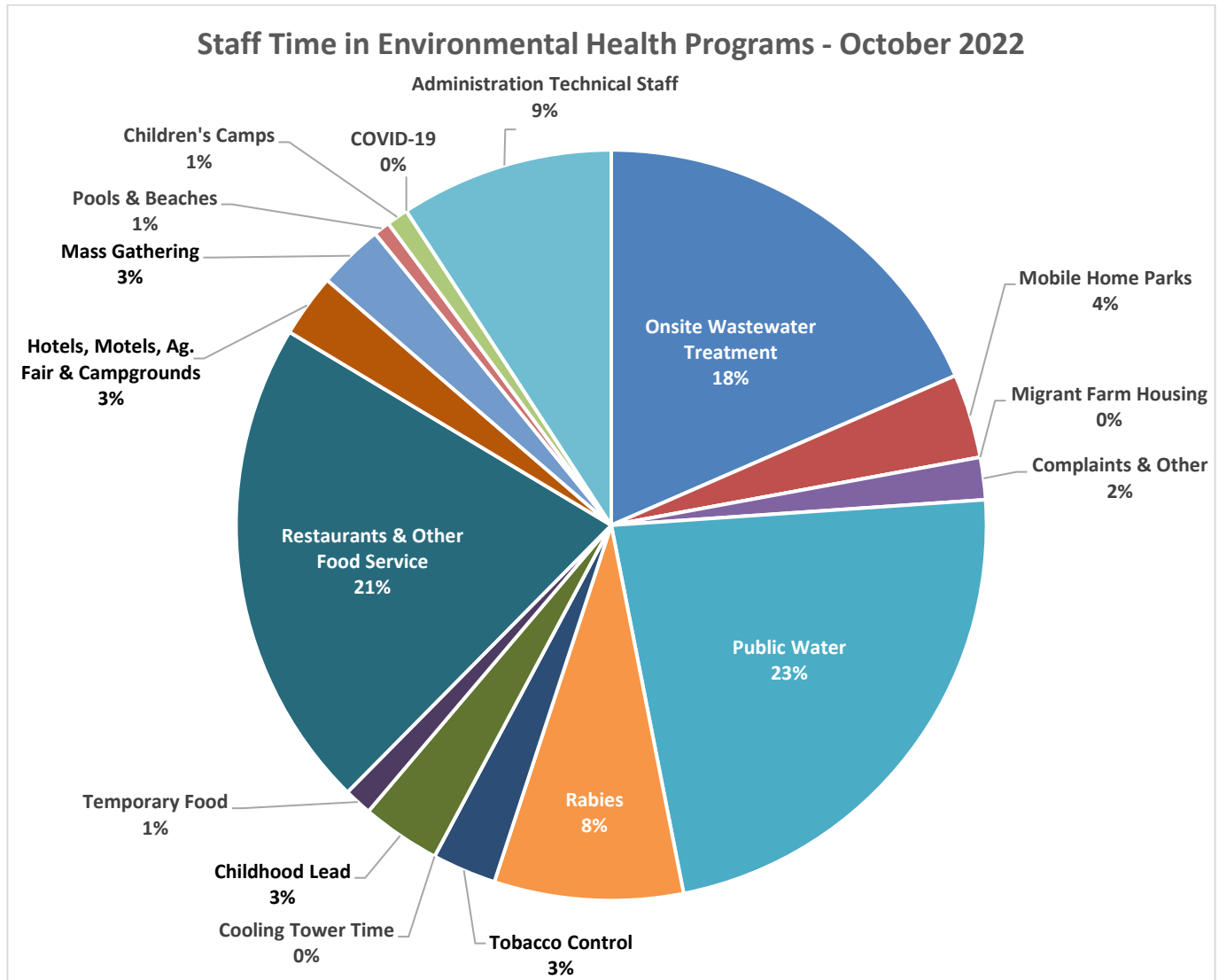
Municipal Representation Committee on Preschool Special Education													2022 Totals	2021 Totals
-- Ithaca	11	23	35	31	28	12	12	2	15	15				206
-- Candor	0	0	0	0	0	0	0	0	0	1				0
-- Dryden	8	6	13	7	4	7	1	2	4	4				51
-- Groton	3	2	10	14	8	0	3	1	2	2				41
-- Homer	0	0	0	0	1	1	0	0	0	0				0
-- Lansing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

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

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

ENVIRONMENTAL HEALTH HIGHLIGHTS October 2022

EH Programs Overview:



Division of Environmental Health
Summary of Activity (2022)

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	YTD	2021 Totals
FOOD PROTECTION PROGRAM - Restaurants & Other Food Service														
<i>Permitted Operations (518 Permitted Operations*)</i>														
Inspections**	34	52	71	67	97	54	67	108	112	86			748	830
Critical Violations	7	10	11	31	17	13	24	35	34	24			206	166
Other Violations	6	31	22	44	28	31	31	53	40	36			322	250
Plans Approved	1	0	4	0	0	1	0	0	0	1			7	15
Complaints Received	1	1	6	3	1	2	1	5	3	4			27	22
<i>Temporary FSE (375 Estimated Operations)</i>														
Permits Issued	1	4	9	9	8	30	19	36	24	6			146	92
Inspections**	0	0	4	0	5	12	16	32	15	5			89	0
Critical Violations	0	4	0	0	2	2	5	13	8	2			36	0
Other Violations	0	0	1	0	2	1	1	3	4	1			13	0
MOBILE HOME PARKS (39 Permitted Operations, 2012 Lots*)														
Inspections**	3	0	1	1	1	0	1	7	8	5			27	21
Critical Violations	0	0	0	0	0	0	0	11	3	1			15	0
Other Violations	12	0	4	0	0	6	0	38	7	31			98	1
Complaints Received	0	0	0	0	1	2	1	1	2	3			10	8
TEMPORARY RESIDENCES - Hotels & Motels (34 Permitted Operations, 2225 Rooms*)														
Inspections**	0	4	0	0	2	10	0	7	1	3			27	47
Critical Violations	0	8	0	2	3	7	0	10	4	2			36	62
Other Violations	0	28	0	3	6	7	0	13	8	16			81	97
Complaints Received	0	1	0	1	2	1	3	4	2	4			18	10
MASS GATHERING (Fingerlaks GrassRoots Festival)														
Inspections**	0	0	0	0	0	0	9	0	0	0			9	0
Critical Violations	0	0	0	0	0	0	13	0	0	0			13	0
Other Violations	0	0	0	0	0	0	22	0	0	0			22	0
Complaints Received	0	0	0	0	0	0	0	0	0	0			0	0
MIGRANT FARM WORKER HOUSING (1 Operation)														
Inspections**	0	1	0	0	0	1	0	0	0	0			2	0
Critical Violations	0	0	0	0	0	0	0	0	0	0			0	0
Other Violations	0	0	0	0	0	0	0	0	0	0			0	0
Complaint Investigations	0	0	0	0	0	0	0	0	0	0			0	0
CAMPGROUNDS & AGRICULTURAL FAIRGROUNDS (13 Operations, 973 Sites*)														
Inspections**	0	0	0	4	6	2	15	10	0	0			37	34
Critical Violations	0	0	0	0	0	0	21	2	0	0			23	4
Other Violations	0	0	0	0	0	1	11	5	0	0			17	20
Complaints Received	0	0	0	0	0	0	0	0	0	0			0	0
CHILDREN'S CAMPS (35 Operations)														
Inspections**	0	0	0	0	0	15	26	14	0	0			55	32
Critical Violations	0	0	0	0	0	0	3	0	0	0			3	2
Other Violations	0	0	0	0	0	0	0	0	0	0			0	0
Injury/Illness Investigations	0	0	0	0	0	0	0	0	0	0			0	7
Complaints Received	0	0	0	0	0	0	0	0	0	0			0	1
SWIMMING POOLS & BATHING BEACHES - (58 Operations*)														
Inspections**	0	4	8	6	9	12	9	19	4	0			71	107
Critical Violations	0	2	0	0	0	1	1	4	0	0			8	18
Other Violations	0	11	2	4	0	2	5	7	0	3			34	64
Injury/Illness Investigations	0	0	0	0	0	0	1	0	0	0			1	0
Complaints Received	0	0	0	1	0	0	1	0	0	0			2	0
PUBLIC WATER SYSTEMS (PWS) 89 Community PWS, 63 Other PWS*														
Inspections**	2	2	6	9	13	1	4	5	13	16			71	94
Boil Water Orders Issued	0	1	0	1	1	1	0	2	1	0			7	4
Disinfection Waivers (Total)	19	19	19	19	19	19	19	19	19	19			n/a	20
Complaints Received	0	0	0	0	0	0	0	0	1	0			1	0

Division of Environmental Health
Summary of Activity (2022)

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	YTD	2021 Totals
ON-SITE WASTEWATER TREATMENT SYSTEMS (OWTS)														
Permits Issued	6	3	9	18	27	20	20	25	21	19	0	0	168	220
New Construction/Conversions	4	2	6	11	19	10	10	10	7	9			88	105
Replacements	2	1	3	7	8	10	10	15	14	10			80	115
Completion Certificates Issued	7	1	3	4	15	17	23	9	14	11	0	0	104	185
New Construction/Conversions	6	1	2	3	8	10	8	5	6	6			55	90
Replacements	1	0	1	1	7	7	15	4	8	5			49	95
ENGINEERING PLAN REVIEWS														
Realty Subdivisions	0	0	1	0	0	0	1	1	0	0			3	0
OWTS	2	2	3	2	2	2	3	1	1	1			19	29
Collector Sewer	0	0	1	2	1	0	1	0	0	0			5	0
Public Water Systems	0	0	0	0	1	1	0	1	0	0			3	7
Water Main Extension	0	0	1	3	2	1	1	0	0	0			8	5
Cross-Connection Control Devices	3	1	1	0	0	1	1	0	2	0			9	7
Other Water System Modification	0	0	1	2	0	0	0	1	0	1			5	3
Other Engineering Reviews	0	0	0	3	2	0	0	2	0	0			7	0
RABIES CONTROL PROGRAM														
Potential Human Exposure Investigations	22	19	29	30	37	53	76	134	32	34			466	472
Human Post-X Treatments	3	2	3	3	3	21	31	73	9	7			155	115
Animal Specimens Tested	8	9	11	9	9	17	15	62	10	9			159	172
Animals Testing Positive	1	1	0	1	0	2	2	1	1	1			10	4
Rabies Clinics Offered	0	0	1	0	1	1	0	0	1	1			5	4
Dogs Vaccinated	0	0	42	0	109	60	0	0	85	86			382	398
Cats Vaccinated	0	0	23	0	47	41	0	0	57	113			281	258
Ferrets Vaccinated	0	0	0	0	0	0	0	0	2	0			2	2
Pet Quarantine	0	0	0	0	0	0	2	2	0	0			4	0
CHILDHOOD LEAD PROGRAM														
Children with Elevated Blood Lead Levels	1	1	0	2	3	2	1	1	0	2			13	10
Sites Inspected	0	3	0	0	0	0	2	2	1	0			8	6
Abatement Completed	0	0	1	0	0	0	0	0	0	0			1	1
Lead Assessments Sent	0	0	0	0	0	0	0	0	0	0			0	2
FOIL REQUESTS														
Total Received	2	6	2	2	2	5	7	4	4	2			36	45
ADOLESCENT TOBACCO USE PREVENTION ACT (ATUPA) (65 Operations *) & CLEAN INDOOR AIR ACT (CIAA)														
ATUPA (Adult & Minor) Compliance Checks	13	47	30	0	0	0	4	0	1	15			110	28
Violations	0	0	0	0	0	0	0	0	0	0			0	2
CIAA Complaints	0	0	0	0	0	0	0	0	0	0			0	5
COMPLAINTS - General/Nuisance														
Complaint Investigations Opened	2	1	3	3	5	4	9	17	3	0			47	44
ENFORCEMENT ACTIONS														
Total Cases	5	0	5	0	0	9	6	2	2	5			34	17
Cases Related to FSE	4	0	1	0	0	0	3	0	2	4			14	6
BOH Penalties Assessed	\$4,900	\$0	\$2,500	\$0	\$0	\$7,700	\$2,000	\$1,900	\$600	\$74,900			\$94,500	\$8,450
BOH Penalties Collected	\$200	\$200	\$1,900	\$5,300	\$0	\$200	\$1,400	\$1,400	\$3,100	\$1,200			\$14,900	\$8,000
CUSTOMER SERVICE/SUPPORT														
Calls Received	579	462	642	676	828	830	835	1074	759	623			7308	11156
Walk-In Customers	15	35	26	30	60	65	45	75	52	30			433	440
TCEH Emails Received	424	374	373	398	436	462	402	533	480	420			4302	6415
Applications Processed	41	167	140	170	176	131	117	165	170	86			1363	1500
Payment Receipts Processed	18	150	137	112	128	108	92	146	100	62			1053	1269
Renewals/Billings Sent	107	152	60	143	13	32	99	39	60	119			824	872

* As of 1/1/2022

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

Food Program Detailed Report:

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

The following plans were approved this period:

- CU – Atrium Café

New permits were issued for the following facilities:

- Crosswinds Farm & Creamery, Throughout Tompkins

Boil Water Orders (BWOs):

Ongoing:

- In February 2022, a BWO was issued to Dollar General in North Lansing for operating a water system with TCHD approval. Enforcement action is pending.
- On April 14, 2022, a BWO was issued to TOSA Apartments located in the Town of Dryden. The water system did not have adequate chlorine residual when inspected by the Tompkins County Health Department.
- On June 24, 2022, a BWO was issued to Cayuga Nature Center located in the Town of Ulysses. The water system did not have adequate chlorine residual when inspected by the Tompkins County Health Department. TCHD is evaluating the water system and the BWO will be released when modifications to the system or operation are made, and re-sampling occurs.

Summary of Open BOH Enforcement Actions

Date of BOH Action	Facility	Owner/ Operator	Basis for Action	Penalty Assessed	Next BOH Order Deadline	Status
10/25/22	Dream Vape & Smoke	Dream Vape & Smoke LLC.	ATUPA Retailer- Sale of Prohibited Flavored Nicotine Product and Sale of Nicotine to Person Under 21	\$71,500	Payment due 12/15/22	Monitoring Compliance
10/25/2022	Serendipity Mobile Food Truck	Serendipity Catering, LLC	Mobile Food Service – Repetitive Critical Violations	\$200	Payment due 12/15/22	Monitoring Compliance
10/25/2022	Ko Ko Restaurant	Big Ko Ko Inc.	Food Service Establishment – Repetitive Critical Violations	\$200	Payment due 12/15/22	Monitoring Compliance
10/25/2022	Old Mexico	357 Elmira Road LLC	Food Service Establishment – Repetitive Critical Violations and Violation of BOH Orders	\$2,800	Payment due 12/15/22	Monitoring Compliance
6/28/22	Dream Vape & Smoke	Dream Vape & Smoke LLC.	ATUPA Retailer- Sale of Prohibited Flavored Nicotine Product and Sale of Nicotine to Person Under 21	\$2500	Payment due 8/15/22	Referral to Collections Pending
7/26/22	ZaZa Exotics	ZaZa Exotics Inc.	ATUPA - Sale of Prohibited Flavored Nicotine Product	\$600	Payment due 9/15/22	Late penalty letter sent.
6/28/22	Finger Lakes GrassRoots	Finger Lakes GrassRoots Festival Org., Inc.	Mass Gathering – Violation of Board of Health Orders for Failure to Submit Approvable Water Plans	\$500	Payment due 8/15/22	Late penalty notice sent.
6/28/22	TOSA Apartments	Tony Busse	Public Water Supply - Violation of Board of Health Orders for Failure to Maintain Disinfection and to Adhere to Monitoring Requirements	\$1500	Payment due 8/15/22	Late penalty notice sent. Additional enforcement action may be required.

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

Ph: (607) 274-6688
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CERTIFIED, REGULAR, & ELECTRONIC MAIL

November 8, 2022

Lauren McKinzey
Trumansburg Main Street Market
3227 Halseyville Road
Trumansburg, NY 14886

**Re: Tompkins County Board of Health Draft Resolution # EH-ENF-22-0033
Trumansburg Main Street Market, Food Service Establishment, V-Trumansburg**

Dear Lauren McKinzey:

Thank you for signing the Stipulation Agreement on October 26, 2022, for Trumansburg Main Street Market.

Enclosed is a copy of the Draft Resolution that the Tompkins County Board of Health will consider at its meeting on **Tuesday, December 6, 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).

In lieu of joining the meeting, you can submit a written statement for the Board of Health to consider by sending it to: tceh@tompkins-co.org by November 25, 2022. The meeting can be viewed through the Tompkins County YouTube Channel, which can be accessed through the following web address: <https://www.youtube.com/channel/UckpJNVbpLLbEbhoDbTIEgSQ>.

Sincerely,



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

Enclosure (s) – Draft Resolution, Stipulation Agreement and Orders, and Case Summary

pc: F:\EH\FOOD (SF)\FSE (SF)\Facilities (SF-4)\Trumansburg Main St. Market\Enforcement\Draft Res 22-0033.docx
ec: Tompkins County Board of Health (via; Karan Palazzo, TCHD)
Village of Trumansburg CEO; Anne Koreman, TC Legislature; TCHD: Elizabeth Cameron, P.E., Director of Environmental Health; Frank Kruppa, Public Health Director; Kristee Morgan; 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-22-0033 FOR

**Trumansburg Main Street Market
Trumansburg Main Street Market LLC., Owner; Lauren McKinzey, Operator
21 E. Main St.
Trumansburg, NY 14886**

Whereas, the owner/operator of a Food Service Establishment must comply with the regulations established under Part 14-1 of the New York State Sanitary Code (NYSSC); **and**

Whereas, it is a critical violation of Part 14-1 of the NYSSC to fail to maintain potentially hazardous foods at or above 140°F during hot holding; **and**

Whereas, on August 12, 2022, and August 24, 2022, the Tompkins County Health Department (TCHD) observed critical violations of Subpart 14-1 of the NYSSC where potentially hazardous foods were observed at temperatures between 119°F and 135°F during hot holding; **and**

Whereas, Lauren Mckinzey, Owner, signed a Stipulation Agreement with Public Health Director's Orders on October 26, 2022, agreeing that Trumansburg Main Street Market 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 Trumansburg Main Street Market LLC., Owner, is ordered to:**

1. Pay a penalty of \$200 for these violations, due by **January 13, 2023**. (**Do Not** submit penalty payment until notified by the Tompkins County Health Department.); **and**
2. Maintain potentially hazardous foods at or above 140°F in hot holding; **and**
3. Maintain potentially hazardous foods at or below 45°F in cold holding; **and**
4. Comply with all the requirements of Subpart 14-1 of the New York State Code for Food Service Establishments.



Your Partner for a Healthy Community

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

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

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

STIPULATION AGREEMENT AND ORDERS # EH-ENF-22-0033

**Trumansburg Main Street Market
Trumansburg Main Street Market LLC., Owner; Lauren McKinzey, Operator
21 E. Main St.
Trumansburg, NY 14886**


I, Lauren McKinzey, as a representative for Trumansburg Main Street Market LLC., agree that on August 12, 2022, and August 24, 2022, Trumansburg Main Street Market was in violation of Subpart 14-1 of New York State Sanitary Code for failure to maintain potentially hazardous foods at or above 140°F during hot holding; **and**

I agree to pay a penalty not to exceed \$200 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. Maintain potentially hazardous foods at or above 140°F in hot holding; **and**
2. Maintain potentially hazardous foods at or below 45°F in cold holding; **and**
3. Comply with all the requirements of Subpart 14-1 of the New York State Code for Food Service Establishments.

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: 10/26/22

Trumansburg Main Street Market, LLC. is hereby ordered to comply with these Orders of the Public Health Director.

Signed:  Date: 10/27/22
Frank Kruppa
Public Health Director



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

CASE SUMMARY – FOR RESOLUTION # EH-ENF-22-0033

Trumansburg Main Street Market
Trumansburg Main Street Market LLC., Owner; Lauren McKinzey, Operator
21 E. Main Street
Trumansburg, NY 14886

October 2022

Date	Action
10/26/2022	Stipulation agreement signed by Trumansburg Main Street Market.
10/13/2022	Stipulation agreement sent by TCHD.
08/24/2022	Re-inspection by TCHD. Violation: See attached inspection report.
08/12/2022	Inspection by TCHD. Violation: See attached inspection report.
04/08/2021	Inspection by TCHD. No critical violations were observed.
1/28/2020	Re-Inspection by TCHD. Violation cited on 12/20/2019 was corrected. No violations observed.
12/20/2019	Inspection by TCHD. Violation: Potentially hazardous foods were not stored under refrigerated.
11/22/2019	Pre-Operational Inspection conducted. Permit to operate Trumansburg Main Street Market issued.

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

Food Service Establishment Inspection Summary Report

Operation: TRUMANSBURG MAIN STREET MARKET (ID: 1042363)
Facility Name: TRUMANSBURG MAIN STREET MARKET
Facility Code: 54-AM74 Facility Email: tburgmainstmkt@gmail.com
Facility Address: 21 East Main Street, Trumansburg, NY 14886

To the Attention of:

Lauren Mckinzey
TRUMANSBURG MAIN STREET MARKET LLC
3227 Halseyville Rd
Trumansburg , NY 14886
Email: tburgmainstmkt@gmail.com

Re-Inspection

Date: August 24, 2022 03:41 PM
Inspector: Thomas Palmer (tpalmer@tompkins-co.org)
Responsible Person: Lauren Mckinzey
Additional Email(s): kmorgan@tompkins-co.org

Summary

Number of Public Health Hazards Found: 2
Number of Public Health Hazards NOT Corrected: 0
Number of Other Violations Found: 0

Reinspection is Required

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

IMPROPER COOLING AND REFRIGERATED STORAGE OF POTENTIALLY HAZARDOUS FOODS.

ITEM # 5A WAS FOUND IN VIOLATION 1 TIME(S). CRITICAL VIOLATION

Part or parts of the item were observed to be in violation which were corrected at the time of inspection.

Code Requirements: Potentially hazardous foods are not kept at or below 45°F during cold holding, except smoked fish not kept at or below 38°F during cold holding.

Inspector Findings: Observed half of a tomato in the flip top refrigeration unit at a temperature of 55F. Per interview with staff, the tomatoes are only used for BLT sandwiches and the fresh tomato is taken from the front of the store and is cut and half is immediately used in the sandwich. The unused half then goes into refrigeration to be cooled to 45F or less.

Correction: At the time of the reinspection, the tomato had not been out of temperature for greater than 2 hours. The tomato was put in the bottom for the flip top refrigeration unit for even faster cooling.

Action: Advised staff that all cold held potentially hazardous food items need to be

maintained at 45F or less at all times. Recommended that staff pre-chill tomatoes prior to cutting, or looking into a waiver to use time as a control for public safety.

IMPROPER HOT HOLDING OF POTENTIALLY HAZARDOUS FOODS.

ITEM # 6A WAS FOUND IN VIOLATION 1 TIME(S). CRITICAL VIOLATION

Part or parts of the item were observed to be in violation which were corrected at the time of inspection.

Code Requirements: Potentially hazardous foods are not kept at or above 140°F during hot holding.

Inspector Findings: Observed 8 cups of cooked rice being hot held in a steam pot behind the main service counter. Temperature of the rice ranged from 125F-135F. Per interview with operator, rice was cooked on the stove top one hour prior and placed in the steam pot for hot holding. The operator stated that they had replaced their rice maker with this steam pot since the previous inspection, with the hope of maintaining 140F throughout service for their rice.

Correction: At the time of inspection, operator adequately reheated the cooked rice.

Action: Advised operator that potentially hazardous food items being hot held must be maintained at 140F or greater throughout service.

NO ADDITIONAL VIOLATIONS REPORTED

Additional Information Collected During Inspection

Comments: Part 1: One critical violation (#6A,#5A) was observed.
Part 2: No blue violations were observed at the time of reinspection.

Item #5A has been corrected since the previous inspection. Quart of half and half being store in the mini refrigeration unit was at 45F at the time inspection.

Following the inspection, Tompkins County Health Department provided operator with an application for a waiver to use time as a control for public safety.

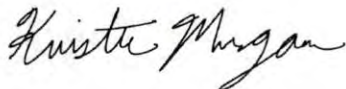
Reinspection required.



Inspector: Thomas Palmer (tpalmer@tompkins-co.org)



Received by: Lauren Mckinzey



8/25/2022

Food Service Establishment Inspection Summary Report

Operation: TRUMANSBURG MAIN STREET MARKET (ID: 1042363)
Facility Name: TRUMANSBURG MAIN STREET MARKET
Facility Code: 54-AM74 Facility Email: tburgmainstmkt@gmail.com
Facility Address: 21 East Main Street, Trumansburg, NY 14886

To the Attention of:

Lauren Mckinzey
TRUMANSBURG MAIN STREET MARKET LLC
3227 Halseyville Rd
Trumansburg , NY 14886
Email: tburgmainstmkt@gmail.com

Inspection

Date: August 12, 2022 02:45 PM
Inspector: Katherine Walker (kwalker@tom-pkins-co.org)
Responsible Person: Kati Mellor
Additional Email(s): kmorgan@tom-pkins-co.org

Summary

Number of Public Health Hazards Found: 3
Number of Public Health Hazards NOT Corrected: 0
Number of Other Violations Found: 0

Reinspection is Required

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

IMPROPER COOLING AND REFRIGERATED STORAGE OF POTENTIALLY HAZARDOUS FOODS.

ITEM # 5A WAS FOUND IN VIOLATION 2 TIME(S). CRITICAL VIOLATION

Part or parts of the item were observed to be in violation which were corrected at the time of inspection.

Code Requirements: Potentially hazardous foods are not kept at or below 45°F during cold holding, except smoked fish not kept at or below 38°F during cold holding.

Inspector Findings: One tomato sliced in half in service in top of prep table was found to be at 58 degrees F. Correction: Potentially hazardous cold foods must be kept at or below 45 degrees F at all points of service. Item was moved for rapid chilling and stayed in service as it was sliced less than two hours ago and would be consumed within that timeframe.

One quart of half and half creamer in bar cooler behind counter found to be at 52 degrees F. Other items in refrigerator found to be within acceptable temperatures. Correction: Potentially hazardous cold foods must be kept at or below 45 degrees F at all points of service. Operator stated that half and half comes out for short periods of service. Item remained in service as it was determined to have been out of

temperature for less than two hours.

IMPROPER HOT HOLDING OF POTENTIALLY HAZARDOUS FOODS.

ITEM # 6A WAS FOUND IN VIOLATION 1 TIME(S). CRITICAL VIOLATION

Part or parts of the item were observed to be in violation which were corrected at the time of inspection.

Code Requirements: Potentially hazardous foods are not kept at or above 140°F during hot holding.

Inspector Findings: Observed approximately 6 cups of cooked rice being hot held in rice cooker. Temperature of the item was not uniform and ranged from 119 degrees F to 142 degrees F. Correction: Potentially hazardous hot foods must be held at or above 140 degrees F at all points of service. Item remained in service as it was out of temperature for less than two hours and would be consumed within that time period.

NO ADDITIONAL VIOLATIONS REPORTED

Additional Information Collected During Inspection

Comments: Part 1: Two critical violations of Item 5A and one critical violation of Item 6A observed
Part 2: No violations observed

Reinspection required.

Discussed pre-chilling of ingredients and strategies for cold and hot holding of potentially hazardous foods.

Also discussed options for ensuring that cases of food are stored a minimum of 6 inches off the floor when receiving deliveries.



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



Received by: Kati Mellor



08/12/2022



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

November 9, 2022

Kevin Griffin
Casper's Kitchen
118 Main Street
Groton, NY 13073

**Re: Tompkins County Board of Health Draft Resolution # EH-ENF-22-0035
Casper's Kitchen, Food Service Establishment, V-Groton**

Dear Kevin Griffin:

Thank you for signing the Stipulation Agreement on October 31, 2022, for Casper's Kitchen.

Enclosed is a copy of the Draft Resolution that the Tompkins County Board of Health will consider at its meeting on **Tuesday, December 6, 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, Stipulation Agreement and Orders, and Case Summary

pc: F:\EH\FOOD (SF)\FSE (SF)\Facilities (SF-4)\Caspers\Enforcement\2022\Draft Res 22-0035.docx
ec: Tompkins County Board of Health (via; Karan Palazzo, TCHD)
Village of Groton CEO; Lee Shurtleff, TC Legislature; TCHD: Elizabeth Cameron, P.E., Director of Environmental Health;
Frank Kruppa, Public Health Director; Kristee Morgan; 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-22-0035 FOR

**Casper's Kitchen
Kevin Griffin, Owner
118 Main St.
Groton, NY 13073**

Whereas, the owner/operator of a Food Service Establishment must comply with the regulations established under Part 14-1 of the New York State Sanitary Code (NYSSC); **and**

Whereas, it is a critical violation of Part 14-1 of the NYSSC to fail to maintain potentially hazardous under refrigeration; **and**

Whereas, it is a critical violation of Part 14-1 of the NYSSC to maintain food from an unapproved source, spoiled, or adulterated on premises; **and**

Whereas, on May 24, 2022, and August 30, 2022, the Tompkins County Health Department (TCHD) observed critical violations of Subpart 14-1 of the NYSSC where spoiled food was observed on premise and potentially hazardous foods were not stored under refrigeration and observed at temperatures between 50°F and 71°F during hot holding; **and**

Whereas, Kevin Griffin, Owner, signed a Stipulation Agreement with Public Health Director's Orders on October 31, 2022, agreeing that Casper's Kitchen 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 Kevin Griffin, Owner, is ordered to:**

1. Pay a penalty of \$400 for these violations, due by **January 13, 2023**. (**Do Not** submit penalty payment until notified by the Tompkins County Health Department.); **and**
2. Submit all future payments made to the TCHD in the form of cash, money order or credit card payment. **Checks will not be accepted by TCHD** as a form of future payments; **and**
3. Monitor for food that is spoiled and/or adulterated and remove from the premise immediately; **and**
4. Maintain all potentially hazardous food temperatures at or below 45°F or at or above 140°F at all times during hot holding, cold holding, and storage, except during necessary preparation; **and**
5. Submit a complete renewal application to obtain a Permit to Operate a Food Service Establishment at least 21 days before expiration of the existing permit during each year of operation; **and**
6. Keep hand wash sink accessible and keep soap and paper towels available at all hand wash sinks to ensure proper hand washing; **and**
7. Comply with all the requirements of Subpart 14-1 of the New York State Code for Food Service Establishments.

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

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

STIPULATION AGREEMENT AND ORDERS # EH-ENF-22-0035

Casper's Kitchen
Kevin Griffin, Owner
118 Main St.
Groton, NY 13073

I, Kevin Griffin, as the owner of Casper's Kitchen, agree that on May 24, 2022, and August 20, 2022, Casper's Kitchen was in violation of Subpart 14-1 of New York State Sanitary Code for failure to maintain potentially hazardous foods under refrigeration and for having spoiled food on premise.

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. Monitor for food that is spoiled and/or adulterated and remove from the premise immediately; **and**
2. Maintain all potentially hazardous food temperatures at or below 45°F or at or above 140°F at all times during hot holding, cold holding, and storage, except during necessary preparation; **and**
3. Submit a complete renewal application to obtain a Permit to Operate a Food Service Establishment at least 21 days before expiration of the existing permit during each year of operation; **and**
4. Keep hand wash sink accessible and keep soap and paper towels available at all hand wash sinks to ensure proper hand washing; **and**
5. Comply with all the requirements of Subpart 14-1 of the New York State Code for Food Service Establishments.

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: OCT 31 2022

Kevin Griffin is hereby ordered to comply with these Orders of the Public Health Director.

Signed: Brenda Grinnel Crush

Date: 11/7/2022

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-22-0035

**Casper's
Kevin Griffin, Owner/Operator
118 Main Street
Groton, NY 13073**

November 2022

Date	Action
10/31/2022	Stipulation agreement signed by Kevin Griffin.
10/17/2022	Stipulation agreement sent by TCHD.
08/30/2022	Inspection by TCHD: Violations. See attached inspection report.
05/24/2022	Inspection by TCHD: Violations. See attached inspection report.
03/16/2021	Inspection by TCHD: No critical violations observed.
08/06/2020	Inspection by TCHD: No critical violations observed.
08/30/2019	Inspection by TCHD: No critical violations observed.
03/29/2019	Resolution EH-ENF-19-0003 adopted by the BOH requiring Kevin Griffin to pay a fine in the amount of \$500 due by 5/15/19 and submit future permit renewal applications to the Health Department at least 21 days before expiration of the existing permit.
11/29/2018	Inspection by TCHD: No critical violations observed.
06/15/2018	Enforcement penalty of \$500.00 from ENF-18-009 paid.
04/24/2018	Resolution EH-ENF-18-009 adopted by the BOH requiring Kevin Griffin to pay a fine in the amount of \$500 due by 6/15/18 and submit future permit renewal applications to the Health Department at least 21 days before expiration of the existing permit. In addition, a revised short-term permit was issued to Kevin Griffin effective 04/24/2018 and expiring on 06/15/2018. The permit included a condition that the outstanding enforcement penalty from ENF-18-009 of \$500.00 must be paid by 06/15/2018.
04/23/2018	Outstanding fees totaling \$845.00 paid by Kevin Griffin.
4/5/2018	Hearing held at TCHD. Kevin Griffin did not attend the hearing.
6/16/2017	Inspection by TCHD. No critical violation observed. Three other violations observed for inadequate handwashing facilities, missing/broken ceiling tiles in kitchen and fluorescent lights with no shields.
2/28/2017	BOH adopts Resolution # EH-ENF-17-0001 requiring a penalty in the amount of \$400 due by April 14, 2017, and submission of a renewal application at least 21 days before expiration of the existing permit during each year of operation.
1/3/2017	Field visit by TCHD: Facility was observed to be open to the public for food service without an operating permit.
4/28/2016	Inspection by TCHD: No critical violations observed. One other violation observed for using cardboard to line wire shelves in kitchen.
11/24/2015	Inspection by TCHD: No critical violations observed. Three other violations observed for not protecting food during storage (cooled potatoes were not covered), accurate thermometer was not available to evaluate refrigerated storage, and ceiling tiles were missing in the kitchen.
11/5/2015	Permit to operate Casper's issued.

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

Food Service Establishment Inspection Summary Report

Operation: CASPER'S (ID: 911323)
Facility Name: CASPER'S KITCHEN
Facility Code: 54-AC66 Facility Email: unwind14850@gmail.com
Facility Address: 118 Main Street, Groton, NY 13073

To the Attention of:

Kevin Griffin
CASPER'S KITCHEN
118 Main St
Groton, NY 13073
Email: unwind14850@gmail.com

Inspection

Date: May 24, 2022 09:47 AM
Inspector: Joan Pike (jpik@tom-pkins-co.org)
Responsible Person: Kevin Griffin
Additional Email(s): kmorgan@tom-pkins-co.org

Summary

Number of Public Health Hazards Found: 2
Number of Public Health Hazards NOT Corrected: 0
Number of Other Violations Found: 4

Reinspection is Required

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

FOODS ADULTERATED OR RECEIVED FROM UNAPPROVED SOURCES.

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

Part or parts of the item were observed to be in violation which were corrected at the time of inspection.

Code Requirements: Food from unapproved source, spoiled, adulterated on premises.

Inspector Findings: Observed two unwrapped uncooked beef patties sitting on rack in cooler. The operator indicated that they had been put there for a few days and were starting to smell off.

Correction: Burgers were voluntarily discarded by the operator.

Action: Potentially hazardous cold foods must be secured properly to prevent spoilage.

IMPROPER COOLING AND REFRIGERATED STORAGE OF POTENTIALLY HAZARDOUS FOODS.

ITEM # 5C WAS FOUND IN VIOLATION 1 TIME(S). CRITICAL VIOLATION

Part or parts of the item were observed to be in violation which were corrected at the time of inspection.

Code Requirements: Potentially hazardous foods are not stored under refrigeration except during necessary preparation or approved precooling procedures (room temperature storage).

Inspector Findings: There were 3 instances of this violation observed:

1. 1 flat of eggs on side table by stove in the kitchen at 65°F.

Correction: Operator moved the flat to the cooler

2. Uncooked bacon at 68°F on side table by stove in the kitchen.

Correction: Operator moved bacon to cooler for rapid chilling

3. French toast batter at 67°F on side table by stove in the kitchen

Correction: discarded by operator

Action: Potentially hazardous foods must be stored at 45°F or below.

IMPROPER CLEANING, WASHING AND SANITIZING OF EQUIPMENT AND UTENSILS.

ITEM #11B WAS FOUND IN VIOLATION 1 TIME(S).

All or parts of the item are violations.

Code Requirements: Wiping cloths dirty, not stored properly in sanitizing solutions

Inspector Findings: Observed that sanitizer buckets were not set up

Correction: Explained sanitizing bucket set up with the operator.

IMPROPER CLEANING, WASHING AND SANITIZING OF EQUIPMENT AND UTENSILS.

ITEM #11D WAS FOUND IN VIOLATION 1 TIME(S).

All or parts of the item are violations.

Code Requirements: Non food contact surfaces of equipment not clean

Inspector Findings: Observed that general cleaning is lacking. Many surfaces including stoves, refrigerators, floors and walls covered in grease and debris.

Action: Non contact food surfaces must be cleaned daily to prevent vermin infestation.

IMPROPER SANITARY FACILITIES AND CONTROLS.

ITEM #12D WAS FOUND IN VIOLATION 1 TIME(S).

All or parts of the item are violations.

Code Requirements: Toilet facilities inadequate, inconvenient, dirty, in disrepair, toilet paper missing, not self-closing doors, missing hand wash signs

Inspector Findings: Observed that the toilets were dirty and needed cleaning

Action: Sanitary facilities are important to be kept clean

IMPROPER SANITARY FACILITIES AND CONTROLS.

ITEM #12E WAS FOUND IN VIOLATION 1 TIME(S).

All or parts of the item are violations.

Code Requirements: Handwashing facilities inaccessible, improperly located, dirty, in disrepair, improper fixtures, soap, and single service towels or hand drying devices missing

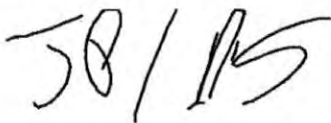
Inspector Findings: Observed handwash sink was not properly set up. It was missing hand soap.

Correction: Operator filled soap dispenser

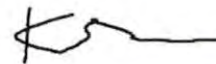
Additional Information Collected During Inspection

Comments: Two Part I Critical Item Violations
Four Part II Blue Item Violations

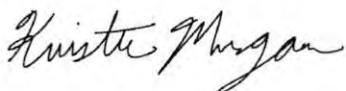
Re inspection required



Inspector: Joan Pike (jpike@tompkins-co.org)



Received by: Kevin Griffin



5/24/2022

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

Food Service Establishment Inspection Summary Report

Operation: CASPER'S (ID: 911323)
Facility Name: CASPER'S KITCHEN
Facility Code: 54-AC66 Facility Email: unwind14850@gmail.com
Facility Address: 118 Main Street, Groton, NY 13073

To the Attention of:

Kevin Griffin
CASPER'S KITCHEN
118 Main St
Groton, NY 13073
Email: unwind14850@gmail.com

Re-Inspection

Date: August 30, 2022 10:38 AM
Inspector: Katherine Walker (kwalker@tom-pkins-co.org)
Responsible Person: Kevin Griffin
Additional Email(s): kmorgan@tom-pkins-co.org;

Summary

Number of Public Health Hazards Found: 2
Number of Public Health Hazards NOT Corrected: 0
Number of Other Violations Found: 0

Reinspection is Required

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

FOODS ADULTERATED OR RECEIVED FROM UNAPPROVED SOURCES.

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

Part or parts of the item were observed to be in violation which were corrected at the time of inspection.

Code Requirements: Food from unapproved source, spoiled, adulterated on premises.

Inspector Findings: Observed plastic storage box (approximately 8 quart size) containing bagged celery and other assorted bagged vegetables. Some vegetables had spoiled to the point of disintegration and created a liquid that filled the bottom of the container.

Correction: Food must be discarded when showing signs of spoilage.

Operator discarded spoiled items and those that were in the box and not fully protected by plastic. Container was cleaned before replacing items remaining in storage.

IMPROPER COOLING AND REFRIGERATED STORAGE OF POTENTIALLY HAZARDOUS FOODS.

ITEM # 5C WAS FOUND IN VIOLATION 1 TIME(S). CRITICAL VIOLATION

Part or parts of the item were observed to be in violation which were corrected at the time of inspection.

Code Requirements: Potentially hazardous foods are not stored under refrigeration except during necessary preparation or approved precooling procedures (room temperature storage).

Inspector Findings: Observed potentially hazardous cold foods left out during cooking process.

Correction: Potentially hazardous cold foods must be stored at or below 45 degrees F at all points of service.

1. One half flat of eggs on side table by stove in kitchen at 66 degrees F.

Eggs out of refrigeration for less than two hours according to operator. Eggs returned to refrigeration for rapid chilling.

2. Uncooked bacon on side table by stove in kitchen at 50 degrees F.

Item out for service for less than two hours according to operator. Bacon returned to refrigeration for rapid chilling.

3. French toast batter on side table by stove in kitchen at 71 degrees F.

Item discarded by operator at time of inspection.

NO ADDITIONAL VIOLATIONS REPORTED

Additional Information Collected During Inspection

Comments: Part 1: Two critical violations; one each of Item #1H and Item #5C

Non-critical violations of Items #11B, #11D, #12D, #12E were not corrected at time of inspection.

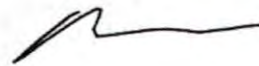
Board of Health action to follow.

Reinspection required.

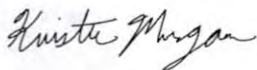
Gave handouts "Serving Up Safe Food" and "Safe Storage and Preparation of Eggs".



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



Received by: Kevin Griffin



8/24/22



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

November 17, 2022

Jhonatan Montero de los Santos
SPM Empanadas
511 Liberty St.
Elmira, NY 14904

**Re: Tompkins County Board of Health Draft Resolution # # EH-ENF-22-0036
SPM Empanadas, Mobile Food Service Establishment, Throughout Tompkins**

Dear Jhonatan Montero de los Santos:

Thank you for signing the Stipulation Agreement on November 9, 2022, for SPM Empanadas.

Enclosed is a copy of the Draft Resolution that the Tompkins County Board of Health will consider at its meeting on **Tuesday, December 6, 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, Stipulation Agreement and Orders, and Case Summary

- pc: F:\EH\FOOD (SF)\FSE (SF)\Facilities (SF-4)\SPM Empanadas\Enforcement\Draft Res 22-0036.docx
- ec: Tompkins County Board of Health (via; Karan Palazzo, TCHD)
City of Ithaca Building Department; Mayor Laura Lewis, Travis Brooks, TC Legislature; TCHD: Elizabeth Cameron, P.E.,
Director of Environmental Health; Frank Kruppa, Public Health Director; Kristee Morgan; 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-22-0036 FOR

SPM Empanadas
Jhonatan Montero de los Santos, Owner
511 Liberty St.
Elmira, NY 14904

Whereas, the owner/operator of a Mobile Food Service Establishment must comply with the regulations established under Part 14-4 of the New York State Sanitary Code; **and**

Whereas, it is a critical violation of Part 14-4 of NYSSC to maintain potentially hazardous foods at unacceptable temperatures (greater than 45°F or less than 140°F) for a period of time longer than that necessary for preparation or service; **and**

Whereas, on June 3, 2022, and September 30, 2022, the Tompkins County Health Department (TCHD) observed potentially hazardous food at temperatures between 55°F and 62°F; **and**

Whereas, Jhonatan Montero de los Santos, Owner, signed a Stipulation Agreement with Public Health Director's Orders on November 9, 2022, agreeing that SPM Empanada 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, Jhonatan Montero de los Santos, Owner, is ordered to:

1. Pay a penalty of \$200 for these violations, due by January 13, 2023. (**Do Not** submit penalty payment until notified by the Tompkins County Health Department.); **and**
2. Maintain potentially hazardous foods at or below 45°F in cold holding and above 140°F in hot holding; **and**
3. Maintain potentially hazardous foods under refrigeration except during necessary preparation; **and**
4. Properly thaw foods using acceptable methods; **and**
5. Comply with all the requirements of Subpart 14-4 of the New York State Code for Food Service Establishments.



Your Partner for a Healthy Community

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

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

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

STIPULATION AGREEMENT AND ORDERS # EH-ENF-22-0036

**SPM Empanadas
Jhonatan Montero de los Santos, Owner
511 Liberty St.
Elmira, NY 14904**

I, Jhonatan Montero de los Santos, as a representative for SPM Empanadas., agree that on June 3, 2022, and September 30, 2022, SPM Empanadas was in violation of Subpart 14-4 of New York State Sanitary Code for holding potentially hazardous foods for an improper amount of time at an unacceptable temperature.

I agree to pay a penalty not to exceed \$200 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. Maintain potentially hazardous foods at or below 45°F in cold holding and above 140°F in hot holding; **and**
2. Maintain potentially hazardous foods under refrigeration except during necessary preparation; **and**
3. Properly thaw foods using acceptable methods; **and**
4. Comply with all the requirements of Subpart 14-1 of the New York State Code for Food Service Establishments.

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: Jhonatan montero Date: 11-9-2022

Jhonatan Montero de los Santos is hereby ordered to comply with these Orders of the Public Health Director.

Signed: Frank Kruppa Date: 11/15/22
for Frank Kruppa
Public Health Director



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

CASE SUMMARY – FOR RESOLUTION # EH-ENF-22-0036

**SPM Empanadas
Jhonatan Montero de los Santos, Owner
511 Liberty Street
Elmira, NY 14904**

November 2022

Date	Action
11/9/2022	Office conference held to discussed Stipulation Agreement at TCHD. Stipulation Agreement signed by owner.
10/31/2022	Stipulation Agreement sent by TCHD.
09/30/2022	Re-inspection by TCHD. Violation: See attached inspection report.
06/03/2022	Inspection by TCHD. Violation: See attached inspection report.
06/02/2022	Permit to operate SPM Empanadas issued.

Mobile Food Service Establishment Inspection Summary Report

Operation: SPM EMPANADAS (ID: 1088607)
Facility Name: SPM EMPANADAS
Facility Code: 54-AN35 Facility Email: spmempanadas@gmail.com
Facility Address: Throughout Tom-pkins County, Ithaca, NY 14850

To the Attention of:

Jhonatan Montero
JHONATAN MONTERO DE LOS SANTOS
511 Liberty St
Elmira, NY 14904
Email: spmempanadas@gmail.com

Re-Inspection

Date: September 30, 2022 01:30 PM
Inspector: Katherine Walker (kwalker@tom-pkins-co.org)
Responsible Person: Jhonatan Montero
Additional Email(s): kmorgan@tom-pkins-co.org;

Summary

Number of Public Health Hazards Found: 1
Number of Public Health Hazards NOT Corrected: 0
Number of Other Violations Found: 0

Reinspection is Required

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

ITEM #2 WAS FOUND IN VIOLATION 1 TIME(S). CRITICAL VIOLATION

Part or parts of the item were observed to be in violation which were corrected at the time of inspection.

Code Requirements: Potentially hazardous food held for an improper period of time at an unacceptable temperature 20(b) (2), 40 (c), 50 (a): 60

Inspector Findings: Observed four plastic storage bags containing approximately 2-3lbs of cooked ground beef each, in unit sink, thawing at room temperature. The contents of one bag were found to be at temperatures ranging from 55 degrees F to 45 degrees F. The other three bags of beef were found to be at temperatures below 45 degrees F.

Correction: Potentially hazardous cold foods must be kept at 45 degrees F during storage and thawing process.

Action: Items had been out of cold storage for less than two hours. Operator returned items to cold storage to continue thawing.

NO ADDITIONAL VIOLATIONS REPORTED

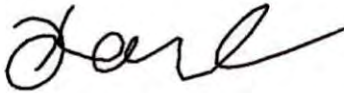
Additional Information Collected During Inspection

Has Valid Permit
Choking Poster Displayed
No Economic Violation Reported

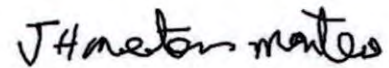
Comments: Part 1: One critical violation of Item #2 observed
Part 2: No violations observed

Reinspection required.

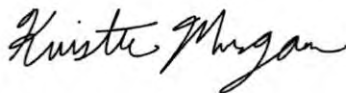
Board of Health action to follow.



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



Received by: Jhonatan Montero



9/30/2022

Mobile Food Service Establishment Inspection Summary Report

Operation: SPM EMPANADAS (ID: 1088607)
Facility Name: SPM EMPANADAS
Facility Code: 54-AN35 Facility Email: spmempanadas@gmail.com
Facility Address: Throughout Tom-pkins County, Ithaca, NY 14850

To the Attention of:

Jhonatan Montero
JHONATAN MONTERO DE LOS SANTOS
511 Liberty St
Elmira, NY 14904
Email: spmempanadas@gmail.com

Inspection

Date: June 3, 2022 02:02 PM
Inspector: Clayton Maybee (cmaybee@tom-pkins-co.org)
Responsible Person: Jhonata Montero
Additional Email(s): kmorgan@tom-pkins-co.org; mkern@tom-pkins-co.org

Summary

Number of Public Health Hazards Found: 1
Number of Public Health Hazards NOT Corrected: 0
Number of Other Violations Found: 0

Reinspection is Required

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

ITEM #2 WAS FOUND IN VIOLATION 1 TIME(S). CRITICAL VIOLATION

Part or parts of the item were observed to be in violation which were corrected at the time of inspection.

Code Requirements: Potentially hazardous food held for an improper period of time at an unacceptable temperature
20(b) (2), 40 (c), 50 (a): 60

Inspector Findings: Observed approximately 15 32 ounce tubes of soft salami on top of a cooler at 62 degrees F. The salami had been out less than two hours and was placed in a working cooler for rapid chilling.

Action: Keep potentially hazardous foods at or below 45 degrees F during storage or display.

NO ADDITIONAL VIOLATIONS REPORTED

Additional Information Collected During Inspection

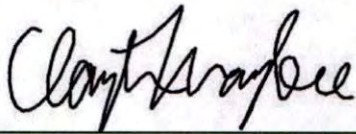
Has Valid Permit

Choking Poster Displayed

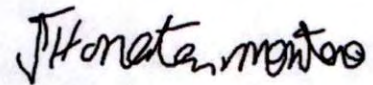
No Economic Violation Reported

Comments: Part I Critical Item Violation Number 2.
No Part II Blue Item Violations

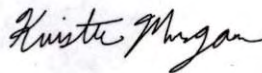
Re-inspection Required



Inspector: Clayton Maybee (cmaybee@tompkins-co.org)



Received by: Jhonata Montero

 6/6/22



Your Partner for a Healthy Community

Frank Kruppa
Public Health Director

55 Brown Road
Ithaca, NY 14850-1247

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

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

CERTIFIED, REGULAR, & ELECTRONIC MAIL

November 1, 2022

Fernando Aguirre
Old Mexico
357 Elmira Road
Ithaca, NY 14850

**Re: Tompkins County Board of Health Draft Resolution # EH-ENF-22-0041
Zocalo, V-Lansing – Violation of Board of Health Orders**

Dear Fernando Aguirre:

On July 26, 2022, the Tompkins County Board of Health adopted Resolution #EH-ENF-22-0017 requiring Zocalo to maintain potentially hazardous foods above 140°F during hot holding, properly reheat potentially hazardous foods to 165°F or above within two hours prior to placing in hot holding, and comply with all requirements of Subpart 14-1 of the New York State Code for Food Service Establishments.

On September 16, 2022, and October 11, 2022, Tompkins County Health Department (TCHD) staff observed critical violations of Subpart 14-1 of the NYSSC. These are violations of 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, December 6, 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, EH-ENF-22-0017 Orders and Inspection Report(s)

pc: F:\EH\FOOD (SF)\FSE (SF)\Facilities (SF-4)\Zocalo Mexican Bar & Grill\Enforcement\Draft Res 22-0041.docx
ec: Tompkins County Board of Health (via; Karan Palazzo, TCHD)
Village of Lansing CEO; Deborah Dawson, TC Legislature; TCHD: Elizabeth Cameron, P.E., Director of Environmental Health; Frank Kruppa, Public Health Director; Kristee Morgan; Skip Parr; Brenda Coyle
scan: Signed copy to Accela



Your Partner for a Healthy Community

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

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DRAFT RESOLUTION # EH-ENF-22-0041 FOR

**Zocalo
C17 The Shops Ithaca, LLC., Owner; Fernando Aguirre, Operator
40 Catherwood Rd, Unit C17
Ithaca, NY 14850**

Whereas, the owner/operator of a Food Service Establishment must comply with the regulations established under Part 14-1 of the New York State Sanitary Code (NYSSC); **and**

Whereas, it is a critical violation of Part 14-1 of the NYSSC to fail to properly cool potentially hazardous foods by an approved method where the food temperature can be reduced from 120°F to 70°F or less within two hours and 70°F to 45°F within four hours; **and**

Whereas, on July 26, 2022, Tompkins County Board of Health (TCHD) Resolution #ENF-22-0017 ordered C17 The Shops Ithaca, LLC to comply with all provisions of Subpart 14-1 the New York State Code for Food Service Establishments; **and**

Whereas, on September 16, 2022, and October 11, 2022, the Tompkins County Health Department (TCHD) observed critical violations of Subpart 14-1 of the NYSSC where potentially hazardous foods were not cooled by an approved method where the food temperature can be reduced from 120°F to 70°F or less within two hours and 70°F to 45°F within four hours; **and**

Whereas, on September 16, 2022, and October 11, 2022, Zocalo violated these provisions of the New York State Sanitary Code and the provisions of Board of Health Resolutions #ENF-22-0017 were not met; **now therefore be it**

**Resolved, on recommendation of the Tompkins County Board of Health,
That C17 The Shops Ithaca LLC., Owner, is ordered to:**

1. Pay a penalty of \$800 for these violations, due by January 15, 2023. (**Do Not** submit penalty payment until notified by the Tompkins County Health Department.); **and**
2. Maintain potentially hazardous foods at or above 140°F in hot holding; **and**
3. Properly reheat potentially hazardous foods to 165°F or above within two hours prior to placing food in hot holding; **and**
4. Properly cool potentially hazardous foods by an approved method where the food temperature can be reduced from 120°F to 70°F or less within two hours and 70°F to 45°F within four hours; **and**
5. Comply with all the requirements of Subpart 14-1 of the New York State Code for Food Service Establishments.



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

RESOLUTION # EH-ENF-22-0017 FOR

**Zocalo
C17 The Shops Ithaca, LLC., Owner; Fernando Aguirre, Operator
40 Catherwood Rd, Unit C17
Ithaca, NY 14850**

Whereas, the owner/operator of a Food Service Establishment must comply with the regulations established under Part 14-1 of the New York State Sanitary Code (NYSSC); **and**

Whereas, it is a critical violation of Part 14-1 of the NYSSC to fail to maintain potentially hazardous foods at or above 140°F during hot holding; **and**

Whereas, on April 8, 2022, and May 18, 2022, the Tompkins County Health Department (TCHD) observed critical violations of Subpart 14-1 of the NYSSC where potentially hazardous foods were observed at temperatures between 50°F and 81°F during hot holding; **and**

Whereas, Fernando Aguirre, Operator, signed a Stipulation Agreement with Public Health Director's Orders on June 23, 2022, agreeing that Zocalo 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 C17 The Shops Ithaca LLC., Owner, is ordered to:**

1. Pay a penalty of \$200 for these violations, due by **September 15, 2022; and**
2. Maintain potentially hazardous foods at or above 140°F in hot holding; **and**
3. Properly reheat potentially hazardous foods to 165°F or above within two hours prior to placing food in hot holding; **and**
4. Comply with all the requirements of Subpart 14-1 of the New York State Code for Food Service Establishments.

This action was adopted by the Tompkins County Board of Health at its regular meeting on July 26, 2022.


Frank Kruppa
Public Health Director

7/28/2022

Date



Your Partner for a Healthy Community

Frank Kruppa
Public Health Director

55 Brown Road
Ithaca, NY 14850-1247

ENVIRONMENTAL HEALTH DIVISION

Ph: (607) 274-6688

www.tompkinscountyny.gov/health/eh

Fx: (607) 274-6695

CASE SUMMARY – FOR RESOLUTION # EH-ENF-22-0041

Zocalo

C17 The Shops Ithaca LLC., Owner; Fernando Aguirre, Operator

40 Catherwood Rd, Unit C17

Ithaca, NY 14850

October 2022

Date	Action
10/11/2022	Re-inspection by TCHD. Violation: See attached inspection report.
10/01/2022	Inspection by TCHD at Ithaca Apple Harvest Festival. Violations: Facility did not have an accurate probe thermometer at the time of inspection. Potentially hazardous foods were not kept at or above 140°F in hot holding in two locations. Enforcement action was not taken since the violations occurred during catering at a festival rather than at the facility.
09/16/2022	Inspection by TCHD. Violation: See attached inspection report.
07/26/2022	Tompkins County BOH passed Resolution #EH-ENF-22-0017.
05/18/2022	Re-inspection by TCHD. Violation: Potentially hazardous foods were not kept at or above 140°F in hot holding.
04/08/2022	Inspection by TCHD. Violation: Potentially hazardous foods were not kept at or above 140°F in hot holding.
10/01/2021	HACCP inspection conducted.
06/16/2021	Re-inspection by TCHD. Violation cited on 06/03/2021 was corrected. No violations were observed.
06/03/2021	Inspection by TCHD. Violation: Enough refrigerated storage equipment was not maintained to keep potentially hazardous foods below 45°F in cold holding.
03/10/2021	Inspection by TCHD. No critical violations were observed.
01/08/2021	Inspection by TCHD. No critical violations were observed.
2020	Facility had limited operation in 2020 due to the COVID-19 Pandemic.
11/18/2019	Re-inspection by TCHD. Violations cited on 11/07/2019 were corrected. No violations were observed.
11/07/2019	Inspection by TCHD. Violation: Potentially hazardous foods were not kept in cold holding except during necessary preparation. Enough refrigerated storage equipment was not maintained to keep potentially hazardous foods below 45°F in cold holding.
09/24/2019 and 10/16/2019	Complaint investigation by TCHD. Visit for complaint investigation regarding presence of cockroaches and follow-up visit to monitor.
07/26/2019	Re-inspection by TCHD. Violation cited on 06/20/2019 was corrected. No violations observed.
06/22/2019	Field Visit by TCHD. Visit for complaint investigation regarding grease trap.
06/20/2019	Re-Inspection by TCHD. Violation: Potentially hazardous foods were not kept in cold holding except during necessary preparation. Violation cited on 5/21/19 was not observed.

Inclusion Through Diversity

05/21/2019	Inspection by TCHD. Violation: Potentially hazardous foods were not cooled by an approved method. Products cooling on a counter were observed to be at 70°F.
01/17/2019	Permit to operate Old Mexico issued.

Food Service Establishment Inspection Summary Report

Operation: ZOCALO MEXICAN BAR & GRILL (ID: 1010704)
Facility Name: ZOCALO MEXICAN BAR & GRILL
Facility Code: 54-AG85-1 Facility Email: OLDMEXICOITHACA@GMAIL.COM
Facility Address: 40 Catherwood Road, Ithaca, NY 14850

To the Attention of:

Fernando Aguirre
C17 THE SHOPS ITHACA LLC
408 Spencer Rd
Ithaca, NY 14850
Email: zocaloithaca@gmail.com

Re-Inspection

Date: October 11, 2022 02:44 PM
Inspector: Katherine Walker (kwalker@tompkins-co.org)
Responsible Person: Luis Vivanco

Summary

Number of Public Health Hazards Found:	2
Number of Public Health Hazards NOT Corrected:	0
Number of Other Violations Found:	1

Reinspection is Required

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

IMPROPER COOLING AND REFRIGERATED STORAGE OF POTENTIALLY HAZARDOUS FOODS.

ITEM # 5B WAS FOUND IN VIOLATION 2 TIME(S). CRITICAL VIOLATION

Part or parts of the item were observed to be in violation which were corrected at the time of inspection.

Code Requirements: Potentially hazardous foods are not cooled by an approved method where the food temperature can be reduced from 120°F to 70°F or less within two hours and 70°F to 45°F within four hours.

Inspector Findings: Observed two instances of violation 5B:

1. Observed two large plastic bins, each containing approximately 20lbs of cooked ground beef on the counter in the kitchen area. Temperatures of items in both bins were found to range from approximately 172 degrees to 135 degrees F. Interview with operator found that items had been cooked approximately 1.5 hours before and had been left to cool on the counter. Depth of product was found to be approximately 4 inches in each bin.

2. Observed one large plastic bin containing approximately 15 lbs of cooked black beans on the counter on the kitchen area. Temperatures of the item were found to range from 165 degrees F to 114 degrees F. Interview with the operator found that items had been cooked approximately 1.5 hours before inspection and left to cool on the counter. Depth of product was found to be approximately 4.5 inches.

Action: Potentially hazardous foods must be cooled by an appropriate method where the food temperature can be reduced from 120 degrees F to 70 degrees F or less within two hours and 70 degrees F to 45 degrees F within an additional four hours.

Operator moved items to more shallow metal pans, surrounded in ice and placed them in the walk-in cooler for rapid chilling.

IMPROPER CLEANING, WASHING AND SANITIZING OF EQUIPMENT AND UTENSILS.

ITEM #11B WAS FOUND IN VIOLATION 1 TIME(S).

All or parts of the item are violations.

Code Requirements: Wiping cloths dirty, not stored properly in sanitizing solutions

Inspector Findings: Observed that cloths used for wiping food preparation area counters and equipment were blackened with debris, odoriferous and were not stored in sanitizing solution between uses. No sanitizing solution was set up at facility for cleaning purposes at the time of inspection.

Correction: Wiping cloths must be stored in sanitizing solution between uses and replaced when dirty.

Additional Information Collected During Inspection

Comments: Part 1: Two violations of Item 5B observed
Part 2: One violation of Item 11B observed

Reinspection required.

Board of Health action to follow.



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



Received by: Luis Vivanco

Food Service Establishment Inspection Summary Report

Operation: ZOCALO MEXICAN BAR & GRILL (ID: 1010704)
Facility Name: ZOCALO MEXICAN BAR & GRILL
Facility Code: 54-AG85-1 Facility Email: OLDMEXICOITHACA@GMAIL.COM
Facility Address: 40 Catherwood Road, Ithaca, NY 14850

To the Attention of:

Fernando Aguirre
C17 THE SHOPS ITHACA LLC
408 Spencer Rd
Ithaca, NY 14850
Email: zocaloithaca@gmail.com

Re-Inspection

Date: September 16, 2022 03:10 PM
Inspector: Thomas Palmer (tpalmer@tompkins-co.org)
Responsible Person: Agustin Aguilar
Additional Email(s): kmorgan@tompkins-co.org

Summary

Number of Public Health Hazards Found: 2
Number of Public Health Hazards NOT Corrected: 0
Number of Other Violations Found: 0

Reinspection is Required

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

IMPROPER COOLING AND REFRIGERATED STORAGE OF POTENTIALLY HAZARDOUS FOODS.

ITEM # 5B WAS FOUND IN VIOLATION 2 TIME(S). CRITICAL VIOLATION

Part or parts of the item were observed to be in violation which were corrected at the time of inspection.

Code Requirements: Potentially hazardous foods are not cooled by an approved method where the food temperature can be reduced from 120°F to 70°F or less within two hours and 70°F to 45°F within four hours.

Inspector Findings: Observed two instances of violation 5B:

1) Observed 2 large plastic pots (approximately 3 gallons each) of queso at a depth of 18 inches being put into the walk in cooler for chilling. The queso was observed at 110F at the time of inspection.

Correction: Queso was portioned into smaller containers, all having a depth of less than 4 inches, and placed in the walk in cooler for rapid chilling.

2) Observed 2 plastic cambros of ground beef (4 gallons each) at a depth of 8 inches going into the walk in cooler for chilling. The ground beef was observed at 164F at the time of inspection.

Correction: Ground beef was portioned into smaller containers, all having a depth of less than 4 inches, and placed in the walk in cooler for rapid chilling.

Action: Cooling must be done in an approved method that will meet the required cooling schedule (140F - 70F within 2 hours, 70F - 45F with an additional 4 hours). Advised staff that cooling should be done in pans at a depth of less than four inches, and should be left uncovered until cooling is complete.

NO ADDITIONAL VIOLATIONS REPORTED

Additional Information Collected During Inspection

Comments: Part 1: 2 instances of violation 5B were observed at the time of inspection.
Part 2: No blue violations observed.

The following violation from the previous inspection has been corrected: 6A- all potentially hazardous food items observed in the prep area were cold held at 45F or less or hot held at 140F or greater.

Provided facility with spanish handwashing stickers and spanish cooking temperature magnets at the time of inspection.

Reinspection required.



Inspector: Thomas Palmer (tpalmer@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, REGULAR, & ELECTRONIC MAIL

November 22, 2022

Akhin Pancharoen
Taste of Thai Express Inc.
209 South Meadow Street
Ithaca, NY 14850

**Re: Tompkins County Board of Health Draft Resolution # EH-ENF-22-0044
Taste of Thai Express, C-Ithaca, – Violation of Board of Health Orders**

Dear Akhin Pancharoen:

Enclosed is a copy of the Draft Resolution that the Tompkins County Board of Health will consider at its meeting on **Tuesday, December 6, 2022**. On July 26, 2016, September 26, 2017, January 23, 2018, May 22, 2018, June 25, 2019, and March 15, 2022, the Tompkins County Board of Health adopted Resolutions #EH-ENF-16-0013, EH-ENF-17-0026, EH-ENF-18-0004, EH-ENF-18-0015, EH-ENF-19-0024 and EH-ENF-22-0001, respectively requiring you to: ensure that all food workers use proper utensils to prevent bare hand contact with ready to eat foods, ensure that all poultry is cooked to 165°F or above with no interruption in the cooking process, ensure that accurate thermometers are available at all times, and maintain all potentially hazardous food temperatures at or below 45°F or at or above 140°F at all times during hot holding, cold holding, and storage. The resolutions also required you to maintain at least one employee on-site during hours of operation who has successfully completed a food training, and to train employees on the food safety plan created by you and provided to the Health Department in 2019.

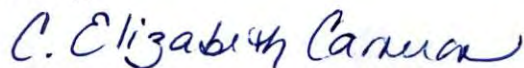
On October 27, 2022, Tompkins County Health Department (TCHD) staff observed two critical violations of Subpart 14-1 of the New York State Sanitary Code (NYSSC). These were repeat violations, as well as violations of Board of Health Orders. In addition, you were not completing the daily temperature logs for refrigerated equipment as stated in your food safety plan.

As noted in this draft resolution, the renewal of your operating permit is at risk should Taste of Thai Express continue to not comply with Board of Health Orders and be cited for critical violations of Subpart 14-1. The draft resolution also requires you to contract with a food safety expert to identify deficiencies and develop a plan and processes to improve food safety practices at the establishment. This plan must be submitted to and approved by the Health Department before a permit to operate the facility will be extended beyond 1/31/2022.

Enclosed is a copy of the Draft Resolution that the Tompkins County Board of Health will consider at its meeting on **Tuesday, December 6, 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

Enclosures – Draft Resolution, BOH Orders # EH-ENF-22-0001, and Case Summary

pc: F:\EH\FOOD (SF)\FSE (SF)\Facilities (SF-4)\Taste of Thai Express\Enforcement\2022\Draft Resolution 22-0044.docx
ec: Tompkins County Board of Health
Ithaca Building Department; Travis Brooks, TC Legislature; TCHD: Elizabeth Cameron, P.E., Director of Environmental Health; Frank Kruppa, Public Health Director; Kristee Morgan; 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-22-0044 FOR

**Taste of Thai Express
Taste of Thai Express Inc., Akhin Pancharoen, Owner/Operator
209 South Meadow Street
Ithaca, NY 14850**

Whereas, the owner/operator of a Food Service Establishment must comply with the regulations established under Part 14-1 of the New York State Sanitary Code (NYSSC); **and**

Whereas, it is a critical violation of Part 14-1 of the NYSSC to fail to maintain accurate thermometers to evaluate potentially hazardous food temperatures during cooking, cooling, reheating, and holding; **and**

Whereas, it is a critical violation of Part 14-1 of the NYSSC to fail to store potentially hazardous foods under refrigeration except during necessary preparation or approved precooling procedures; **and**

Whereas, it is a critical violation of Part 14-1 of the NYSSC to fail to maintain potentially hazardous foods at a temperature below 45°F during cold holding, or above 140°F during hot holding; **and**

Whereas, it is a critical violation of Part 14-1 of the NYSSC to not use proper utensils to eliminate bare hand contact with ready to eat foods; **and**

Whereas, it is a critical violation of Part 14-1 of the NYSSC to fail to maintain potentially hazardous foods under refrigeration; **and**

Whereas, on July 26, 2016, September 26, 2017, January 23, 2018, May 22, 2018, June 25, 2019, and March 15, 2022, the Tompkins County Board of Health adopted Resolutions #EH-ENF-16-0013, EH-ENF-17-0026, EH-ENF-18-0004, EH-ENF-18-0015, EH-ENF-19-0024 and EH-ENF-22-0001 requiring Taste of Thai Express to maintain all potentially hazardous food temperatures at or below 45°F or at or above 140°F at all times during hot holding, cold holding, and storage, to provide accurate probe thermometers at all times, to ensure that all poultry is cooked to 165°F without interruption in the cooking process, ensure that at least one employee is on-site during hours of operation who has successfully completed an approved food safety training course, to provide barriers to prevent employees bare hand contact with ready to eat foods, and to comply with all requirements of Subpart 14-1 of the NYSSC; **and**

Whereas, on October 27, 2022, Taste of Thai Express Inc., Owner, violated the Board of Health Orders adopted on March 15, 2022, and Part 14-1 of the New York State Sanitary Code; **and**

Whereas, Taste of Thai Express Inc., Owner, has repeatedly violated the New York State Sanitary Code and Board of Health Orders adopted on May 22, 2018, June 25, 2019, and March 15, 2022; **now therefore be it**

**Resolved, on recommendation of the Tompkins County Board of Health,
That Taste of Thai Express Inc, Owner, is ordered to:**

1. Pay a penalty of \$1,600 for these violations, **due by January 13, 2023.** (**Do Not** submit penalty payment until notified by the Tompkins County Health Department.); **and**
2. Contract with a food safety expert to evaluate the safety and handling practices and processes at Taste of Thai Express utilizing the seven FDA adopted HACCP principles (see <https://www.fda.gov/food/hazard-analysis-critical-control-point-haccp/haccp-principles-application-guidelines#princ> for reference) and have said expert develop and submit a plan of operation that identifies necessary changes, addresses deficiencies, and creates clear food safety policies and procedures for the operation immediately. The plan must be submitted for review and approval to the TCHD **by January 13, 2023.** A permit to operate the facility will not be extended beyond 1/31/2023 until a satisfactory plan is received by the Health Department; **and**
3. Implement and train employees on the food safety plan submitted and approved by the TCHD; **and**
4. Ensure that food workers use proper utensils to eliminate bare hand contact with cooked or prepared foods at all times; **and**
5. Maintain all potentially hazardous food temperatures at or below 45°F or at or above 140°F at all times during hot holding, cold holding, and storage; **and**
6. Ensure that all parts of poultry, poultry stuffing, stuffed meats and stuffing containing meat are heated to a temperature of 165°F or above with no interruption of the cooking process; **and**
7. Ensure that accurate thermometers are available at all times to evaluate potentially hazardous food temperatures during cooking, cooling, reheating, and holding. The proper calibration of thermometers must occur daily before the thermometer is put into service; **and**
8. Maintain at least one employee on-site during hours of operation, who has successfully completed the food safety training. In the event that a trained employee separates from employment, another employee must successfully complete an approved food safety course within 90 days. Training certificates must be retained and made available during an inspection; **and**
9. Verify that food workers wash hands thoroughly prior to returning to work after taking a break; **and**
10. Comply with all the requirements of Subpart 14-1 of the New York State Code for Food Service Establishments.

**It is Further Resolved, on recommendation of the Tompkins County Board of Health,
That:**

11. If any of the Orders are not met from this day forth, the TCHD may not issue a subsequent permit to operate a food service establishment in Tompkins County for a period of up to three (3) years.



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-22-0001 FOR

**Taste of Thai Express
Taste of Thai Express Inc., Akhin Pancharoen, Owner/Operator
209 South Meadow Street
Ithaca, NY 14850**

Whereas, the owner/operator of a Food Service Establishment must comply with the regulations established under Part 14-1 of the New York State Sanitary Code (NYSSC); **and**

Whereas, it is a critical violation of Part 14-1 of the NYSSC to:

- fail to maintain accurate thermometers to evaluate potentially hazardous food temperatures during cooking, cooling, reheating, and holding; **and**
- fail to store potentially hazardous foods under refrigeration except during necessary preparation or approved precooling procedures; **and**
- fail to maintain potentially hazardous foods at a temperature below 45°F during cold holding, or above 140°F during hot holding; **and**

Whereas, it is a critical violation of Part 14-1 of the NYSSC to not use proper utensils to eliminate bare hand contact with ready to eat foods; **and**

Whereas, on July 26, 2016, September 26, 2017, January 23, 2018, May 22, 2018, and June 25, 2019, the Tompkins County Board of Health adopted Resolutions #EH-ENF-16-0013, EH-ENF-17-0026, EH-ENF-18-0004, EH-ENF-18-0015 and EH-ENF-19-0024 requiring Taste of Thai Express to maintain all potentially hazardous food temperatures at or below 45°F or at or above 140°F at all times during hot holding, cold holding, and storage, to provide accurate probe thermometers at all times, to ensure that all poultry is cooked to 165°F without interruption in the cooking process, ensure that at least one employee is on-site during hours of operation who has successfully completed an approved food safety training course, to provide barriers to prevent employees bare hand contact with ready to eat foods, and to comply with all requirements of Subpart 14-1 of the NYSSC; **and**

Whereas, Akhin Pancharoen, is informed that, if any of the Orders are not met from this day forth, the TCHD may not issue a subsequent permit to operate a food service establishment in Tompkins County for a period of up to three (3) years; **and**

Whereas, Taste of Thai Express Inc., Owner, violated these provisions of the New York State Sanitary Code and Board of Health Orders adopted on May 22, 2018 and June 25, 2019; **now therefore be it**

**Resolved, on recommendation of the Tompkins County Board of Health,
That Akhin Pancharoen, Operator, is ordered to:**

1. Pay a penalty of \$3,200 for these violations, **due by March 15, 2022; and**

2. Ensure that food workers use proper utensils to eliminate bare hand contact with cooked or prepared foods at all times; **and**
3. Maintain all potentially hazardous food temperatures at or below 45°F or at or above 140°F at all times during hot holding, cold holding, and storage; **and**
4. Ensure that all parts of poultry, poultry stuffing, stuffed meats and stuffing containing meat are heated to a temperature of 165°F or above with no interruption of the cooking process; **and**
5. Ensure that accurate thermometers are available at all times to evaluate potentially hazardous food temperatures during cooking, cooling, reheating, and holding. The proper calibration of thermometers must occur daily before the thermometer is put into service; **and**
6. Maintain at least one employee on-site during hours of operation, who has successfully completed the food safety training. In the event that a trained employee separates from employment, another employee must successfully complete an approved food safety course within 90 days. Training certificates must be retained and made available during an inspection; **and**
7. Verify that food workers wash hands thoroughly prior to returning to work after taking a break; **and**
8. Implement and train employees on the food safety plan provided to the Health Department following the 2019 Board of Health orders; **and**
9. Comply with all the requirements of Subpart 14-1 of the New York State Code for Food Service Establishments.

This action was adopted by the Tompkins County Board of Health at its regular meeting on January 25, 2022.



Frank Kruppa
Public Health Director



Date

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

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

CASE SUMMARY – FOR RESOLUTION # EH-ENF-22-0044

Taste of Thai Express
Taste of Thai Express Inc., Sirathorn Balakula, Operator
209 South Meadow Street
Ithaca, NY 14850

November 2022

Date	Action
10/27/2022	Inspection by TCHD. Violations: See attached inspection report.
05/11/2022	Re-inspection by TCHD. Violation observed on 4/22/2022 was corrected. No violations observed.
04/22/2022	Inspection by TCHD. Violations: Potentially hazardous foods were not stored under refrigeration except during necessary preparation. The facility had a waiver for time as a public health control for these items but was not maintaining the log sheet on the day of the inspection. Overall the inspection showed improvements in food safety, further enforcement was not taken at that time.
03/15/2022	Resolution #EH-ENF-22-0001 adopted by BOH.
12/23/2021	Re-inspection by TCHD. Violations: Cracked/dirty fresh eggs were observed on the food service line. Potentially hazardous foods were not kept at or below 45°F during cold holding. Potentially hazardous foods were not stored under refrigeration except during necessary preparation in three locations.
11/09/2021	Inspection by TCHD. Violations: Food workers did not wash hands thoroughly after visiting the toilet, coughing, sneezing, smoking or otherwise contaminating their hands. Food workers did not use proper utensils to eliminate bare hand contact with cooked or prepared foods. Potentially hazardous foods were not stored under refrigeration except during necessary preparation.
10/15/2020	COVID Inspection by TCHD. No violations noted.
07/17/2020	COVID Inspection by TCHD. No violations noted.
03/10/2020	Inspection by TCHD. Violations: Potentially hazardous foods were not stored under refrigeration. Potentially hazardous foods were not kept at or below 45°F during cold holding. Potentially hazardous foods were not kept at or above 140°F during hot holding. BOH action not taken due to Environmental Health involvement in COVID-19 Pandemic response.
12/26/2020	Waiver to use time as a public health control added to facility permit.
10/02/2019	Meeting held between Sirathorn Balakula, operator of Taste of Thai Express, and TCHD to discuss recent violations, corrective actions to maintain compliance and consequences should future violations occur.

09/12/2019	Inspection by TCHD. Violations: Potentially hazardous foods were not stored under refrigeration. Enough refrigerated storage equipment was not maintained so that potentially hazardous foods were kept at or below 45°F as required. Potentially hazardous foods were not kept at or above 140°F during hot holding.
06/25/2019	Resolution #EH-ENF-19-0024 adopted by BOH.
05/30/2019	Inspection by TCHD. Violations: An accurate probe thermometer was not available to evaluation temperatures of potentially hazardous foods. Potentially hazardous foods were found stored on a counter at 80°F and in a second location at 90°F.
08/14/2018	Inspection by TCHD. No violations noted.
05/22/2018	Resolution #EH-ENF-18-0015 adopted by BOH.
04/19/2018	Inspection by TCHD. Violations: A food worker was observed working with ready to eat foods with bare hands. The products were discarded during the inspection. Poultry was not heated to 165°F or above during cooking. Product was rapidly heated to 165°F or higher.
04/05/2018	Two Serve Safe Certificates received by TCHD.
01/23/2018	Resolution#EH-ENF-18-0004 adopted by BOH.
12/14/2017	Inspection by TCHD. Violations: An accurate thermometer was not available to evaluate potentially hazardous food temperatures. The food probe thermometer available during the inspection was observed to be off by 12°F. The thermometer was properly calibrated during the inspection. Food workers did not use proper utensils to eliminate bare hand contact with prepared foods. A food worker was observed working with ready to eat foods with bare hands. The products were discarded during the inspection. Potentially hazardous foods were not kept at or below 45°F during cold holding. Product in a refrigerated storage unit was observed to be at 49-51°F. The product was removed from service and rapidly chilled to 45°F or less before use.
09/26/2017	Resolution #EH-ENF-17-0026 adopted by BOH.
07/27/2017	Re-inspection by TCHD. Violations for cold holding and food not stored under refrigeration that were observed on 05/30/2017 were corrected. Violation: Enough refrigerated storage equipment was not maintained so that potentially hazardous foods were kept at or below 45°F as required. Product in a refrigerated storage unit was observed to be at 61-64°F.
05/30/2017	Inspection by TCHD. Violations: Potentially hazardous foods were not kept at or below 45°F during cold holding. Product in cold holding was observed to be at 52-58°F. Potentially hazardous foods were not stored under refrigeration. Products on a counter were observed to be at 52-57°F. Enough refrigerated storage equipment was not maintained so that potentially hazardous foods were kept at or below 45°F as required. Product in a refrigerated storage unit was observed to be at 52-56°F.
10/03/2016	Inspection by TCHD. No violations noted.
07/05/2016	Resolution EH-ENF-16-0013 adopted by BOH.
07/26/2016	Re-inspection by TCHD at Ithaca Festival: Violations: Food workers did not use proper utensils to eliminate bare hand contact with cooked or prepared foods. Food workers prepared raw and cooked or ready to eat food products without "thorough handwashing and sanitary glove changing in between."
06/03/2016	Field Visit at Ithaca Festival by TCHD: Violations: Food workers did not use proper utensils to eliminate bare hand contact with cooked or prepared foods.

06/01/2016	Inspection by TCHD. Violations: Potentially hazardous foods were not stored under refrigeration except when necessary. Product on a counter was observed to be at 89-130°F.
12/07/2015	Inspection by TCHD. No violations noted.
05/13/2015	Inspection by TCHD. No violations noted.
12/03/2014	Inspection by TCHD. No violations noted.
08/11/2014	Inspection by TCHD. No violations noted.
12/13/2013	Re-inspection by TCHD. Violations observed on 11/18/2013 were corrected.
11/18/2013	Inspection by TCHD. Violations: Potentially hazardous foods were not kept at or above 140°F during hot holding. Product in a hot holding unit was observed to be at 110-115°F.
07/03/2013	Re-inspection by TCHD. Violations observed on 06/04/2013 were corrected.
06/04/2013	Inspection by TCHD. Violations: Potentially hazardous foods were not kept at or below 45°F during cold holding. Product in a sandwich cooler was observed to be at 52°F, and iced product on a counter was observed to be at 57°F. Potentially hazardous foods were not kept at or above 140°F during hot holding. Product in a hot holding unit was observed to be at 115°F.
11/28/2012	Inspection by TCHD. No violations noted.
05/29/2012	Re-inspection by TCHD. Violation observed on 05/08/2012 corrected.
05/08/2012	Inspection by TCHD. Violations: Cooked or prepared foods were subject to cross-contamination from raw foods.
11/29/2011	Re-inspection by TCHD. Violation observed on 11/9/2011 was corrected.
11/09/2011	Inspection by TCHD. Violations: Potentially hazardous food were not kept at or below 45°F during cold holding. Product in a sandwich unit was observed to be at 51-53°F. Potentially hazardous foods were also not stored under refrigeration except during necessary preparation. Product was observed on the counter at 70-80°F. Toxic chemicals were improperly labeled.
04/29/2011	Inspection by TCHD. No violations noted.
12/28/2009	Permit to Operate Taste of Thai Express issued.

Food Service Establishment Inspection Summary Report

Operation: TASTE OF THAI EXPRESS (ID: 659161)
Facility Name: TASTE OF THAI EXPRESS
Facility Code: 54-AH38 Facility Email: balakula@gmail.com
Facility Address: 209 South Meadow Street, Ithaca, NY 14850

To the Attention of:

Akhin Pancharoen
TASTE OF THAI EXPRESS INC
209 S. Meadow Street
Ithaca, NY 14850
Email: balakula@gmail.com

Inspection

Date: October 27, 2022 11:30 AM
Inspector: Rene Borgella (rborgella@tomkins-co.org)
Responsible Person: Sirathorn Balakula

Summary

Number of Public Health Hazards Found: 2
Number of Public Health Hazards NOT Corrected: 0
Number of Other Violations Found: 3

Reinspection is Required

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

IMPROPER COOLING AND REFRIGERATED STORAGE OF POTENTIALLY HAZARDOUS FOODS.

ITEM # 5C WAS FOUND IN VIOLATION 2 TIME(S). CRITICAL VIOLATION

Part or parts of the item were observed to be in violation which were corrected at the time of inspection.

Code Requirements: Potentially hazardous foods are not stored under refrigeration except during necessary preparation or approved precooling procedures (room temperature storage).

Inspector Findings: Observed: Two instances of this violation.

Violation 1) On the cooking line, in a bucket that was placed on the prep table at the end of the prep line, there were approx 4-5 lbs cooked broad noodles at 60°F. Interview with operator indicated this item had been recently heated in microwave and put out for service. Per staff, the noodles had been heated in the microwave 15 minutes prior but required more time to get to adequate temperature. No notation had been made for this or any other items covered by their waiver.

Correction: Item was reheated to 172°F before returning to service

Violation 2: At food prep line, in reach in cooler by sink, approx 1/2 lb of tofu at 55°F and 3/4 of shrimp at 57°F. Other items in cooler were at 40-42°F. Interview with staff indicated that shrimp had been previously cooked but not placed in ice bath to cool. Staff member placed item in reach in cooler when the inspectors arrived at facility.

Correction: Item was placed in walk in cooler for rapid chilling to 45°F or below

Action: Potentially hazardous foods must be kept at or below 45°F during cold holding. Waivered items must be logged when put into service when using Time as a Public Health Control as per waiver conditions and requirements.

POOR SANITARY DESIGN, CONSTRUCTION, INSTALLATION OF EQUIPMENT AND UTENSILS.

ITEM #10B WAS FOUND IN VIOLATION 1 TIME(S).

All or parts of the item are violations.

Code Requirements: Non-food contact surfaces and equipment are improperly designed, constructed, installed, maintained (equipment not readily accessible for cleaning, surface not smooth finish)

Inspector Findings: Observed: Inner surfaces of ice machine in the kitchen are dirty. Build up of dirt and mineral deposits seen on door and area surrounding the ice dispensing chute.

Action: Non food contact surfaces must be regularly cleaned and sanitized.

IMPROPER SANITARY FACILITIES AND CONTROLS.

ITEM #12E WAS FOUND IN VIOLATION 1 TIME(S).

All or parts of the item are violations.

Code Requirements: Handwashing facilities inaccessible, improperly located, dirty, in disrepair, improper fixtures, soap, and single service towels or hand drying devices missing

Inspector Findings: Observed: The only hand washing sink in kitchen had access blocked by a large garbage can that was placed in front of sink.

Action: Hand wash sinks must be easily accessible.

INADEQUATE INSECT/RODENT CONTROL

ITEM #14A WAS FOUND IN VIOLATION 1 TIME(S).

All or parts of the item are violations.

Code Requirements: Insects, rodents present

Inspector Findings: Observed: Mouse/rat droppings seen on floor of dry pantry.

Additional Information Collected During Inspection

Comments: Part 1: Two critical violations observed
Part 2: Three violations observed.

Comments:


Operator is not adequately complying with Board of Health Orders regarding upkeep and maintenance of temperature logs; facility is also not fulfilling obligation to maintain timely, accurate temperature logs of waived items. Most recent BOH required temperature logs presented to inspectors were dated 6/30 and 7/1 (no year given, see photos) The log on 6/30 was complete (4 readings taken at 11am, 2, 5, and 8 PM). Log from 7/1 only had readings from 11AM.

Inspectors have noted an improvement in reduction of rodent feces in dry storage, but some was still observed present. Facility should continue to use certified pest control company to address the vermin present.

Reinspection Required; Board of Health Action to Follow



Inspector: Rene Borgella (rborgella@tompkins-co.org)

Photo	Caption
	<p data-bbox="862 421 1479 449">Rodent feces seen on floor of dry storage/pantry room</p>

ENVIRONMENTAL HEALTH DIVISION
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Ph: (607) 274-6688
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CERTIFIED, REGULAR, & ELECTRONIC MAIL

November 23, 2022

GBT Realty
Attn: Susan Melchiorre
9010 Overlook Boulevard
Brentwood, TN 37027

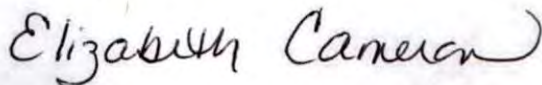
**Re: Tompkins County Board of Health Draft Resolution # EH-ENF-22-0030
Dollar General Store #22623, 1188 Auburn Rd, Locke, NY 13092**

Dear Susan Melchiorre:

Thank you for signing the Stipulation Agreement on November 21, 2022, for Dollar General #22623.

Enclosed is a copy of the Draft Resolution that the Tompkins County Board of Health will consider at its meeting on **Tuesday, December 6, 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 Adriel Shea or me at (607) 274-6688 at least one day before the meeting. If you plan to attend, please arrive by 12:00 p.m. (noon).

Sincerely,



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

Enclosure (s) – Draft Resolution and Stipulation Agreement and Orders

pc: F:\EH\WATER (SW)\Public Water (SW)\Facilities (SW-4)\Dollar General North Lansing\Enforcement\Res 22-0030\Draft Resolution 22-0030.docx
ec: Tompkins County Board of Health (via; Karan Palazzo, TCHD)
Amanda Ott, GBT Realty; Jerry Tanner, Dollar General Corporation; Ag&M: Ryanne Murcko,
(ryanne.murcko@agriculture.ny.gov); Supervisor T-Lansing; Mike Sigler TC Legislator; CEO-Town of Lansing; TCHD:
Elizabeth Cameron, P.E., Director of Environmental Health; Scott Freyburger, P.E., Public Health Engineer; Adriel Shea,
Skip Parr, Doug Barnes; Frank Kruppa, Public Health Director; Brenda Coyle; NYSDOH: John Strepelis, P.E.
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-22-0030 FOR

Dollar General Store #22623
GBT Realty dba DNYP, LLC, Owner/Dollar General Corporation, Operator
1188 Auburn Rd,
Locke, NY 13092

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

Whereas, Subparts 5-1.22 and 5-1.31 of the New York State Sanitary Code (NYSSC) requires approval from the Health Department prior constructing, operating, and modifying a public water system; **and**

Whereas, on February 8, 2022, a boil water order was issued by the Tompkins County Health Department (TCHD) to Dollar General Store #22623 for operation of a public water supply without prior approval from the TCHD; **and**

Whereas, on August 18, 2022, August 22, 2022, and October 17, 2022, TCHD observed multiple violations of Subpart 5-1 and observed that Dollar General was not in full conformance with water supply as-built plans and the Completed Works issued by the TCHD on August 3, 2022; **and**

Whereas, Subparts 5-1.23 and 5-1.30 of NYSSC requires operators and owners to monitor and maintain a public water system; **and**

Whereas, on August 18, 2022, August 22, 2022, and October 17, 2022, TCHD observed that Dollar General's ultraviolet light disinfection unit was not operational and the emergency solenoid shut-off was bypassed; **and**

Whereas, Article VI, Section 6.02b, prohibits the discharge of sewage to the surface of the ground, or into any storm sewer or drain or into any water course; **and**

Whereas, on June 22, 2022, TCHD observed sewage discharged from Dollar General into a storm water holding pond on the property of Dollar General; **and**

Whereas, Susan Melchiorre, representative for GBT Realty, signed a Stipulation Agreement with Public Health Director's Orders on November 21, 2022, agreeing that Dollar General Store #22623 violated these provisions of the New York State Sanitary Code and the Tompkins County Sanitary Code; **now therefore be it**

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

1. Pay a penalty of \$3,500 for these violations, due by January 13, 2023. **(Do Not** submit penalty payment until notified by the Tompkins County Health Department.); **and**
2. Comply with the requirements of the Boil Water Order (attached) for eliminating exposures and notifying customers and employees:
 - a. **Immediately** and conspicuously post "Do Not Drink" signage within the restrooms; and
 - b. **Immediately** prohibit use of the store's drinking fountain; **and**
3. **By January 1st, 2023**, submit plans and an engineering report prepared by a design professional that provide approvable modifications to the water system that meet the requirements of Part 5, Subpart 5-1, Public Water Systems. The plans shall include a schematic of the proposed plumbing and cut sheets of the different system components. The report must address the separation distance and potential surface water influences created by the pond near the current well and include a user manual for store employees. The manual must have instructions and operating procedures for the water system including monitoring, sampling, reporting requirements and details of what to do if the system is not operating correctly, of which must involve contacting this office immediately at 607-274-6688; **and**
4. Once plans are approved, modifications to the water system must be completed and certified by a NYS licensed design professional **within 60 days; and**
5. Contract with a NYSDOH Certified Water Operator to manage the ongoing operation of this water system **by the completion of the approved modifications to the distribution system; and**
6. Comply with all the requirements of Subpart 5-1 of the NYSSC, including the following:
 - a. Maintain a minimum ultraviolet light (UV) disinfection intensity of 70%,
 - b. Submit to the TCHD a copy of the Water System Operation Report no later than 10 days after the end of every month (this report is used to record daily readings of UV intensity – form enclosed),
 - c. Submit to the TCHD copies of the laboratory results for required water samples no later than 10 days after the end of the monitoring period for which they were taken (2022 water sample schedule enclosed).
7. a. Comply with Orders #3 through #6 and all requirements of Subpart 5-1

-OR-

- b. Permanently prohibit public access to restrooms (including signage stating restrooms are not for public use) and permanently remove the public drinking fountain.



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

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

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REVISED STIPULATION AGREEMENT AND ORDERS # EH-ENF-22-0030

**Dollar General Store #22623
GBT Realty dba DNYP, LLC, Owner/Dollar General Corporation, Operator
1188 Auburn Rd,
Locke, NY 13092**

I, Susan Melchiorre, as a representative for GBT Realty, agree that Dollar General #22623 is in violation of:

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

Subpart 5-1.23 & 1.30 for failure to monitor and maintain a public water system as cited on August 19, 2022, August 22, 2022, and October 17, 2022; and

Article VI of the Tompkins County Sanitary Code for discharging sewage into a pond on June 22, 2022.

I agree to pay a penalty not to exceed \$3500 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. Comply with the requirements of the Boil Water Order (attached) for eliminating exposures and notifying customers and employees:
 - a. **Immediately** and conspicuously post "Do Not Drink" signage within the restrooms; and
 - b. **Immediately** prohibit use of the store's drinking fountain; **and**
2. **By January 1st, 2023**, submit plans and an engineering report prepared by a design professional that provide approvable modifications to the water system that meet the requirements of Part 5, Subpart 5-1, Public Water Systems. The plans shall include a schematic of the proposed plumbing and cut sheets of the different system components. The report must address the separation distance and potential surface water influences created by the pond near the current well and include a user manual for store employees. The manual must have instructions and operating procedures for the water system including monitoring, sampling, reporting requirements and details of what to do if the system is not operating correctly, of which must involve contacting this office immediately at 607-274-6688; **and**
3. Once plans are approved, modifications to the water system must be completed and certified by a NYS licensed design professional **within 60 days; and**
4. Contract with a NYSDOH Certified Water Operator to manage the ongoing operation of this water system **by the completion of the approved modifications to the distribution system; and**
5. Comply with all the requirements of Subpart 5-1 of the NYSSC, including the following:

- a. Maintain a minimum ultraviolet light (UV) disinfection intensity of 70%,
 - b. Submit to the TCHD a copy of the Water System Operation Report no later than 10 days after the end of every month (this report is used to record daily readings of UV intensity – form enclosed),
 - c. Submit to the TCHD copies of the laboratory results for required water samples no later than 10 days after the end of the monitoring period for which they were taken (2022 water sample schedule enclosed).
6. a. Comply with Orders #2 through #5 and all requirements of Subpart 5-1

-OR-

- b. Permanently prohibit public access to restrooms (including signage stating restrooms are not for public use) and permanently remove the public drinking fountain.

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: Sue Melchiorre Date: 11/21/2022

GBT Realty is hereby ordered to comply with these Orders of the Public Health Director.

Signed: Mrenda Annell Crosby Date: 11/23/2022
for Frank Kruppa
Public Health Director



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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CERTIFIED, REGULAR, & ELECTRONIC MAIL

November 23, 2022

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

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

Dear Joseph Giordano:

Thank you for signing the Stipulation Agreement on November 9, 2022, for Applegate Park Mobile Home Park.

Enclosed is a copy of the Draft Resolution that the Tompkins County Board of Health will consider at its meeting on **Tuesday, December 6, 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 and Stipulation Agreement and Orders

pc: F:\EH\MOBILE HOME PARKS (MHP)\Facilities (MHP-4)\Applegate Park\Enforcement\2022\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

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 has not submitted the renewal fee of \$296 (includes late fee) and the 2022 Annual Water System Operating fee of \$275 (includes late fee) in order for the Tompkins County Health Department (TCHD) to issue a permit to operate the mobile home park; **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 has continued to operate a mobile home park without a valid permit issued by the Tompkins County Health Department since November 1, 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 \$1,700 for these violations, due by January 13, 2023. **(Do Not** submit penalty payment until notified by the Tompkins County Health Department.); **and**
2. 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**
3. 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**
4. Submit the fourth quarter 2022 total coliform sample result for Applegate Mobile Home Park by **December 2, 2022; and**
5. 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**
6. 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**
7. 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**
8. 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
Fx: (607) 274-6695

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:

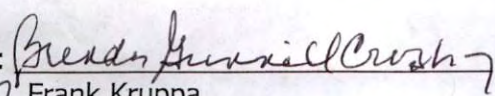
1. Submit a complete renewal application including the fee of \$296 (Annual Permit Renewal Fee of \$171, late fee of \$75, and expedited fee of \$50) to obtain the Permit to Operate Applegate Park by **November 15, 2022; and**
2. Submit the 2022 outstanding water fee for Applegate Park in the amount 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: 11/14/22

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



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

ENVIRONMENTAL HEALTH DIVISION
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CERTIFIED, REGULAR, & ELECTRONIC MAIL

November 9, 2022

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

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

Dear Manny Dong:

Thank you for signing the Stipulation Agreement on November 1, 2022, for Benjamin Hill Heights Mobile Home Park.

Enclosed is a copy of the Draft Resolution that the Tompkins County Board of Health will consider at its meeting on **Tuesday, December 6, 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 Adriel Shea or me at (607) 274-6688 at least one day before the meeting. If you plan to attend, please arrive by 12:00 p.m. (noon).

Sincerely,

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

Enclosure (s) – Draft Resolution and Stipulation Agreement and Orders

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



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

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

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

DRAFT RESOLUTION # EH-ENF-22-0038 FOR

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

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

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

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

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

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

1. Pay a penalty not to exceed \$500 for this violation following adoption of a resolution by the Board of Health, **due by January 15, 2023**. (**Do Not** submit penalty payment until notified by the Tompkins County Health Department). This penalty will be waived upon receipt of timely submission of documents as required in Order #2; **and**;
2. Complete modifications to the distribution system as per approved engineering plans and submit completed works certified by a NYS licensed design professional **by December 16, 2022**.



Your Partner for a Healthy Community

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

ENVIRONMENTAL HEALTH DIVISION
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REVISED STIPULATION AGREEMENT AND ORDERS # EH-ENF-22-0038

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

I, Manny Dong, operator of Benjamin Hill Heights mobile home park, agree that on August 29, 2022, Benjamin Hill Heights MHP was in violation of Part 17.6(a)(2) of the New York State Sanitary Code for not providing sufficient water pressure to every home site within the park.

I agree to:

Pay a penalty not to exceed \$500 for this violation following adoption of a resolution by the Board of Health, **due by January 15, 2023.** (**Do Not** submit penalty payment until notified by the Tompkins County Health Department). This penalty will be waived upon receipt of timely submission of documents as required in Order #1; **and;**

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

1. Complete modifications to the distribution system as per approved engineering plans and submit completed works certified by a NYS licensed design professional **by December 16, 2022.**

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: Manny Dong Date: 11/1/2022

MJD Good Neighbors, LLC is hereby ordered to comply with these Orders of the Public Health Director.

Signed: Frank Kruppa Date: 11/7/2022
Frank Kruppa
Public Health Director



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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CERTIFIED, REGULAR, & ELECTRONIC MAIL

November 17, 2022

Keith Hoffman
Newfield Estates MHP, LLC
425 Douglas Road
Newfield, NY 14867

**Re: Tompkins County Board of Health Draft Resolution # EH-ENF-22-0042
Newfield Estates MHP, T-Newfield**

Dear Keith Hoffman:

Thank you for signing the Stipulation Agreement on November 9, 2022, for Newfield Estates Mobile Home Park.

Enclosed is a copy of the Draft Resolution that the Tompkins County Board of Health will consider at its meeting on **Tuesday, December 6, 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 and Stipulation Agreement and Orders

pc: F:\EH\MOBILE HOME PARKS (MHP)\Facilities (MHP-4)\Newfield Estates\Enforcement\2022\Draft Res 22-0042.docx
ec: Tompkins County Board of Health (via; Karan Palazzo, TCHD)
CEO T- Newfield; Supervisor Newfield; Randy B. Brown, TC Legislature; TCHD: Elizabeth Cameron, P.E., Director of Environmental Health; Frank Kruppa, Public Health Director; Tom Palmer; Adriel Shea; Skip Parr; Brenda Coyle
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ENVIRONMENTAL HEALTH DIVISION
www.tompkinscountyny.gov/health/eh

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

DRAFT RESOLUTION # EH-ENF-22-0042 FOR

**Newfield Estates MHP
Newfield Estates MHP, LLC/Keith Hoffman, Owner/Operator
425 Douglas Road, T-Newfield**

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, the Tompkins County Health Department (TCHD) sent a renewal application to Newfield Estates MHP, on September 1, 2022, requiring the submission of a completed renewal permit application as well permit fees due by October 1, 2022; **and**

Whereas, the TCHD provided Newfield Estates with a follow-up telephone notification on September 26, 2022, that the renewal application and permit fees were due by October 1, 2022; **and**

Whereas, Newfield Estates MHP, LLC did not submit a renewal permit application and fees until November 14, 2022, and operated Newfield Estates Mobile Home Park without a valid permit issued by the Tompkins County Health Department from November 1, 2022, through November 13, 2022; **and**

Whereas, Keith Hoffman, Operator, signed a Stipulation Agreement with Public Health Director's Orders on November 9, 2022, agreeing that Newfield Estates violated this of the New York State Sanitary Code; **now therefore be it**

**Resolved, on recommendation of the Tompkins County Board of Health,
That Newfield Estates MHP, Owner, is ordered to:**

1. Pay a penalty of \$500 for these violations, due by January 13, 2023. (**Do Not** submit penalty payment until notified by the Tompkins County Health Department.); **and**
2. By November 15, 2022, submit a completed renewal application for a permit to operate a mobile home park with a payment of \$562 (**Received 11/14/22**); **and**
3. By November 15, 2022, submit the annual water system operating fee (\$200) and late fee (\$75), which are passed due since April 29, 2022 (**Received 11/14/22**); **and**
4. Submit a 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.
5. Comply with all the requirements of Part 17 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
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Fx: (607) 274-6695

STIPULATION AGREEMENT AND ORDERS # EH-ENF-22-0042

**Newfield Estates MHP
Newfield Estates MHP, LLC/Keith Hoffman, Owner/Operator
425 Douglass Road, T-Newfield**

I, Keith Hoffman, as a representative for Newfield Estates MHP, LLC agree that as of November 1, 2022, I am in violation of Part 17.4(a) of the New York State Sanitary Code for operating a mobile home park without a valid permit.

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

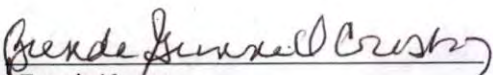

I also agree to comply with the following Orders when signed by the Tompkins County Public Health Director:

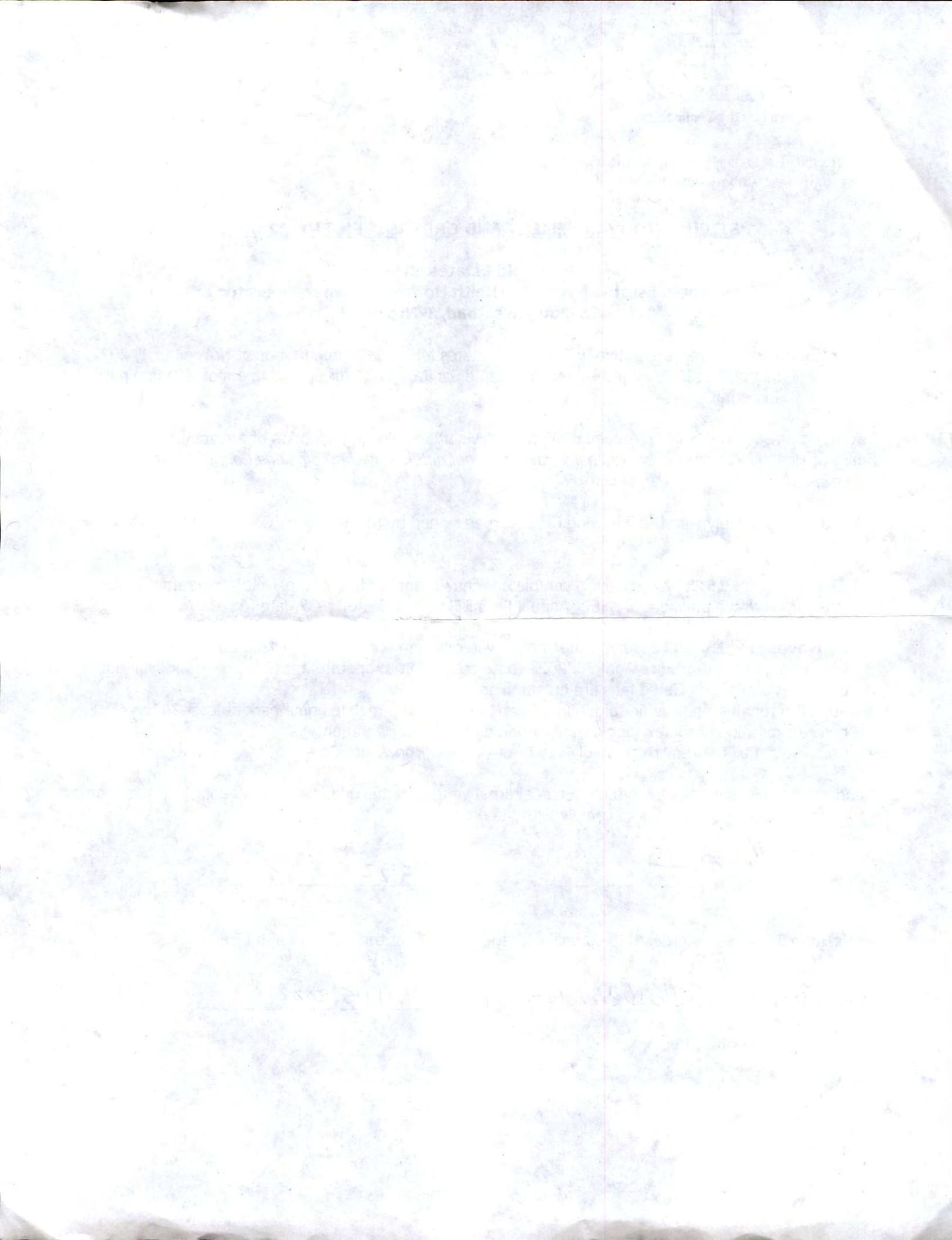
1. **By November 15, 2022**, submit a completed renewal application for a permit to operate a mobile home park with a payment of \$562 (Annual Permit Renewal Fee of \$437, late fee of \$75 and expedited fee of \$50); **and**
2. **By November 15, 2022**, submit the annual water system operating fee (\$200) and late fee (\$75), which are passed due since April 29, 2022 (note the permit to operate a mobile home park will not be issued until if associated fees are outstanding); **and**
3. Submit a 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.
4. Comply with all the requirements of Part 17 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: 11/9/22

Keith Hoffman is hereby ordered to comply with these Orders of the Public Health Director.

Signed:  Date: 11/15/2022
 Frank Kruppa
Public Health Director





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

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

CERTIFIED, REGULAR and ELECTRONIC MAIL

November 23, 2022

Jordan Puryear, Director
Finger Lakes GrassRoots Festival Org., Inc
PO Box 941
Trumansburg, NY 14886

**Re: Tompkins County Board of Health Draft Resolution # EH-ENF-22-0027
Violation of New York State Sanitary Code and Tompkins County Board of
Health Orders
Finger Lakes GrassRoots Festival of Music and Dance, T-Ulysses**

Dear Mr. Puryear:

Thank you for signing the Stipulation Agreement on November 16, 2022, for Finger Lakes GrassRoots Festival Org., Inc. Enclosed is a copy of the Draft Resolution that the Tompkins County Board of Health will consider at its meeting on **Tuesday, December 6, 2022.**

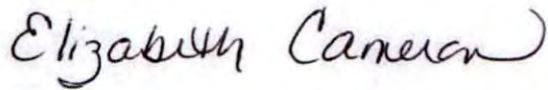
The Department has agreed to your amendment of Order #17. Please know, a comprehensive and approvable proposal for how GrassRoots shall layout and maintain interior roadways and campsites must be included in both the field instructions due on January 15, 2023 (see Order #6) and the Engineering Report due 45 days before the start of the mass gathering (see Order #7). This proposal must include an approvable contingency plan for laying out the same, 5 days prior to the start of the mass gathering, if inclement weather makes the primary plan impossible to implement.

For the remainder of the GrassRoots Festival 2023 application process, draft application materials you submit for review must be submitted well in advance of their respective deadlines (at least 1 week for simpler submissions and at least 2 weeks for detailed submissions). Otherwise, we cannot guarantee comments will be provided before final submissions are due.

You or a representative has the right to speak to the Board for a few minutes prior to them taking action. If you wish to speak to the Board, please contact Adriel Shea or me at (607) 274-6688 by Monday, December 5, 2022.

In lieu of attending the meeting, you can submit a written statement for the Board of Health to consider by sending it to: tceh@tompkins-co.org by December 5, 2022.

Sincerely,



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

Enclosures – Draft Resolution, Stipulation Agreement and Orders, and Case Summary

pc: F:\EH\MASS GATHERING\Facilities\GrassRoots\2022\Enforcement\ENF 22-0027 Post-festival enforcement\ENF-22-0027 Draft Resolution.docx
ec: Tompkins County Board of Health (via; Karan Palazzo, TCHD); GrassRoots: Jordan Puryear; Whitham: Michele Palmer, Max Eckhart; Supervisor T-Ulysses; CEO-T-Ulysses; Anne Koreman, TC Legislature; NYSDOH: John Strepelis, P. E.; Tim Wiant; TC: William Troy, County Attorney; TCHD: Frank Kruppa, Public Health Director; Elizabeth Cameron, P.E., Director of Environmental Health; Scott Freyburger; Adriel Shea, Kate Walker, 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-22-0027 FOR

**Finger Lakes GrassRoots Festival
Finger Lakes GrassRoots Festival Org., Inc., Jordan Puryear, Owner/Operator
PO Box 941, Trumansburg, NY 14886**

Whereas, the Finger Lakes GrassRoots Festival Org., Inc. (GrassRoots), has operated the Finger Lakes GrassRoots Festival of Music and Dance, which has been permitted as a Mass Gathering subject to Subpart 7-4 of the New York State Sanitary Code (NYSSC) since 2014; **and**

Whereas, GrassRoots has also regularly operated two campgrounds subject to Subpart 7-3 of the NYSSC as part of the Culture Camp workshops starting the Sunday before the mass gathering festival; **and**

Whereas, due to the COVID-19 pandemic, GrassRoots did not host the Finger Lakes GrassRoots Festival of Music and Dance in 2020 and operated campgrounds for a series of weekend concerts and not a mass gathering in 2021; **and**

Whereas, enforcement orders in 2017, 2018, 2019, and 2021 (Resolutions #EH-ENF-17-0035, #EH-ENF-18-0038, #EH-ENF-18-0039, #EH-ENF-19-0025, and #EH-ENF-21-0011) ordered GrassRoots to address violations for the GrassRoots website, site maps, inspections, security, camping, the mass gathering application, and water supply, in addition to requiring compliance with all provisions of Subparts 5-1, 7-3 and 7-4 of the NYCRR; **and**

Whereas, a number of the significant deficiencies and concerns addressed in previous Resolutions were observed during the 2022 inspections including:

1. Failure to construct the approved additions to the water system for Culture Camp at Across The Way prior to the pre-operational inspections;
2. Failure to label multiple water trees "Do Not Drink" prior to receiving satisfactory test results and approval from TCHD to use the water system;
3. Failure to adequately mark out and label campsites for Culture Camp at Across The Way and the fairgrounds prior to the pre-operational campground inspections;
4. Failure to adequately mark out and label campsites at the time of the pre-operational mass gathering inspection on July 18, 2022;
5. Failure to layout roadways and campsites as indicated on the site maps;
6. Revising the site maps and layout after the final mass gathering application had been submitted;

7. Failure to establish and maintain the required 5-ft separation between structures and appurtenances at campsites less than 1250 sq ft and/or failure to establish and maintain the required 10-ft separation between structures and appurtenances on adjacent campsites at campsites equal to or greater than 1250 sq ft;
8. Failure to provide adequate internal security staff and failure to provide the services and facilities outlined in the engineering report, as indicated by the lack of visible or available security staff, the lack of responsiveness in correcting violations identified by TCHD staff, and the failure by GrassRoots security and staff to identify and correct violations prior to inspections by TCHD staff;
9. Failure to assist campers in finding their campsites at Across The Way and allowing camping in unapproved locations at Across the Way and the fairgrounds;
10. Failure to complete all construction and installation of services and facilities 48 hours in advance of the mass gathering and prior to the start of the mass gathering;
11. Operating a campground without a permit at Across the Way on July 20, 2022; and
12. Operating without a mass gathering permit and failure to comply with Subpart 7-4 Mass Gathering regulations as documented in the TCHD inspection reports submitted between July 18 and July 23, 2022; **and**

Whereas, the temporary water systems at the fairgrounds and at Across The Way, designed by Daniel Walker, P.E., of LaBella Associates, have been repeatedly constructed without approval or operated prior to the issuance of the completed works; **and**

Whereas, due to the failure to meet campsite and water system requirements, no campground permit was issued for Culture Camp at Across the Way in 2022; **and**

Whereas, the 2022 campground permit for the fairgrounds was issued with significant conditions due to deficiencies with the water system, roadways, and campsite layout and labeling, **and**

Whereas, in addition to operating without a mass gathering permit in 2022, GrassRoots failed to comply with Subpart 7-4 Mass Gathering regulations as documented in the TCHD inspection reports submitted between July 18 and July 23, 2022; **and**

Whereas, GrassRoots has submitted generally approvable applications and engineering reports for the mass gathering but has repeatedly failed to implement many of the plans identified in these documents during operation of the festival; **and**

Whereas, GrassRoots failed to comply with multiple deadlines and orders established in Resolution #EH-ENF-21-0011; and

Whereas, GrassRoots has failed to comply with Board of Health Orders in 2019, 2021 and 2022; **and**

Whereas, TCHD issued a waiver on July 16, 2015, that, in lieu of obtaining a permit before advertising, allowed GrassRoots to submit the text of the website camping information for approval at least 45 days before camping reservations are made available; **and**

Whereas, in a letter dated September 12, 2022, TCHD revoked this waiver; **and**

Whereas, the Board of Health has the authority to fine \$500 to \$2000 for each violation (including each tent spacing or size violation) and this fine can be assessed for every day that the violation continues (the maximum fine increases to \$3000 in April 2023); **and**

Whereas, failure to comply with the mass gathering and camping requirements in 2023 could result in daily fines as noted above; **now therefore be it**

**Resolved, on recommendation of the Tompkins County Board of Health,
That the Finger Lakes GrassRoots Festival Org., Inc., Owner/Operator, is ordered to:**

1. Pay a penalty of \$22,000 for these violations, **due by December 15, 2022.** (**Do Not** submit penalty payment until notified by the Tompkins County Health Department); **and**
2. Pay a penalty of \$20,000 **due by February 28, 2023.** This penalty will be waived upon receipt of timely and approvable documents as required in Orders #5 and 6 below; **and**
3. Pay a penalty of \$20,000 **due by June 15, 2023.** This penalty will be waived upon receipt of timely and approvable documents as required in Order #7 below; **and**
4. Not offer 2023 festival tickets or camping tickets for sale prior to TCHD approval.
 - a. TCHD will grant a waiver for selling festival tickets once the following conditions are met:
 - i. Approvable plans have been submitted to TCHD for the fairgrounds and Across the Way;
 - ii. The fairground board has approved the water system plans for the fairgrounds site;
 - iii. Receipt of a signed construction contract for both the fairgrounds and the Across The Way water systems;
 - iv. Submission of approvable construction schedules which ensure completion of each project no later than May 1st, 2023.
 - b. Complete and accurate site maps must be submitted prior to TCHD approving camping ticket sales; **and**
5. **By January 15, 2023,** submit for review and approval by the TCHD accurate site maps prepared by a licensed design professional for the 2023 campgrounds and mass gathering for the fairgrounds and for Across the Way. The site maps must show all water trees and spigots, hydrants, large trees, roadways and pedestrian pathways and campsites. All campsites for attendees, staff (including security and EMS) performers, and vendors must be marked out and labeled with section letters and site numbers. Parking for security, EMS, staff, performers, vendors and TCHD must be identified. Access lanes must be clear of trees and other obstacles. Tent campsites at the fairgrounds must not contain any trees except for small trees located solely within the 2-1/2' separation area along the boundaries of each campsite; **and**
6. **By January 15, 2023,** submit for review and approval by the TCHD a plan prepared by a licensed design professional detailing instructions for laying out and maintaining the interior roadways and the campsites in the field; **and**
7. 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; **and**

8. In accordance with Subpart 7-4, submit a final, accurate and complete application and engineering report prepared by a licensed design professional for the mass gathering at least 45 days prior to the start of the mass gathering. No changes shall be allowed after this submittal is approved. If the submittal is not acceptable, TCHD will deny the mass gathering permit. Within 48 hours of notification that the mass gathering permit is denied, GrassRoots shall cancel the event and notify attendees, performers, staff, and vendors; **and**
9. At least 5 business days in advance of the festival, a licensed design professional shall provide record drawings and certify to the TCHD that the water systems are operational, that all access roads and pathways are laid out, and that all campsites are laid out (laid out and maintained with ground paint, not flags) and labeled, all in accordance with approved plans; **and**
10. Provide a secure, airconditioned office trailer or equivalent with cell service to accommodate 8 TCHD staff for use during the festival and pre-operational inspections; **and**
11. **By November 2, 2023**, submit accurate 2022 festival attendee and campsite numbers including the number of 4-day regular tickets sold, number of 4-day youth tickets sold, number of regular and youth tickets sold each day, number of volunteers, performers, vendors, and staff, number of camping tickets sold by campsite type and location both pre-day and at-the-gate sales; **and**
12. Comply with all permit conditions in the 2023 mass gathering and campground permits issued to Finger Lakes GrassRoots Festival; **and**
13. Comply with all provisions of Subparts 7-3 and 7-4 of the New York State Code for Campgrounds and Mass Gatherings.

**It is Further Resolved, on recommendation of the Tompkins County Board of Health,
That:**

14. TCHD will not accept plans, reports or engineering certifications from Daniel Walker, P.E., until 2026; **and**
15. TCHD intends to limit Culture Camp campground permits to the number of campsites needed for staff and performer camping for 2023 and until GrassRoots demonstrates the ability to lay out and label campsites accurately and in advance of the mass gathering; **and**
16. TCHD will not issue a mass gathering permit if a complete, accurate, and final application – including all contracts, plans, and documents – is not submitted at least 45 days prior to the start of the event; **and**
17. TCHD will not issue a mass gathering permit if access roads and paths are not completely and accurately laid out; the water systems are not installed, disinfected, and approved by the TCHD; and campsites are not completely and accurately laid out and labeled at least 5 business days in advance of the start of the event; **and**
Added and agreed to: In the event of inclement weather that washes away the approved paint markings for the campsite layout, the GrassRoots Festival will be allowed to repaint and agrees to maintain the required campsite sizes and safe spacing distances regardless of the condition of the paint markings. Jordan Puryear 11/16/2022
18. No GrassRoots mass gathering will be permitted or allowed to be advertised in 2024 if a significant number of flammable, security, campsite layout or spacing violations are observed by TCHD in 2023.



Your Partner for a Healthy Community

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

ENVIRONMENTAL HEALTH DIVISION
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STIPULATION AGREEMENT AND ORDERS # EH-ENF-22-0027 (REVISED) FOR

**Finger Lakes GrassRoots Festival
Finger Lakes GrassRoots Festival Org., Inc., Jordan Puryear, Owner/Operator
PO Box 941, Trumansburg, NY 14886**

I, Jordan Puryear, as a representative for Finger Lakes GrassRoots Festival, agree that from July 11 through July 24, 2022, Finger Lakes GrassRoots Festival Org., Inc. was in violation of Subpart 7-3 (Campgrounds), Subpart 7-4 (Mass Gatherings) and/or Subpart 5-1 (Public Water Supplies) of the New York Code of Rules and Regulations (NYCRR) for:

- Failure to construct the approved additions to the water system for Culture Camp at Across The Way prior to the pre-operational inspections;
- Failure to label multiple water trees "Do Not Drink" prior to receiving satisfactory test results and approval from TCHD to use the water system;
- Failure to adequately mark out and label campsites for Culture Camp at Across The Way and the fairgrounds prior to the pre-operational campground inspections;
- Failure to adequately mark out and label campsites at the time of the pre-operational mass gathering inspection on July 18, 2022;
- Failure to layout roadways and campsites as indicated on the site maps;
- Revising the site maps and layout after the final mass gathering application had been submitted;
- Failure to establish and maintain the required 5-ft separation between structures and appurtenances at campsites less than 1250 sq ft and/or failure to establish and maintain the required 10-ft separation between structures and appurtenances on adjacent campsites at campsites equal to or greater than 1250 sq ft;
- Failure to provide adequate internal security staff and failure to provide the services and facilities outlined in the engineering report, as indicated by the lack of visible or available security staff, the lack of responsiveness in correcting violations identified by TCHD staff, and the failure by GrassRoots security and staff to identify and correct violations prior to inspections by TCHD staff;
- Failure to assist campers in finding their campsites at Across The Way and allowing camping in unapproved locations at Across the Way and the fairgrounds;
- Failure to complete all construction and installation of services and facilities 48 hours in advance of the mass gathering and prior to the start of the mass gathering;

- Operating a campground without a permit at Across the Way on July 20, 2022; and
- Operating without a mass gathering permit and failure to comply with Subpart 7-4 Mass Gathering regulations as documented in the TCHD inspection reports submitted between July 18 and July 23, 2022.

I also agree that Finger Lakes GrassRoots Festival Org., Inc. was in violation of Board of Health Orders #EH-ENF-21-0011.

I agree to:

1. Pay a penalty of \$22,000 for these violations, **due by December 15, 2022.** (**Do Not** submit penalty payment until notified by the Tompkins County Health Department); **and**
2. Pay a penalty of \$20,000 **due by February 28, 2023.** This penalty will be waived upon receipt of timely and approvable documents as required in Orders #5 and #6 below; **and**
3. Pay a penalty of \$20,000 **due by June 15, 2023.** This penalty will be waived upon receipt of timely and approvable documents as required in Order #7 below; **and**

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

4. Not offer 2023 festival tickets or camping tickets for sale prior to TCHD approval.
 - a. TCHD will grant a waiver for selling festival tickets once the following conditions are met:
 - i. Approvable water system plans have been submitted to TCHD for the fairgrounds and Across the Way;
 - ii. The fairground board has approved the water system plans for the fairgrounds site;
 - iii. Receipt of a signed construction contract for both the fairgrounds and the Across The Way water systems;
 - iv. Submission of approvable construction schedules which ensure completion of each project no later than May 1st, 2023.
 - b. Complete and accurate site maps must be submitted prior to TCHD approving camping ticket sales; **and**
5. **By January 15, 2023,** submit for review and approval by the TCHD accurate site maps prepared by a licensed design professional for the 2023 campgrounds and mass gathering for the fairgrounds and for Across the Way. The site maps must show all water trees and spigots, hydrants, large trees, roadways and pedestrian pathways and campsites. All campsites for attendees, staff (including security and EMS), performers, and vendors must be marked out and labeled with section letters and site numbers. Parking for security, EMS, staff, performers, vendors and TCHD must be identified. Access lanes must be clear of trees and other obstacles. Tent campsites at the fairgrounds must not contain any trees except for small trees located solely within the 2-1/2' separation area along the boundaries of each campsite; **and**
6. **By January 15, 2023,** submit for review and approval by the TCHD a plan prepared by a licensed design professional detailing instructions for laying out and maintaining the interior roadways and the campsites in the field; **and**

7. In accordance with Subpart 7-4, submit a final, accurate and complete application and engineering report prepared by a licensed design professional for the mass gathering at least 45 days prior to the start of the mass gathering. No changes shall be allowed after this submittal is approved. If the submittal is not acceptable, TCHD will deny the mass gathering permit. Within 48 hours of notification that the mass gathering permit is denied, GrassRoots shall cancel the event and notify attendees, performers, staff, and vendors; **and**
8. At least 5 business days in advance of the festival, a licensed design professional shall provide record drawings and certify to the TCHD that the water systems are in compliance with all regulations and are operational, that all access roads and pathways are laid out, and that all campsites are laid out (laid out and maintained with ground paint, not flags) and labeled, all in accordance with approved plans; **and**
9. 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; **and**
10. Provide a secure, air-conditioned office trailer or equivalent with cell service coverage to accommodate 8 TCHD staff for use during the festival and pre-operational inspections; **and**
11. **By November 2, 2022**, submit accurate 2022 festival attendee and campsite numbers including the number of 4-day regular tickets sold, number of 4-day youth tickets sold, number of regular and youth tickets sold each day, number of volunteers, performers, vendors, and staff, number of camping tickets sold by campsite type and location both pre-day and at-the-gate sales (*completed*); **and**
12. Comply with all permit conditions in the 2023 mass gathering and campground permits issued to Finger Lakes GrassRoots Festival; **and**
13. Comply with all provisions of Subparts 7-3 and 7-4 of the New York State Code for Campgrounds and Mass Gatherings.

Further, I understand that:

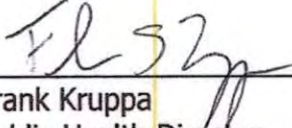
14. TCHD will not accept plans, reports or engineering certifications from Daniel Walker, P.E., until 2026; **and**
15. TCHD intends to limit Culture Camp campground permits to the number of campsites needed for staff and performer camping for 2023 and until GrassRoots demonstrates the ability to lay out and label campsites accurately and in advance of the mass gathering; **and**
16. TCHD will not issue a mass gathering permit if a complete, accurate, and final application – including all contracts, plans, and documents – is not submitted at least 45 days prior to the start of the event; **and**
17. TCHD will not issue a mass gathering permit if access roads and paths are not completely and accurately laid out per Health Department approved plans; the water systems are not installed, disinfected, and approved by the TCHD; and campsites are not completely and accurately laid out and labeled per Health Department approved plans at least 5 business days in advance of the start of the event; **and**
18. No GrassRoots mass gathering will be permitted or allowed to be advertised in 2024 if a number of flammable, security, campsite layout or spacing violations are observed by TCHD in 2023.
Add to #17: In the event of inclement weather that washes away the approved paint markings for the campsite layout, the GrassRoots Festival will be allowed to repaint and agrees to maintain the required campsite sizes and safe spacing distances regardless of the condition of the paint markings. Jordan Puryear 11/16/2022

GrassRoots Stipulation Agreement (Revised) – 2022 Festival

I understand this agreement is offered as an alternative to a formal administrative hearing and the Finger Lakes GrassRoots Festival Org., Inc. is subject to further action for failure to comply with the orders.

Signed:  _____ Date: 11/16/2022
Jordan Puryear

Finger Lakes GrassRoots Festival Org., Inc. is hereby ordered to comply with these Orders of the Public Health Director.

Signed:  _____ Date: 11/22/22
Frank Kruppa
Public Health Director

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CASE SUMMARY FOR RESOLUTION # EH-ENF-22-0027 FOR

FINGER LAKES GRASSROOTS FESTIVAL
Jordan Puryear, Finger Lakes GrassRoots Festival Org., Inc., Owner/Operator
PO Box 941, Trumansburg, NY 14886

Compiled on 11-23-2022

Item	Date	Action
Summary		
1.0	2014	<p>The Finger Lakes GrassRoots Festival Org., Inc. (GrassRoots) operates the Finger Lakes GrassRoots Festival of Music and Dance as a Mass Gathering subject to Subpart 7-4 of the New York Code of Rules and Regulations (NYCRR). (The festival was previously permitted as a campground.)</p> <p>The GrassRoots Culture Camp campgrounds at the fairgrounds and Across the Way are permitted under Subpart 7-3 of the NYCRR.</p>
1.1	2020	GrassRoots did not hold the festival due to the COVID-19 pandemic.
1.2	2021	GrassRoots operates 2 campgrounds for a series of weekend concerts and not a mass gathering due to the COVID-19 pandemic.
1.3	2017, 2018, 2019, 2021	Enforcement orders (Resolutions #EH-ENF-17-0035, #EH-ENF-18-0038, #EH-ENF-18-0039, #EH-ENF-19-0025, and #EH-ENF-21-0011) issued requiring GrassRoots to address violations for the GrassRoots website, site maps, inspections, security, camping, the mass gathering application, and water supply, in addition to requiring compliance with all provisions of Subparts 5-1, 7-3 and 7-4 of the NYCRR.
Water Supply		
2.0	2018, 2021, 2022	GrassRoots fails to adequately disinfect their water system resulting in an unsatisfactory or inconclusive bacteriological sample (or samples), or sample results are not received prior to the start of camping or other activities requiring potable water.

2.1	2018	Both the temporary fairgrounds and Across The Way water systems are constructed without TCHD approval.
2.2	2019, 2021	The temporary water system at the fairgrounds are constructed prior to TCHD approval.
2.3	July 12, 14, and 20, 2022	GrassRoots fails to construct the approved additions to the water system at Across The Way prior to the campground pre-operational inspections.
2.4	July 20, 2022	GrassRoots is issued a Boil Water Order for Across The Way due to lack of satisfactory bacteriological test results and approval from TCHD to use the water system. Grassroots fails to label water trees with "Do Not Drink" signage.
2.5	2022	Engineering certification is not submitted prior to the operation of the campgrounds and the festival. Both the temporary fairgrounds and Across The Way water systems are operated without TCHD issuing completed works for the systems.
		Culture Camp Campgrounds
3.0	2018, 2019, 2021, and 2022	GrassRoots fails to have facilities and water supplies fully prepared prior to the start of the Culture Camp campgrounds.
3.1	2019, 2021, and 2022	GrassRoots fails to lay out multiple access roads in accordance with submitted site plans.
3.2	July 11, 12, 14, 15, 18, and 20, 2022	GrassRoots fails to adequately mark out and label campsites for Culture Camp at Across The Way prior to the pre-operational campground inspections in violation of Resolution #EH-ENF-21-0011.
3.3	2022	No campground permit issued for Across the Way for Culture Camp. Campground permit is issued for the fairgrounds with significant conditions due to deficiencies with the water system, roadways, and campsite layout and labeling.
3.4	July 20, 2022	TCHD staff observe approximately 14 camping units at Across the Way despite the lack of a campground permit.
		Mass Gathering
4.0	2019, 2021, and 2022	GrassRoots fails to lay out multiple access roads for emergency vehicles.
4.1	2017, 2021, and 2022	GrassRoots fails to maintain access roads for emergency vehicles.

4.2	July 18, 2022	GrassRoots fails to adequately mark out and label campsites at the time of the pre-operational mass gathering inspection.
4.3	July 20, 2022	GrassRoots submits revised camping maps for the performer and staff camping areas on the fairgrounds.
4.4	2018, 2019, and 2022	GrassRoots fails to lay out roadways and campsites as indicated on the site maps and/or revises the site maps in the field after the final application has been submitted.
4.5	2022	GrassRoots fails to assist campers in finding their campsite at Across The Way
4.6	2017, 2018, 2019, 2021, and 2022	GrassRoots fails to establish and maintain the required 5-ft separation between structures and appurtenances at campsites less than 1250 sq ft and/or fails to establish and maintain the required 10-ft separation between structures and appurtenances on adjacent campsites at campsites equal to or greater than 1250 sq ft
4.7	2018, 2019, 2021, and 2022	GrassRoots allows camping in unapproved locations or allows camping in excess of the number of approved campsites.
	2017, 2019, and 2022	GrassRoots fails to provide adequate internal security staff for enforcement of permit conditions and fails to provide the services and facilities outlined in the engineering report, as indicated by lack of visible or available security staff, lack of responsiveness in correcting violations identified by TCHD staff, and failure by GrassRoots security and staff to identify and correct violations prior to inspections by TCHD staff.
4.8		
		Additional Violations
5.0	2018	GrassRoots fails to complete all construction and installation of services and facilities prior to the start of the mass gathering and are operating without a permit for part of the mass gathering.
5.1	2022	GrassRoots fails to complete all construction and installation of services and facilities prior to the start of the mass gathering and operate without a permit for the entire mass gathering.
5.2	2022	GrassRoots fails to comply with Subpart 7-4 Mass Gathering regulations as documented in the TCHD inspection reports submitted between July 18 and July 23, 2022. Other mass gathering violations noted in the 2022 inspection reports include: <ul style="list-style-type: none"> • Failure to install camping section labels, 8 to 10' high, in accordance with their application and engineering report; and

		<ul style="list-style-type: none"> • Failure to provide attendee maps at Across The Way; and • Failure to control flammable and combustible materials; and • Inadequate lighting at Across The Way; and • Cars parked haphazardly in areas, perpendicular to the layout shown on maps, and parked in areas where parking was not allowed; and • Failure to provide an adequate TCHD command post
5.3	2018, 2019, and 2022	GrassRoots fails to complete all construction and installation of services and facilities 48 hours in advance of the festival
5.4	2019, 2021 and 2022	GrassRoots fails to comply with Board of Health Orders
		Advertising Waiver
6.0	July 16, 2015	TCHD issues a waiver that, in lieu of obtaining a permit before advertising, allows GrassRoots to submit the text of the website camping information for approval at least 45 days before camping reservations are made available.
6.1	September 12, 2022	TCHD revokes this waiver

Violation of Board of Health Orders #EH-ENF-21-0011

GrassRoots failed to comply with the following deadlines and orders established in Resolution #EH-ENF-21-0011:

1. Order #6 - submit final maps of the festival and Across the Way with all water spigots, hydrants, large trees, roadways and pedestrian pathways and campsites identified by February 21, 2022. All campsites for attendees, performers, and vendors must be marked out and numbered
2. Order #8 - complete the layout of roadways and pedestrian pathways at least a week in advance of Culture Camp
3. Order #9 - have all campsites laid out and numbered at least 5 days in advance of Culture Camp
4. Order #10 - complete construction and installation of services and facilities at least 48 hours in advance of Culture Camp
5. Order #11 - provide names and contact information for four paid security staff (two for Onsite and two for Across the Way) to accompany TCHD inspectors during all inspections. Names and contact information must be provided one week prior to the start of the festival
6. Order #13 - identify a specific security person to oversee performer and vendor camping during camping setup. This shall be the security person's sole responsibility until all campsites in this area are set up
7. Order #14 - identify two specific security staff to oversee onsite tent camping during camping setup. This shall be the security person's sole responsibility until all campsites in this area are set up.

8. Order #15 - identify one specific security staff person to oversee tent camping at Across the Way in the Knoll and in the woods
9. Order #21 - prohibit campsite set-up in the tent, vendor and performer camping areas onsite unless the designated security person(s) is present
10. Order #28 - submit the complete final application by June 3, 2022
11. Order #31 - by February 21, 2022, submit approvable plans for the drinking water systems at Onsite prepared by a design professional licensed in New York State
12. Order #32 - not purchase materials, construct, connect, or operate the water systems at Onsite or Across the Way without approval from the TCHD
13. Order #36 - submit certification of start-up procedures for Onsite and Across the Way by July 1, 2022
14. Order #37 - implement the disinfection procedures so that bacteriological samples for the water systems at Onsite and Across the Way can be collected by July 1, 2022; and

Background Information:

Water Supply

During Culture Camp and the mass gathering Festival, GrassRoots constructs and operates a temporary water supply at the fairgrounds and at Across the Way subject to the applicable requirements of Subpart 5-1 (Public Water Systems) of the NYCRR. Subpart 5-1 (Public Water Systems) of the NYCRR requires plans be approved prior to making, installing, constructing, or modifying a public water system and that approval be obtained before placing a water system into service.

The process for review and approval of a water system is:

- The design professional submits plans and a narrative report, if needed, for review and approval by the Tompkins County Health Department (TCHD); and
- After TCHD approves the plans, the design professional oversees construction of the water system and submits an engineering certification and satisfactory bacteriological samples when construction is completed; and
- TCHD reviews the engineering certification and sample results and, if appropriate, issues the Completed Works which allows use of the water system; and

Mass Gathering

- NYSDOH has recommended that the following requirements be followed for camping at regulated mass gatherings:
 - Subpart 7-3 (Campgrounds) of the NYCRR requires campsites in regulated campgrounds to be a minimum of 1250 sq ft and to provide for a 10-ft separation distance between camping units, structures and appurtenances on adjacent campsites; and
 - Subpart 7-5 (Agriculture Fairgrounds) of the NYCRR allows for the minimum area to be less than 1250 sq ft with a separation distance of at least 5 feet between structures and appurtenances if there are restrictions on open flame cooking devices.
- GrassRoots uses a combination of campsites that are less than 1250 sq feet where no cooking is allowed and 5-ft separation between structures and appurtenances is required and full-size (1250 sq

ft or greater) campsites where cooking is allowed and 10-ft separation is required between structures and appurtenances on adjacent campsites; and

- Subpart 7-4 (Mass Gatherings) of the NYCRR states that no person shall hold or promote, by advertising or otherwise, a mass gathering unless a permit has been issued for the gathering by the permit-issuing official.

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